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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, July 14, 1998, at 12:30 p.m.

Senate

MONDAY, JULY 6, 1998

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, we return to the work of this busy month with the words and music from the Fourth of July celebration sounding in our souls. We pray together today, remembering the first prayer of dependence prayed for the delegates to the Continental Congress in 1774 that eventually led to the Declaration of Independence in 1776. Now that the fireworks are over, work in us the fire of that same dependence on You that was the secret of truly great leaders throughout our history. We pray for the women and men of this Senate. Enlarge their hearts until they are big enough to contain the gift of Your Spirit; expand their minds until they are capable of thinking Your thoughts; deepen their mutual trust so that they can work harmoniously for what is best for this Nation. You know all the legislation to be debated and voted on before the August recess. Grant the Senators an unprecedented dependence on You, an unreserved desire to seek Your will, and an unlimited supply of Your supernatural strength.

Now we move forward into this 223d year of our history as a nation with renewed dependence on You and renewed interdependence on one another as fellow patriots. Help us to be willing, in the spirit of our founders, to stake our reliance on You and pledge our lives, fortunes, and sacred honor for the next stage of Your strategy for America.

Lord of all life, we ask You to intervene and extinguish the fires that are sweeping throughout the State of Florida. Be with Senators MACK and GRAHAM as they personally comfort and care for the thousands whose homes have been destroyed and whose lives have been disrupted. In the Name of our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. HAGEL. I thank the Chair.

EXTENSION OF MORNING BUSINESS

Mr. HAGEL. Mr. President, I ask unanimous consent that the period of morning business previously ordered for today be extended until 2:30 p.m.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. HAGEL. Mr. President, today the Senate will be in a period of morning business until 2:30. Following morning business, it is the leader's intention to begin consideration of the VA–HUD appropriations bill. It is hoped that Members will come to the floor during today's session to offer and debate amendments to the VA–HUD bill. There will be no rollcall votes during Monday's session, so any votes ordered with respect to the VA–HUD bill will be postponed to occur on Tuesday, July 7, at a time to be determined by the two leaders.

During Tuesday's session, under a previous order, there will be a cloture vote on the motion to proceed to the product liability bill at 9:30 a.m. Following that vote, the Senate will resume consideration of the VA–HUD bill and may also consider the IRS conference report Tuesday afternoon. The Senate could also consider any other legislative or executive items cleared for action.

The majority leader would like to remind all Members that July will be a very busy month with late night sessions during each week. The cooperation of all Members will be necessary for the Senate to complete its work prior to the August recess.

I thank my colleagues for their attention.

Mr. President, I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. HAGEL assumed the chair.)

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 2168

The PRESIDING OFFICER. I ask unanimous consent that at 2:30 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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today the Senate begin consideration of the HUD/VA appropriations bill.

Is there objection?

Without objection, it is so ordered.

ORDER FOR RECESS

The PRESIDING OFFICER. I now ask that the Senate stand in recess until 2:30 p.m. today following the remarks of the Senator from Oregon.

Is there objection?

Without objection, it is so ordered.

The Chair recognizes the Senator from Oregon, Mr. WYDEN.

Mr. WYDEN. Mr. President, I thank the Chair.

Mr. President, every Member of this body has watched horrified these last few months at the outbreak of gun violence that has struck America's schools. Now, with the new school year just a few weeks away, it is time for this body to respond to America's parents who are frightened for their youngsters and are asking, what can be done to protect their children when they are at school?

Frankly, a lot of those parents don't believe that this Congress will produce very much. They know there has been considerable acrimony about the whole debate over guns in America. Certainly there are many areas where reasonable people can differ. There are constitutional protections with respect to the right to bear arms, and at the same time we are also concerned about the safety of those youngsters when they are away at school.

Senator GORDON SMITH, my colleague from Oregon, and I believe it is time to set politics aside with respect to this issue of gun violence in our schools. That is why we have teamed up on important legislation which we believe ought to be enacted by the time school starts in the fall. We don't think this is the complete answer to this scourge of school violence, gun violence, that our youngsters face, but we think it can make a real difference.

We propose this legislation after the tragedy in Springfield, OR. As the Presiding Officer of this body knows, there has been a rash of these violent incidents at our schools. The problems have literally been seen in schools from coast to coast. Senator SMITH and I have introduced legislation which I believe would lay out the beginnings of a rational policy to control school violence in America.

What we have proposed—we did it after consulting with families, law enforcement officials, educators, people who are for gun control, people who are against gun control—we have proposed legislation which would stipulate that when a young person brings a gun to school, that would, in effect, be a five-alarm warning to society. It would make it very clear that at that point there is a real threat to young people, to teachers, and our society. And young people who bring a gun to school, under our legislation, would be detained for up to 72 hours for a comprehensive evaluation, from the standpoint of mental health considerations, law enforcement issues, family questions, the whole gamut of concerns that ought to be looked at when a young person brings a gun to school.

The alleged killer at Thurston High School, in Springfield, OR, was apprehended at school with a gun the day before he shot more than 20 of his classmates. That day, the police made a decision which is duplicated each day across our Nation, a decision that seemed reasonable at the time. The youngster was released to his parents, parents who were themselves teachers and who were known to be concerned and involved in the lives of their children. Currently, many police departments across America have complete discretion to treat young people caught with a gun at school in the manner they deem appropriate. As Springfield's own police chief has argued, the evaluation that needs to occur in these situations is beyond the means and capacity of most police forces across our country.

So Senator SMITH and I have introduced legislation which would provide an incentive for each State to enact a law requiring a mandatory 72-hour detention for any child caught with a gun at school. If a State passes such a law, it will be eligible for an additional 25 percent in funding under the Juvenile Justice Act. The cost of this legislation is small, perhaps $25 million a year, and certainly modest when you look at the State's overall requirements in the effort to prevent school violence.

Now, Mr. President, we are not suggesting that this is all that needs to be done. Certainly, though, our first responsibility when a child brings a gun to school is to protect all of the kids who come to that school armed only with their books and their calculators. Children caught with a gun at school ought to be detained for a sufficient period to protect the other children and to evaluate the degree to which they are a threat to themselves and those around them.

I believe this legislation can win the support of every Member of this body, be enacted in time for the opening of the fall school year and should be acted on as soon as possible. Mr. President, Bill Clinton has spoken favorably of this legislation during his visit to Springfield, OR. The Nation's mayors—Democrats, Republicans, liberals, conservatives—have spoken favorably of this legislation. I am very hopeful that even though this body has an extremely busy schedule in the weeks ahead, there will be time, on a bipartisan basis, to ensure that this legislation moves forward.

According to Larry Bentz, principal of Thurston High School in Springfield, OR, the Thurston High community is slowly returning to some semblance of normalcy. The kids are engaged in the traditions of summer—swimming, playing basketball, summer jobs. With the memories of the brutal shooting at the high school seared into their memories, the parents are trying to push ahead and return to family routines and responsibilities. But they want to make sure that this body, and elected officials everywhere, don't forget about the gun violence that has shattered young lives and families in Springfield, OR—and, in fact, in five States over the last school year. Senator SMITH and I urge that this body not let that happen. We ought to listen and learn from the lessons of Springfield and commit to doing our part to end school gun violence now as the schools look to opening their doors for a new school year.

Now, the Thurston community is still processing the tragedy at Thurston High. They are debating a variety of approaches and ideas for reducing school violence. Senator SMITH and I don't pretend to have all of the answers, but we know there are some practical steps that the U.S. Senate can take, and take promptly, to make our schools safer in America.

There are other steps that need to be taken, Mr. President. We have to make certain that communities have the resources to evaluate kids in trouble. I heard again and again, as I visited with families in Springfield, from hard-working, middle-class families, that they simply could not get any help until their youngster was violent. That is just not acceptable in America, Mr. President. It is not right to say that there will be no response until a young person is actually violent. We have to get there early. We have to get there with preventive strategies.

Senator SMITH and I hope to be back before the U.S. Senate with other constructive approaches in the days ahead. But let us make a strong beginning, Mr. President. Let us make a strong effort in the U.S. Senate to take the first step to averting further school tragedies. In Oregon alone, young people were apprehended with guns at school 100 times in the last school year—and those were simply the ones who were caught. So as our country goes about the business of the pleasures of summer, and as the U.S. Senate deals with what we know is going to be a very hectic schedule over the next few weeks, let's not forget about what happened in Springfield, OR, in Kentucky, in Arkansas and in Mississippi. Let us remember that our young people will be back in school in just a few weeks. Let us do our part to make sure that school violence ends here.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 2:30 p.m.

Thereupon, the Senate, at 12:54 p.m., recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. FRIST).

The PRESIDING OFFICER. The clerk will call the roll to ascertain a quorum.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak as if in morning business to pay tribute to the recently deceased comptroller of the State of Maryland.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARYLAND COMPTROLLER LOUIS GOLDSTEIN

Ms. MIKULSKI. Mr. President, and to all who are with us in the proceedings today, I rise with melancholy to pay tribute to a great Marylander who passed away over this weekend, our beloved and endeared comptroller, Louie Goldstein. Louie, indeed, was a Maryland treasure—and he was—to the State, and the State treasured him. Like all Marylanders, I will miss Louie Goldstein and mourn his passing. As Maryland's comptroller, he always stood steadfast sentry over the State purse. He helped make sure that the economy was booming, and he fought for the economy of our State. He fought for the State to have a triple-A bond rating. He also was out there absolutely on the side of his constituents.

It is hard to believe that the State tax collector was the most popular elected official in the State. This man collected the State taxes for 40 years. And every tax season he would say ''Don't delay. File today.'' He crisscrossed the State often going close to 100,000 miles reaching out to rotaries, senior citizen clubs, and League of Women Voters gatherings always talking about the State's economy, what the tax dollars went for, and he was beloved.

He ran a tight ship, and Maryland benefited from it for more than 39 years. In his 10 terms as the comptroller, he always made sure that Maryland kept its triple-A bond rating, which was an indication of our fiscal soundness.

As the State's tax collector, he prided himself on getting tax returns back quickly and efficiently to Marylanders. There was no IRS-type heavy hand on Louie Goldstein's watch.

We always knew that the tax collector's office was run efficiently, fairly, and a taxpayer could get a hearing and get their refund early and on time.

Louie was a man of the old school. He was a gentleman. His word was his bond. He believed in high-tech and reach-out politics. But also he was a very shrewd businessman. Under his very folksy style in which he would reach out and always had a laugh and a word of encouragement, he also knew the power of high-tech. He came from an era of pen and paper. He would joke about himself, and was maybe even a stylist. But quickly he saw the power and utility of new technology and worked diligently to bring high-tech efficiency to the comptroller's office.

Under his leadership, Maryland was the first State to computerize its tax records. At the time of his death, he was working on a system that would allow Marylanders to file their taxes electronically.

He also realized the magnitude of the Year 2000 problem. He got a jump-start on fixing it.

Imagine an 85-year-old comptroller who had served 10 terms doing the job, had more new ideas and was more farsighted than many of the young people who want to come into government. He was reshaping Maryland's computers so they would be ready by 1999.

Now, anyone who met him knew there was much more to Louie Goldstein than his position as comptroller. When he came up to you, he would shake your hand, give you his trademark little imitation gold coin that said ''God bless you, real good.'' He radiated warmth that was truly genuine. Louie was a tremendous public speaker and, unlike most politicians, people looked forward to his southern Maryland accent. However, when other politicians found out he was scheduled to speak, they always got a little nervous, including yours truly.

Louie Goldstein was a dedicated Democrat and worked tirelessly for a Democratic ''Team Maryland,'' but would work on a bipartisan basis for fiscal soundness and business attraction to the State.

Early on, he campaigned for me. He knocked on doors, and he believed in me, when I was a little upstart politician before I got to be one of the fortunate 100. All Maryland Democrats owe Louie Goldstein a debt of gratitude for showing us how to stay in touch with constituents, whether it was at a church supper or in a business boardroom.

Louie Goldstein was tremendously warm and kind. He loved to laugh and loved to be on the sunny side of life. I am proud to call him a friend, a colleague, and a mentor. There was and will be no one like him. We will find a successor, but we will never find a replacement, nor should we seek one. He was unique in Maryland politics, and I think he was unique in American history.

On the day of his death, he was in five different parades, came home, read the Declaration of Independence to his gathered family, as he had done for so many years, took a swim, and then God called him to glory.

We salute him. As Louie would say to one and all, I say to him, ''Louie, God bless you, real good.''

I ask unanimous consent that the Baltimore Sun tributes to Louie Goldstein be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, July 4, 1998]

LOUIS L. GOLDSTEIN, 1913–1998

What can you write about Louis L. Goldstein that hasn't been recorded numerous times during his 60-year career in public service?

He was truly a legend in his own time, the best-known and best-liked Maryland politician of the last four decades.

Call him ''Mr. Maryland.'' Or as one speaker put it at a fund-raiser last year, our ''state fossil.'' Up until his death last night at age 85, Mr. Goldstein could—and did—run lesser-aged politicians ragged on the campaign trail and in the hallways of state government.

Voters elected Louie Goldstein state comptroller a record 10 times. His love of people and his perpetual optimism made him one of the few tax collectors in America who drew cheers, not jeers, from constituents.

But Mr. Goldstein was far more than a popular campaigner. He ran one of the best tax-collection departments in the nation, receiving awards for keeping his office on the cutting edge of technology. His latest success: A vast increase in computerized tax filings this year.

It was on the Board of Public Works, though, that Mr. Goldstein may have performed his greatest service. This largely unknown panel—the governor, the comptroller and the state treasurer—holds immense power over billions of dollars of state contracts.

It was Mr. Goldstein who acted as board skeptic, grilling bureaucrats mercilessly on the merits of projects. What a ferocious fiscal watchdog he was! He poured over voluminous reports to the point where he knew as much about them as those making the presentations.

Often, proposals were pulled even before the public hearing—after Mr. Goldstein had brutally dissected the plan at the panel's pre-board sessions.

Given the immense power granted the governor in Maryland, the need for checks and balances is critical. Louis L. Goldstein performed that role brilliantly. But he did so with a smile on his face and a keen understanding of the benefits of government when it is made to work in favor of the best interests of its citizens.

God bless Louie Goldstein, real good.

[From the Baltimore Sun, July 5, 1998]

''THERE WILL BE NO ONE LIKE HIM''

(By William F. Zorzi Jr.)

Louis Lazarus Goldstein was the total package: indefatigable campaigner, skilled financial watchdog and accessible public servant, a 40-year incumbent who was unbeatable by challengers of either party.

It seemed as if he had been comptroller of Maryland's treasury forever. When Goldstein was first elected in 1958, Dwight D. Eisenhower was president, J. Millard Tawes was stepping up to be governor and the Baltimore Colts were still a month away from winning their first national championship.

When he died Friday night after a heart attack at his Calvert County home, a chapter of Maryland's history was closed. A career ended that stretched back 60 years, to when he was first elected to the House of Delegates.

Goldstein, a Democrat who was 85, helped usher Maryland government into the modern era, overseeing the computerization of the state's tax and payroll systems. He fought

fiercely to protect the state's AAA bond rating, calming jittery New York bond houses during the state's various financial crises. And he earned the trust of a public that he never lost touch with, consistently winning high marks among Marylanders for a job well done.

''He truly represented the state of Maryland,'' said Robert A. Marano, a tractor dealer who was watching Towson's Fourth of July parade yesterday. ''He loved what he was doing and it showed.''

Said U.S. Sen. Barbara A. Mikulski: ''There was and will be no one like him.''

In a singular honor, Goldstein's body will lie in state for public viewing tomorrow in the Rotunda of the Maryland State House. A funeral service is scheduled for 11 a.m. Tuesday at Trinity United Methodist Church in Prince Frederick.

Gov. Parris N. Glendening, who ordered state flags to half staff to mark Goldstein's passing, said the comptroller's ''personal touch would be missed very, very much.''

Glendening, who was to appear with Goldstein in three parades yesterday, said he found it ''really weird'' not to see the comptroller in the car behind him.

Goldstein was one of three members—Glendening and Maryland Treasurer Richard N. Dixon being the other two—of the Board of Public Works, the powerful panel that oversees billions of dollars in expenditures each year.

FISCAL WATCHDOG

It was as a member of that board that he earned his reputation as the state's watchdog, a stickler for detail who often would grill bureaucrats—at times mercilessly—over even the smallest of contract awards. It was not unusual for him to impatiently scold them at the crowded meetings, as he looked up over half-lens glasses balanced on the end of his nose.

Of particular interest to him were school roofs—a subject on which he became an expert because the state replaced so many of them.

''Governors and treasurers have come and gone . . . but he's been the constant,'' said Dixon, who thought of Goldstein as the board's ''General Overseer.''

''He ran the show,'' Dixon said. ''He read every page of those big agenda books before the meetings. He must have spent the weekend going through the items.''

In fact, before his heart attack Friday evening, Goldstein spent a portion of the day reviewing the agenda for this week's board meeting.

State Sen. Robert R. Neall, an Anne Arundel Republican who as a county executive and legislator has put in time before the Board of Public Works, praised Goldstein for his work there.

''You had someone who was very competent at his job, someone who was very sharp fiscally,'' Neall said. ''He would be cautioning a governor not to make a mistake that some governor, like Governor O'Connor, made 50 years ago,'' he said. ''He just understood state government like no one else.''

His knowledge of matters financial was such that six weeks prior to the stock market crash in October 1987, he advised the Maryland Retirement and Pension Board, which he chaired, to moved $2 billion in investments out of stocks and into bonds. The board followed his advice, saving the pension system from huge losses and bolstering further his national reputation.

BORN IN 1913

Goldstein was born March 14, 1913, in Prince Frederick to immigrant merchant Goodman Goldstein and his wife, Belle.

He was first elected to public office in 1938, the year Herbert R. O'Conor became Maryland's governor and Franklin Delano Roosevelt was president.

He served one four-year term in the House of Delegates before entering the Marine Corps during World War II. In 1946, a month after returning stateside, he was elected to the Maryland Senate, where he spent 12 years, including four years as president.

In 1958, he ran for comptroller in what would be the first of 10 terms. Though his state service was uninterrupted, he did lose one election—to Joseph D. Tydings in the 1964 Democratic primary for U.S. Senate.

SUCCESSFUL IN BUSINESS

His distinctive Southern drawl and country-boy manner belied just how shrewd he was. He was a successful businessman as a real estate investor, tree farmer and former Calvert County newspaper publisher.

Over his career, primarily in the 1950s and early 1960s, Goldstein bought thousands of acres of land in Southern Maryland and on the Eastern Shore. He advised friends and acquaintances to do the same, ''because the Good Lord isn't making any more of it.''

Some of those deals were questioned, particularly when he sold some of the land at a high profit, but he protested that he had done nothing wrong.

Goldstein traded on his charm and affable ways, crisscrossing the state and seeming to turn up at every rally, fund-raiser or Rotary meeting to which he was invited.

He put as many as 100,000 miles a year on his state car, which was driven by Maryland State Police bodyguards.

''He was very much a retail, press-the-flesh politician,'' said Marvin A. Bond, Goldstein's long-time assistant and friend. ''He never had the benefit of a machine or vast organization, and he believed that Maryland was a small enough state that people still expected to see you.''

Some of Goldstein's detractors complained privately that he was an unabashed publicity seeker with a penchant for taking the politically easy vote.

If true, voters across the state never seemed to notice; they returned him to office time and again by impressive margins. He consistently outscored other politicians in polls that measured name recognition and voter satisfaction—an unusual occurrence for a state's tax collector.

Goldstein had a remarkable memory, for figures as well as faces.

Glendening recalled the first time he met Goldstein—at a Prince George's County crab feast — just after coming to Maryland from Florida in 1967. There ''must have been 600 or 700 people there,'' the governor said, and at the time, Glendening was a mere political science professor at the University of Maryland, College Park.

''I saw him about a year later, and he said to me, 'Hi professor, how are you?'''

Shocked, Glendening asked Goldstein if he remembered him, to which the comptroller responded, ''Sure I do, Parris.''

''THE STATE FOSSIL''

Goldstein had been around for so long that in introducing him, other politicians could not resist making some crack about his being in Maryland when the colony was founded. Recently, he was referred to affectionately in an introduction as ''the state fossil.''

''Louis had become an institution . . . a sort of goodwill ambassador,'' Neall said. ''He had gone beyond the sort of typical pol looking to renew his lease.''

At the Towson parade yesterday, J. Kevin Wight, 38, said he did not remember much about Goldstein's politics, but he did remember his personality.

''He was always going up to people, waving,' Wight said. ''He always had a smile on his face.''

''GOD BLESS YOU ALL''

Goldstein's name became synonymous with his trademark phrase, ''God bless you all real good.'' The expression was emblazoned on one side of gold-painted coins he handed out everywhere he went. The other side read simply ''Louis L. Goldstein, State Comptroller, Maryland.''

After an event, he followed up quickly with thank-you notes, often dictating them to his secretary over the car phone as he left.

Goldstein was so popular that Democratic candidates had all but stopped running against him, and state Republicans put up only token opposition.

The GOP future brightened for a short time after the 1994 election, when Goldstein announced that he would not seek an 11th term. But that changed after Goldstein's wife of 48 years, Hazel, died in April 1996. With only state business to turn to, he announced in June of that year that he would run again. His decision sent virtually everyone who had considered a bid out of the race.

On Tuesday, Goldstein will be buried next to his wife at the Trinity churchyard cemetery.

Ms. MIKULSKI. Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, what is the pending business?

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. The clerk will report S. 2168.

The legislative clerk read as follows:

A bill (S. 2168) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

PRIVILEGE OF THE FLOOR

Mr. BOND. Mr. President, I ask unanimous consent that full floor privileges be granted to Carrie Apostolou, a member of the subcommittee staff, during the consideration of S. 2168, the fiscal year 1999 VA–HUD appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. I thank the Chair.

Mr. President, I am pleased to present to the Senate the fiscal year 1999 VA, HUD, and independent agencies appropriations bill, S. 2168. This legislation provides a total of $69.986 billion in discretionary budget authority and $80.78 billion in outlays, and an additional $23 billion in mandatory spending for veterans programs.

The Subcommittee allocation was about $750 million below the President's request in budget authority. In

addition, there were some significant shortfalls in the President's budget in such areas as veterans medical care and elderly housing. In attempting to balance all the competing demands, we were forced to make a number of tough decisions.

The committee did its best to provide the needed funding for the important priorities within the bill, with the highest priority given to veterans programs and elderly housing. Other priorities included maintaining environmental programs at or above current year levels, ensuring adequate funds for our nation's space and science programs, and providing adequate funding for disaster relief. The committee also met the commitment we made to provide the necessary funding to cover all expiring section 8 contracts.

On balance, I believe the recommendation is fair and balanced. Not everyone is happy, but I believe it is equitable. Clearly, we were not able to provide fully what each member requested—and I should note that we received about 1,000 requests from Members of this body for items in this bill—but we attempted to meet the priorities.

Before describing what is included in this legislation for each agency, I want to thank Chairman STEVENS for all his support, and I particularly thank my ranking member, Senator MIKULSKI, for all of her hard work and cooperation in putting this legislation together. This is always a difficult task, and it is made for easier and more efficient by the professional and wholehearted cooperation of Senator MIKULSKI and her staff—Andy Givens, David Bowers, and Bertha Lopez. I extend my thanks to them. Their contributions to this process have been invaluable.

Mr. President, for the Department of Veterans Affairs, the committee recommendation totals $42.5 billion, including $19.2 billion in discretionary spending. This is an increase of $373 million above the President's request. The amount recommended includes $222 million more for medical care, $53 million more for the state home construction program to reduce the large backlog of priority projects, and $79 million in additional funds for other construction programs.

The additional funds are intended to ensure VA medical care is the best possible quality, and that it is available to as many eligible veterans as possible. The funds are also intended to ensure VA facilities are adequately maintained, safe, and seismically secure, and that the final resting places for our fallen heroes are maintained in an appropriate and dignified manner.

The recommendation also includes an increase of $10 million above the President's request for VA research, for a total of $310 million.

This is a critical program, veterans research, in improving the quality of VA care, in furthering our understanding of such illnesses as gulf war syndrome, in developing prosthetic devices and other items which will improve the quality of life to veterans and others, and in seeking cures to diseases which veterans and the Nation at large face. The programs is also key in the recruitment and retention of top-notch medical staff at VA hospitals.

For the Department of Housing and Urban Development, the committee recommendation totals $24.1 billion, an increase of $2.66 billion over the fiscal year 1998 level.

This means we have been able to fund HUD programs fairly while meeting our commitment to provide the needed funding for all expiring section 8 contracts and by more than fully funding the section 202 elderly housing program at $676 million, an increase of $31 million over the fiscal year 1998 level and an increase of $576 million over the President's request of $109 million.

I emphasize that the section 202 Elderly Housing Program is the most important housing program for elderly, low-income Americans, providing both affordable, low-income housing and supportive services designed to meet the special needs of the elderly. This combination of supportive services and affordable housing is critical to promoting independent living, self-sufficiency, and dignity while delaying the more costly alternative of institutional care. Section 202 elderly housing is more than just housing—it is a safety net for the elderly, providing both emotional and physical security and a sense of community. I am very disappointed and puzzled by the administration's failure to propose the needed funding for the section 202 program.

Moreover, at the direction of the Senate and House VA/HUD Appropriations Subcommittees, GAO conducted a very thorough budget investigation of the HUD section 8 accounts. Based on the GAO budget scrub and after discussions with HUD, we discovered that the administration's request for $1.3 billion in section 8 amendment funding is unnecessary for fiscal year 1999 and that a further $1.4 billion in section 8 project-based recaptures may be considered excess funding, which means we are actually above the President's request for HUD.

These additional funds have provided us with needed flexibility to fund HUD programs as well as to fund other priorities throughout this bill. As a result, the committee has provided additional funding for HUD programs such as the HOME program, CDBG, Youthbuild, the HOPE VI program, and the Homeless Assistance Grants program. I think these all are needed additions that were made available as a result of this review by GAO and work with HUD.

Nevertheless, HUD continues to be a troubled agency with GAO designating the entire agency as ''high-risk.'' In fact, HUD is the only agency ever to have received a ''high-risk'' designation agency-wide. Now, Secretary Cuomo has begun implementing the HUD 2020 management reform plan as his first step to agency reform and downsizing. Many of our future funding recommendations will depend on the success of this plan and I want to state my support of the Secretary in his efforts to reform the Department. Nevertheless, we expect to see tangible and quantifiable results. We need to know that HUD programs work, that HUD staff are capable of effectively administering HUD programs, and that there is accountability within HUD programs.

Further, we also do not look to fund new HUD programs and initiatives until HUD can demonstrate to the satisfaction of the Congress its ability to administer effectively its primary programs. I want to make it very clear that self-serving press releases by HUD that announce success carry little weight. I am from Missouri and I want to be shown.

Finally, for the first time in a number of years, this bill would provide modest increases in the FHA mortgage insurance limits, raising the floor from 38 percent of the Freddie Mac conforming loan limit, or some $86,000, to 48 percent of the conforming loan limit, or some $109,000, and establishing a new ceiling for high-cost areas from the existing 75 percent of the conforming loan limit, or some $170,000, to 87 percent of the conforming loan limit, or some $197,000.

I know for some that this is considered controversial, but we have tried to strike a reasonable balance and I believe that the new limit is needed especially in non-urban areas where the price of new housing has escalated beyond the capacity of first-time homebuyers to use FHA mortgage insurance to buy a house. In my own state I have seen many areas where, because of the FHA lower limits, financing is not available for construction of first homes for families of workers with lower wages.

Nevertheless, I remain concerned about HUD'S capacity to manage the FHA mortgage insurance programs and will be looking for additional ways to ensure the solvency of the mutual mortgage insurance fund.

For EPA, the bill includes $7.4 billion. This is about $50 million more that the fiscal year 1998 level. The bill maintains level funding or provides some increases to all EPA programs, reflecting the priority we have placed on environmental protection activities. Included in the recommendation is $350 million more than the President requested for state revolving funds, which he had proposed to cut by $275 million. The SRFs help to meet a need in excess of $200 billion nationally for water infrastructure financing. Cleaning up waste water and assuring safe drinking water should be at the top of our environmental priority list.

The committee has provided 80 percent of the administration's request for the clean water action plan, including $180 million for nonpoint source grants

and $106 million for water quality grants. The committee's action recognizes the importance of addressing polluted runoff and seeks to ensure that our Nation's rivers, lakes, and streams are protected from polluted runoff, and are clean for recreation and for wildlife. These funds gives the states the tools they need to improve the quality of our Nation's water. I promised Administrator Browner I would try to find more funds for this critical program, and I have.

The bill includes level funding for Superfund. Given the myriad problems with this program, coupled with the lack of a reauthorization bill, an increase simply was not warranted. I remind my colleagues, with respect to the fiscal year 1999 advance that was provided in last year's bill for Superfund, those funds were to be made available only if the program was reauthorized. We had a deal with the administration on this, and unfortunately the administration conveniently seems to have forgotten this deal.

Further, the program continues to be listed by GAO as high risk, subject to fraud, waste and abuse. Such abuse recently was demonstrated in an IG report which found that Superfund was being used to rebuild homes at several times their market value. Finally, experts agree that funds invested in Superfund yield less reduction in risk to human health and the environment compared to other EPA programs.

Our recommendation totals $13.6 billion for NASA, an increase of $150 million above the request to ensure adequate funds for space station and other critical NASA programs. It also includes a restructuring of the NASA appropriation accounts to improve fiscal accountability.

In particular, we have included a new account for the International Space Station to ensure that Congress and this subcommittee gets honest figures for the ISS from the administration

While I strongly support the ISS and the many important programs administered by NASA, the long history of space station overruns reached a new and unprecedented level with the recent release of the report by the independent cost assessment and validation team headed by Jay Chabrow. The Chabrow report estimates that the ISS will cost some $24.7 billion instead of $17.4 billion and will take up to 38 months longer to build than NASA's current estimates.

For NSF, the recommendation includes $3.6 billion, an increase of about $220 million above the 1998 level. NSF is an investment in the future and this additional funding is intended to reaffirm the strong and longstanding support of this subcommittee to scientific research and education.

Finally, for FEMA, there is a total of $1.3 billion, including $846 million in disaster relief and about $500 million in nondisaster relief programs. The amount recommended for disaster relief, coupled with the $1.6 billion provided in the fiscal year 1998 supplemental, approximates the 5-year historical average cost of disaster relief in 1999 dollars.

The recommendation includes the restoration of $11 million in state and local assistance grants to state emergency management agencies. It also includes $25 million in the new pre-disaster mitigation program.

Mr. President, as you know, the administration last month submitted a budget amendment to increase funds for FEMA counterterrorism preparedness activities.

I intend to work with my ranking member, Senator MIKULSKI, to offer an amendment to increase funds for such activities in FEMA by $8 million, in addition to the $9 million currently included in the committee mark. These are critical activities. I think it is important we accommodate the administration's request, and I ask for my colleagues' attention to this very important measure. We think not only the work that goes on in FEMA, but the work that goes on elsewhere in the Federal Government, needs to take account of the risks that we face in these areas.

Mr. President, that concludes my statement. It is a pleasure to turn to my ranking member, Senator MIKULSKI. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the chairman.

PRIVILEGE OF THE FLOOR

I ask unanimous consent that during consideration of S. 2168, the fiscal year 1999 VA–HUD appropriations bill, Ms. Bertha Lopez, a detailee from HUD serving with the committee, be provided the privilege of the floor.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, once again, we are on the floor to bring to the U.S. Senate for its consideration the appropriations on VA, HUD, and independent agencies. I thank Senator BOND for his very hard work and the bipartisan approach to producing this bill.

I also acknowledge his professional staff and the collegial and cooperative way in which they have worked with my staff to bring this bill to the floor. It is this type of bipartisan effort that I think focuses on results, not rhetoric, meeting our obligations to important constituencies, like veterans and the elderly, and yet creating opportunities for people, like we are in FHA and VA mortgages, national service, and various other empowerment things we do. No one Member or party will get everything they want in this bill, but we do believe that this really does meet compelling human needs. Given the spartan allocation for the subcommittee and the need to make up cuts in programs, like housing for the elderly, I believe that this legislation is very solid. I strongly support it and encourage those on my side of the aisle to do so.

This bill shows our commitment to both high touch and high tech. We have kept our high-touch commitment to our veterans and the elderly and the high-tech commitment to science in agencies like National Science Foundation, the space agency, and EPA.

Let me talk a minute, though, just after the Fourth of July, about a constituency that truly does rely on the U.S. Senate for promises made, promises kept, and that is the veterans. The veterans of America rely on us, and I believe that Senator BOND and I have worked to scour every line item to be sure that the promises made to the veterans of the United States of America for their health care have been promises kept.

This year, we will be funding veterans health care at the amount of $17.2 billion. That is ''b'' like in Barbara, not million, like ''m'' in Mikulski—$17.2 billion, and with the way we have been able to view the bill, this is a $200 million increase.

Also, we want to improve VA medical research. The Veterans' Administration, through their excellent medical services, does an astounding amount of medical research, particularly the applied research that goes to hands-on clinical practice. In this budget, we have increased VA medical research by $38 million, to the tune of $310 million, and this will go to focus on research affecting aging populations, like Alzheimer's and Parkinson's, special needs of veterans, particularly those related to orthopaedic injury, surgical practice, and other improvements in clinical practice, to improve health care and shorten stays and not skimp.

Also, as everyone here knows, as a champion of the women's health agenda, I wanted to be sure, working with Senator BOND, that we did not forget the men of this country. There is a special set-aside in here for research on prostate cancer, so that we can find a cure and we can find better early detection methods. We, the women of the Senate, as I know the Presiding Officer feels, want to show the men of America we are squarely on their side.

I thank Senator BOND for going over this budget so that we could work to establish VA medical care, VA medical research, and also, at the same time, increase funding for something called veterans State homes. ''State home'' is an old-fashioned word. It comes out, really, of the Spanish-American War and out of World War I, where we had ''old-age homes'' for veterans. We are now at the end of the old century and moving to a new one, and State homes really now are long-term care and rehabilitation facilities for our veterans, but they are unique partnerships between the Federal Government and the State government, forming Federal-State partnerships to establish long-term care facilities, maximizing our dollars to operate it and even help build it, but State resources in purchases of land. This way, we stretch out the Federal dollar and the State

becomes a stakeholder. I think this is a unique way of meeting the long-term care needs of our veterans population.

While we were working to make sure promises made to the veterans were kept, we also, I think, had an excellent approach to the Housing and Urban Development Department. Particularly, I am impressed with the fact that we worked very hard, again, on a bipartisan basis in restoring the $489 million cut to elderly housing. HUD's elderly housing program is one of the more successful housing programs at the agency. It works with nonprofit organizations and faith-based organizations. The HUD 202 Program leverages those community resources that help provide safe and decent housing for the elderly and a sense of community in many communities around the country.

The agency proposed close to a half-billion-dollar cut, and I am pleased that in the budget deliberation and now in our own appropriations, Senator BOND and I joined hands, joined forces, to make sure that we restored that cut so that the elderly of this country can have the 202 Program building housing for them and operating those programs.

We also rejected with vigor the desire to take a substantial part of the housing for the elderly and convert that into vouchers.

The Presiding Officer, I know, is on the Select Committee on Aging, and I know both in her home State of Maine and in her role in the Senate, she has been devoted to the cause of the elderly. She knows, as Senator BOND and I, that you cannot take an 80-year-old lady with a walker who is frail elderly and give her a voucher to go out in a community to find her own housing.

Can you see her going up three flights of stairs with her voucher and her walker to see if the bathroom is fit for duty? We are not going to have the elderly of America going door-to-door with vouchers trying to find housing to meet their needs. That should be done through housing for the elderly, the 202 funding, housing for the elderly that is run primarily by nonprofit and faith-based organizations—Jewish charities and Catholic Charities in my own community. That is what the elderly want.

Guess what? In this bill, we restored the $489 million, and I am really proud of the way we did that.

In addition to looking out for the elderly, we wanted to look out for the young people of our community.

We wanted to promote first-time home ownership. That is why we also looked at the FHA loan limit, recognizing that some parts of our country are very high cost. And we raised the FHA loan limit to $197,000 in high-cost areas and $108,000 in more modest areas. The administration proposed raising the limit to $227,000 for all communities. We believe that that is too high.

We were deeply concerned about FHA foreclosures, that people would get into too much debt too early in their lives and end up not with an opportunity but with a heartbreak, and leaving the taxpayer with the liability. So we did not want heartbreak for the family and we did not want heartburn for the taxpayer. So we believe that this is a reasonable compromise, to raise it at this rate. It is critical that we ensure that FHA is able to meet the new market realities without setting ourselves up for this big buck unfunded liability in the event of FHA foreclosures.

We also included language directing HUD to consult with Congress further before beginning its bulk sale of foreclosed properties. We do not want these houses to go at fire-sale prices or to end up adding blight to a community. We want to make sure that FHA is a tool for first-time home buyers, not a tool for neighborhood deterioration.

We are also pleased that in this bill we really tackle the issue of brownfields. Brownfields funding is both in the HUD part of the bill as well as in the environmental protection part. The President requested $90 million for EPA's brownfields program. And $25 million of the request is provided for HUD's brownfields program.

I happen to be a strong supporter of brownfields programs, and I think they are important tools to communities. They enable us to take care of areas that have a level of contamination and move them to clean up and redevelop them. My concern is that we will not get a Superfund authorization. And while we are waiting for Superfund funding—a great opportunity in our communities—brownfields that are not nearly as contaminated, with good gall and good appropriations, we can move brownfields to green fields, opening up opportunities for economic development.

This then takes me to talking about EPA. Our bill provides critical resources for the Environmental Protection Agency at $7.4 billion. This is an increase of $51 million over last year. This is primarily in the areas of improving water quality, which are very important to a State like my own. It also includes last year's level of $1.5 billion for Superfund.

This bill also contains money for State and tribal assistance grants, providing critical resources for States' efforts to maintain clean and healthy water.

Madam President, water quality is absolutely crucial, and part of the funding is $20 million for the Chesapeake Bay program to continue our commitment to protect this natural resource. This Chesapeake Bay program was started by my predecessor, Senator Charles McC. Mathias, a distinguished Republican from the State of Maryland. Senator SARBANES and I have kept that commitment. And we thank Presidents Ronald Reagan, George Bush, and Bill Clinton, and now the Republican leadership of this committee, for working to keep that commitment going.

We were also hit by something called an algae bloom. Now an algae bloom in my State is called pfiesteria. I understand that the Senator from Maine, the Presiding Officer, has also been hit by algae bloom in her own State. We know Senator FAIRCLOTH and Senator HELMS have had it in North Carolina. We have had pfiesteria in Maryland; you have had problems in Maine; the Louisiana Senators have had it.

This algae bloom is now a national problem, and we have put over $37 million in the EPA budget to begin to do the water quality monitoring and the research so that we can solve not only our problem in Maryland, but we also look forward to working with our colleagues, like yourself, in really dealing with this, because this could destroy our waters and it could destroy our mutual economies. Again, we look forward to working with you. This $37 million we think is a very important step in research and monitoring and trying to get good science and the best practices from EPA and environmental agencies in this.

I regret that this year we do not have the authorization for the Superfund. Year after year, people want to reauthorize the Superfund site on appropriations and leave it to us to solve a problem that the authorizing cannot. I join in agreement with Senator BOND that we need the reauthorization of the Superfund site before we can move ahead on this bill.

I know the administration is looking at additional sites for us to be able to clean up while we are waiting for authorization. I talked to Administrator Browner, and I said, if you have the sites, show us the money and get us also the authorization so that we can see how we could move forward.

In the area of science and technology, I thank the chairman for working to increase both the funding of the national space agency as well as the National Science Foundation. In addition to increasing funding for the National Science Foundation, I am particularly pleased with the increases in informal education programs that will be important and also those in K through 12.

Now, why is this important? Because so much of getting our young people excited about science goes on through informal education programs. These are not spontaneous playground programs; these are structured afterschool activities.

In my own State, they are going on in the Maryland Science Center, the aquarium. I wish you had been with me during the break. I was at something called the Christopher Columbus Center, a marine biotech center. We have second graders there every day from 9 until 2. They do science in the morning; they do reading in the afternoon; and they are so excited. And when they go back then to the classroom, they are going to be much more reading ready and they are going to be excited about science. And, by the way, I got to do a few experiments myself.

In terms of the Federal Emergency Management Agency, FEMA has been

doing an outstanding job. I think FEMA has been doing an outstanding job, and we provided $1.3 billion to the agency, $500 million over the request. We also have provided a modest amount for predisaster mitigation, which I hope, as the bill moves forward through conference, we can actually increase because of the approach to preventing disasters.

In my own State, Allegheny County has gotten a $700,000 grant, and we have worked with the Corps of Engineers and the Governor. We are well on our way to protecting communities that normally are hit.

Now, in this legislation also there is $9 million for FEMA to have resources to do the training necessary to prevent us from terrorist attacks due to weapons of mass destruction. Senator BOND and I are working to increase that funding. I know it started out even more spartan than this. But, Madam President, we really have to worry that the predators in the world—be they nations or terrorists—are really going to once again try to spread weapons of mass destruction on the United States of America. I know that the military is standing sentry, our intelligence agencies will give us the warning, but we need to look out for our civilian population. I think we need to have the type of training at the local level that we can be able to move in this bill.

Let me also thank the chairman for including money for national service, which does provide the opportunity for so many people to volunteer in our own communities, at the rate of $425 million, last year's request.

And let me close by saying there are two independent agencies—the Neighborhood Reinvestment Corporation, which we funded at $60 million, that I think specific amounts of money are absolutely out there in poor communities and near-poor communities doing a good job. Also, our Consumer Product Safety Commission has gotten out of the rhetoric business under its able administrator Ms. Brown and really is giving much needed advice on consumer product safety. Most recently, she has been helping with the whole issue of a particular type of blanket which could cause the death of preschoolers.

This is our bill. It goes from funding Arlington Cemetery and the Consumer Product Safety Agency, to protecting us against national disasters, to honoring our commitment to veterans, to protecting the environment, and promoting science. This is one of the most interesting and exciting bills and subcommittees in the U.S. Senate. I believe the chairman and I have done an outstanding job in trying to get real value for the taxpayer and for the Nation in this bill. I hope that this bill moves forward and that our arguments have been so compelling that there won't be any amendments and we can pass this bill by tomorrow afternoon.

Madam President, I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, I thank my distinguished ranking member for her very cogent and persuasive arguments. She makes an excellent case for the bill.

I note when she says this is an interesting bill that there is an old curse that one should live in interesting times. But we are very fortunate to be able to work on a bill that has so many important programs and is of such great interest among our colleagues.

I want to begin the debate. Before I turn the floor over to our colleague from Ohio, who I understand has other business, I urge all of our colleagues to please come forward if they have amendments, if they have colloquies. It would really help us if we could get as many of those in today as possible in order for us to complete work on this measure by tomorrow afternoon, which would be my hope.

I know we have two amendments that are going to be argued with some enthusiasm and with great feeling on both sides. I hope we can complete those. In order for us to do that, I ask that all Senators who have amendments that might be cleared or colloquies which they wish to enter with us, they provide them by no later than the Tuesday lunches tomorrow so we may have an opportunity to look at them. If we get near the end it would be my desire to finish up, once we have dealt with the controversial amendments, and I would hate to have to turn down an amendment that might otherwise be agreed to because it is not presented in a timely fashion. In order for us to move forward with this bill so we can expedite the work of the Senate, I ask colleagues bring to us this afternoon, if possible, and tomorrow morning in any event, any amendments or colloquies or other matters it wishes to consider so we can complete work on them in as quick a fashion as possible.

I yield the floor.

Ms. MIKULSKI. Madam President, I wish to echo the request of Senator BOND. I say to all my Democratic colleagues, if you have an amendment, please let us know by noon tomorrow, preferably even by 10 o'clock tomorrow morning so we could have discussions with you and perhaps find other ways to resolve their, I am sure, very legitimate concerns.

Also, we ask our colleagues to cooperate with us in a time agreement. There are many bills waiting to come to the floor. We have very few days left in July. We are ready to move our bill.

I yield the floor.

Mr. GLENN. Madam President, I want to compliment Senator BOND and Senator MIKULSKI for the hard work they have done on this bill. I know personally of their efforts in this regard. I certainly support the tack they have taken and look forward to taking part in the debate as it continues over the next couple of days with regard to this matter.

I wish to speak today on a different matter. I ask unanimous consent we proceed as in morning business for the duration of my speech, which will not be beyond about 15 minutes, and then revert back to VA and HUD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. I thank the Chair.

NUCLEAR WEAPONS AND SANCTIONS

Mr. GLENN. Madam President, if we go back in history, we see that the development of weapons of war have become more and more hideous as time goes on.

One of the biggest steps forward in that direction—or steps downward, depending on how you look at it—was the development of nuclear weaponry near the end of World War II. I was involved in World War II and in the Korean war. I have been through combat. I know what it is like. When I came to the Senate, I could not imagine anything more horrible than the use of nuclear weaponry in future wars, if they ever came up. The horrors of conventional war are bad enough without imposing nuclear weaponry into that scenario.

My desire to do something in this area motivated much of my work here in the Senate, and I have taken a leading position on this issue through the years. Some of it has been very controversial. There have been various approaches to this issue. I want to discuss just a few of those today.

We have been hearing much talk in this body lately about the use and the value of sanctions, which is one of the tools we have applied to prevent the spread of nuclear weapons to more and more countries around the world. This tool has been applied in many other foreign policy contexts as well, and I am the first to agree with those who say that we may have gone too far in the application of some of these instruments of foreign policy—some of them. There have been successes and there have been failures. It has been a rather spotty record all the way through.

When you consider this whole issue, it seems to revolve mainly around two questions: First, in our international relationships, where do we use carrots and where do we use sticks, to put it in those terms. Where do we use enticements to people, to try and entice them into a certain behavior we would like to see, and where do we use sticks? Where do we threaten the punishments that they may consider ahead of time that might cause them not to go into certain areas of behavior we would like to see them avoid?

Second, what role should sanctions play as an expression of disapproval or punishment in cases where it is manifest that behavior will not be significantly altered as a result of the imposition of sanctions?

Now, the debate in Congress and in most of the think tanks around town and across the country has been most

curious because they seem to want it both ways. They want sanctions in some areas and not in others, but not necessarily with regard to nonproliferation.

If we consider some other areas, for example, probably the most salient example of the failure of sanctions from every perspective is the drug war. Now, all of us are against drug use. We want to cut out drug use, whether by cutting the flow from abroad or at our borders or within our communities or whatever. We have those sanctions on, but no one in Congress is standing up to proclaim that sanctions against persons or countries which are contributing to the illegal use of drugs ought to be eliminated. We want to keep those sanctions on. Why? In part, because the drug war is politically popular. The war against drugs is politically popular, and its effect on commercial activity by American business is mixed. We have some businesses in this country actually flourishing because of the drug war—manufacturing of equipment used in surveillance, construction of jails, so on. So those people are not about to go to the National Association of Manufacturers or the Chamber of Commerce to complain about unilateral U.S. sanctions. But the complaints about sanctions are now legion when sanctions are applied in other contexts, like the one I am addressing today—nonproliferation. This is not to say that the critics of congressionally mandated sanctions have no case. I agree with some of the points that they make. But there are extremists who take the position that sanctions are never effective and are therefore always inappropriate. There are also extremists who insist on taking a punitive approach to every vexing foreign policy problem. These folks never saw a sanction they didn't like, and any approach to an issue that doesn't take the hardest line is denounced as some sort of appeasement. I might add that quite often there are political points as much as public policy points trying to be made by some of the tacks that these people seem to take.

Well, as the author of numerous pieces of legislation on nuclear proliferation that have included both carrots and the sticks of sanctions as tools for achieving certain nonproliferation objectives, I have tried to forge a balanced approach to the proliferation problem. Most recently, my 1994 legislation, which has been referred to as the Glenn amendment, was used by President Clinton to impose a variety of economic sanctions against both India and Pakistan because of their recent nuclear tests. Those sanctions were tough. We didn't pull any punches with those sanctions. Those sanctions mandated that military sales and any aid programs had to stop. It said we would block credits and loan guarantees by U.S. Government agencies. We would oppose any loans or cooperation with those countries under sanction from the World Bank, or IMF, the so-called IFITs, International Financial Institution Transactions. We would also block credit from private banks, and we would prohibit the export of dual-use technology to those countries which might be used for military purposes.

Now, that is tough legislation. We didn't give a waiver authority at all. We had rather spotty experiences with Presidents in the past and we said we were going to make this tough; the President could delay the imposition of those sanctions for 30 session days if he wanted, but the President didn't have the authority to waive those sanctions, as is the case with some other legislation. That was done very intentionally. These sanctions now require congressional legislation in order to remove them.

Let's look at the history behind the 1994 legislation—I think it is important to know—in order to understand why this legislation took the form that it did. It is tied up with the history of the cold war and U.S. nonproliferation policy. We could go back to the days of Hiroshima and Nagasaki. Most people realized since those days that we needed to prevent a nuclear holocaust by somehow, some way reducing nuclear weapons. Now, that has remained through the years a long-term objective. And through many of those years it was very disappointing to see the spread of nuclear weapons go on, or nations trying to gain nuclear weapons capabilities.

While nuclear reductions and ultimately nuclear disarmament remained our long-term objective, it would become even more difficult if more and more nations developed a nuclear weapons capability. And with that long-time objective in mind, we passed legislation over a period of more than 20 years trying to stop the spread of nuclear weapons, while at the same time holding out the hope for eventual weapons control.

In 1978, the Nuclear Non-Proliferation Act, which I coauthored, was enacted. It provided for carrots on nuclear cooperation for countries that adhered to certain nonproliferation principles, and it provided the stick of sanctions—cutoffs of nuclear cooperation for countries engaged in dangerous nuclear activities related to bomb making, including nuclear detonations. The Presidential waiver was provided within that legislation. A year earlier than that—in 1977—I authored an amendment to the Foreign Assistance Act that provided for cutoffs of economic and military assistance to countries that received or exploded a nuclear device, or were engaged in—and this is important—either the import or export of dangerous nuclear technologies involving plutonium production and separation—either import or export, either way, whether the country was supplying the stuff or receiving it.

I provided a Presidential waiver in this case also. This legislation, along with the so-called Symington amendment on nuclear enrichment technology transfers, resulted in a cutoff of economic and military assistance for Pakistan in 1979. While the Glenn amendment could have been waived, the Presidential waiver attached to the Symington amendment was impossible to exercise; only congressional action could remove the Symington sanction. Then we came to Afghanistan. After the Afghanistan war erupted—which coincided almost very similar in time to the installation of a new administration—the Reagan administration decided they could not provide military assistance to the mujahedin in Afghanistan without lifting the ban on assistance to Pakistan. The reason was that the material had to flow to Afghanistan through Pakistan. We could hardly get them to transport material through the Pakistani border area and across their territory to Afghanistan if we had sanctions on against Pakistan. So there was a waiver.

The Administration went to Congress and asked for a repeal of the Symington amendment, but Congress wasn't willing to do that. We were unwilling to give the Pakistanis total relief from pressure to halt their evident nuclear weapons development program, so a compromise was struck. Congress agreed to a legislated 6-year waiver of the Symington sanctions, but at the same time passed an amendment that I offered to remove the ability of the President to waive a cutoff of economic and military assistance to any nonweapon state like Pakistan that explodes a nuclear device.

In effect, the line in the sand on sanctions had been pulled back. My purpose in removing the waiver was simple. I didn't know how long in fact the Afghanistan war would proceed. I believed that just as long as it went on, the Pakistanis would count on the Reagan administration not to put nonproliferation policy ahead of cold-war policy. My amendment did provide for a possible 30-session-day delay of sanctions by the President following a detonation, but no waiver without congressional action.

Now, turn over the calendar a little bit. In 1985, when it was clear that the Pakistanis were still going for the bomb—something we had known for a long time—which they consistently denied at all levels of their government, Congress moved the line in the sand a bit closer by passing the Pressler amendment, which also carried no Presidential waiver. It mandated a cutoff to Pakistan, unless the President certified that Pakistan did not possess a nuclear explosive device. Note the wording: The President could not certify they did not possess a nuclear explosive device. It was under this amendment that Pakistan was cut off from economic and military assistance in 1990, after the Afghanistan war ended—and I should add about 3 years after the Pakistanis actually had made the bomb that we knew they were working on all that time.

But other international developments were going on all through this same period. In terms of world events at this point, we were witnessing the demise of the cold war and the beginning of the collapse of the Soviet Union. This brought new hope for really, truly, and finally at least gaining control of nuclear weaponry, after going through years upon years upon years of what we call MAD—mutually assured destruction—on both sides if anybody set off a nuclear weapon. Those were long years where we thought that nuclear nonproliferation was dead and wasn't something with which we really were going to succeed. But finally, with the collapse of the Soviet Union, this brought new hope for really gaining control of nuclear weaponry. In a comparatively short period of time there was real optimism that control over these weapons could be gained. I was one of those who changed my views on this completely during that time period, because I had been very pessimistic through the years. Even though I am the author of much legislation, as I just recounted, on this, I didn't feel that we were really gaining much in the world, and we were starting to move in place. And other nations were really trying to get nuclear weaponry. So we weren't really accomplishing much.

But all at once I began to feel very optimistic at this time, because at the end of the cold war and the agreement with the Soviet Union we saw missiles being taken out of silos; weapons being taken down; fissile material being taken out; the cores of nuclear weapons being taken out and used for other purposes, for stockpile, or whatever. But they were no longer in the weapons aimed at each other halfway around the world. Real progress was being made. I began to feel pretty good about this.

With U.S. leadership, we then worked to obtain progress on arms control and nonproliferation. Over a period of time we had 185 nations sign up under the nonproliferation treaty. Progress was being made on the Comprehensive Test Ban Treaty, also, which currently has 149 signatories. If anyone had come to me and told me a few years ago that we would have that many signatories, that we would have 185 sign up under NPT and 149 for CTBT, I would have told them they were crazy to even contemplate such a thing. But that is what has happened. So things are moving in the right direction.

Indeed, so much progress was being made on the test ban treaty and so much progress had been made on computer simulation of nuclear weapon tests that it was unclear whether any further nuclear explosions would have to take place anywhere.

Back in the old days it was quite apparent that if a nation was going nuclear they didn't say they were a nuclear nation unless they had gone out and really tested a weapon. They couldn't just say their engineering was good, that they will rely on engineering and claim they were a nuclear state and that they knew the thing would go off. That wasn't the way it went. You had to take it out and test it. And if you didn't, you couldn't rely on nuclear weapons. What has happened with the supercomputer and supercomputer simulation is that the need for testing is no longer clear. The way it is now is we think probably you could have a nuclear weapons capability without doing any testing.

So the hope was at that point—the hope we had in 1994—that much tougher sanctions would put the final nail in the coffin for nuclear tests. There wouldn't be any nuclear testing if we could just make this a tough law. So although the circumstances in 1994 were much different than those of 1981, the Glenn amendment of 1981 was updated with tough sanctions. It became the Glenn amendment of 1994. I thought it was working. And it was working until just a few months ago. Unfortunately, the hope on which the amendment was based went down the drain when India's extreme Hindu Nationalist Party overrode what most of the world thought should have been more responsible behavior and set off a nuclear weapon. And Pakistan responded in kind with their demonstration also to make sure they were not left out of things, too.

So we are now faced with a situation which will test the mettle of our diplomacy in south Asia like few times in history, I guess we could probably say like never before. The sanctions that are being imposed because of the Indian and Pakistani tests will fall on both of them, and may help us—I hope it does—move the Indians and Pakistanis toward more responsible behavior in the aftermath of the tests.

We must admit that the sanctions did fail in their primary purpose, which was to prevent a test in the first place. But I look at this as a setback, not the end of our efforts. One could only speculate if this failure was due to the sanctions' unilateral nature or whether the Indians would have tested under any circumstance. This is not to say that unilateral sanctions are never to be imposed as nonproliferation threats. Quite the contrary. For example, the threat of such sanctions was helpful in the special cases of Taiwan and South Korea, when both of those countries were taking steps toward proliferative activity some years ago. We could also indicate that there were other nations that we thought were moving perhaps in that direction, too, and who ultimately gave up their programs—like Argentina and Brazil, and South Africa.

But anyway, to go back to Taiwan and South Korea, both of those countries were heavily dependent on the United States. So unilateral sanctions worked, and they worked well. I think our sanctions also worked for a while in maybe holding back some of Pakistan's advance in their nuclear weapons program, because we made it more difficult for other nations to cooperate with Pakistan as they were trying to achieve their nuclear weapons capability.

But in general I believe it has been increasingly clear that with the dramatic expansion of the world community—sources of information, sources of equipment, sources of trade around the world—I believe that sanctions become really effective only if they have multilateral support.

Let me repeat that because that is the basis of some of these things that I want to elaborate on just a little bit further. Sanctions become really effective only if they have multilateral support, whether through our allies or through the United Nations. Unilateral sanctions are not as effective as we would like to see them. That is the understatement of the day. And there are situations where the imposition or continuation of mandated unilateral sanctions may make a problem even worse.

So I have come to believe that except in very special circumstances, such as those we faced in 1981, sanctions legislation that give the President no role in their implementation or continuation should be avoided, and laws which have been constructed in such fashion should be amended. That is the reason I am here on the floor today.

In my 1994 legislation, the President has no role in the process of implementation or the continuation of sanctions. And the Congress, because of the tradition of no limit on Senate debate, can be hamstrung by a determined minority of Senators who wish to retain sanctions because of considerations that may have nothing to do with the original transgression. So we don't want to permit that to happen, either.

So, accordingly, on June 26, just before the recess, I introduced the Sanctions Implementation Procedures Act of 1998, which is labeled Senate bill 2258, which, if passed, will be applicable to all country sanctions laws that do not contain a Presidential waiver which the President may exercise on the grounds of protecting the national interest. I want to, in order to give the President more leeway, get multilateral support, which is what I would like to see happen either with our major allies or through the United Nations. This bill would give the President the option of delaying any imposition of congressionally mandated sanctions for a period not to exceed the combination of 45 calendar days, followed by 15 session days of Congress. The President, if he chooses to delay the sanctions, must provide a report to Congress no later than the end of the 45-day period in which he discusses the objectives of the sanctions, the extent of multilateral support for the sanctions, and the estimated costs and benefits, both tangible and intangible.

If in this report the President recommends that we don't go ahead with the sanctions—he recommends nonimplementation of the sanctions—then

expedited procedures are triggered for 15 session days in both the Senate and the House of Representatives—both Houses of Congress—for the purpose of approving or disapproving the President's recommendation—in other words, expedited procedures which provide for no filibuster. We take it up in preference to other legislation. We give it priority. So it could not be delayed.

Equally important, if the sanctions go into effect—let's say that the Congress says, ''OK. Yes. Mr. President, we think this should go into effect,'' or if the President just chooses to put it into effect and says, ''Yes, we do have multilateral support, and, yes, we do have enough support to make the sanctions really bite to make them meaningful''—if the sanctions go into effect, they remain so for two years and then this procedure is repeated on the sanctions' second anniversary, and each anniversary thereafter. In other words, there would be a time certain after every sanction in which the administration would have to consider the effectiveness of it, a report to the Congress, and Congress then would either take appropriate action as they saw fit at that time or we let the sanctions continue on for another year.

For sanctions already in effect at the time of enactment of this bill, this procedure is triggered at the next anniversary of the sanction if it has been in place for 2 years or more, or at the second anniversary for sanctions less than 2 years old.

So this proposed legislation is retrospective and prospective both. We are trying to set down rules here that would apply and make sense on how we will operate in the future with existing sanctions that are in there now and ones that might be applied in the future under current and future laws of our land.

Madam President, this bill does not give the President carte blanche to waive congressionally mandated sanctions, as some bills do, and does not allow a minority of the Senate to prevent sanctions from being lifted as is the case with some of our laws.

We have worked on this very hard, and I believe this bill provides a balance of responsibilities between the President and the Congress. We do not cut the President out of the equation. We do not cut the Congress out of the equation. We recognize our constitutional responsibilities at both ends of Pennsylvania Avenue. This would apply in the imposition and removal of sanctions, and I urge the support of my colleagues for this bill.

I know that a task force has been formed to look at some of the sanctions legislation, and I will be presenting this to that task force also for its consideration. There are several bills that will address this particular problem, but I think this bill really establishes a balance, and I hope I can rely on my colleagues for support when this subject comes to a vote.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3056

(Purpose: To increase funding for the Federal Emergency Management Agency antiterrorism activities)

Mr. BOND. Madam President, I send an amendment to the desk on behalf of myself and Senator MIKULSKI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Ms. MIKULSKI, proposes an amendment numbered 3056.

Mr. BOND. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 73, line 11, strike ''$231,000,000'' and insert ''$239,000,000, including $11,000,000 for assisting state and local governments in preparing for and responding to terrorist incidents''.

On page 42, line 14, strike ''$1,000,826,000'' and insert ''$992,826,000''.

Mr. BOND. Madam President, I ask it be considered en bloc as it amends the bill in two places.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Madam President, this amendment responds to the critical requirement of enhancing antiterrorist activities at the Federal Emergency Management Agency. In our budget hearings with the Federal Emergency Management Agency, Senator MIKULSKI and I raised the question of whether this country is ready to respond and take all appropriate actions to deal with the threat of terrorist activities in our country. The administration has submitted a budget amendment on June 8 to increase spending in several agencies for antiterrorism activities, including $11 million more than the original budget request for FEMA's emergency planning and assistance. With this amendment we will meet the request.

The bill as reported by the committee adds $3 million above the initial request for such activities, and this amendment now pending before the Senate would add another $8 million, for a total of $11 million in this key area. These funds are to be used for such critical activities as planning at the Federal, State, and local level for the unique aspect of terrorist-related incidents.

I note this is part of a larger proposal for $249 million to strengthen our ability to defend against and respond to terrorist incidents involving the use of biological or chemical weapons. I wholeheartedly support this effort. I think it is vitally important and I think this is a vital first step.

In a recent self-assessment by the States, they rated themselves as being unprepared in this critical area. The funds we are adding today should go a long way in helping State and local governments prepare for these instances that we hope they never have to face. But, as in all emergency management agencies' activities, we have to be prepared for things that could happen that we hope never happen.

With this amendment, FEMA funding would total almost $18 million. The FEMA program, as I said, complements a broader initiative involving the Department of Defense, Department of Justice, and the Department of Health and Human Services. That effort includes building a civilian stockpile of antidotes to respond to any large-scale attack, improving the public health surveillance system, and providing special equipment to first responders.

We have already included in this bill assistance for first responders in dealing with a problem that is particularly acute in my State of Missouri, and that is the explosion of methamphetamine clandestine labs in our State. We have recognized in this bill the need to prepare first responders—emergency personnel, firefighters, police—when they go into a methamphetamine lab. These are very dangerous facilities that can blow up with any kind of heat or light, or even the discharge of a gun. So we recognize that the people who do the vitally important work responding to emergencies, whether they are firefighters or police or sheriffs units, the first responders as they are often called, need to be prepared. In this amendment, we are going to provide additional assistance to the people who will come on the scenes first.

These are very frightening issues. The terrorism issue—we have already experienced domestic acts of terrorism in Oklahoma City and at the World Trade Center, so we know they can occur. We need to be prepared. We need to make our country as safe as possible. It is all too easy to ship weapons of mass destruction, be they explosives or chemical or biological weapons, even in a suitcase. This risk is not acceptable, and I strongly support the amendment as an important first step towards dealing with these problems.

Our country has to be prepared to protect its citizens from the dangers of a hostile world. Unfortunately, the constant threat we face from rogue states makes it vital that Congress provide the funding for FEMA to use

towards counterterrorism measures on a local level. Our amendment gives FEMA the funding it needs to enhance the training of emergency personnel in the event that a terrorist attack occurs.

Madam President, I urge adoption of the amendment and I yield the floor to my colleague.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I am pleased to join with Chairman BOND in offering this FEMA amendment. As he has indicated, it provides an additional $8 million for the antiterrorist activities of FEMA, combined with a $3 million increase provided in the full committee markup.

Now, this is really important. There are rogues, bums, and predators out there who want to destroy the United States of America. The United States of America can be attacked and it can be attacked by another nation by a weapon of mass destruction, or it can be attacked by an external terrorist, or even someone within our own country.

What are weapons of mass destruction? They are, of course, nuclear weapons. They are, in addition to nuclear, chemical, biological, and even cybermanipulation.

The issues around chemical and biological weapons present new and unique threats to the United States of America. I am fortunate to have two outstanding military installations in my State, Fort Detrick as well as Aberdeen, whose whole approach is to look into the research activities on what could be the possible weapons used against us, whether it be nerve gas or a despicable virus that could bring a city's population to its knees.

We were concerned in our hearing and raised this issue. Mr. James Lee Witt, the head of FEMA, said he did need to have more resources. In President Clinton's speech at the U.S. Naval Academy, he said that he had directed the administration to undertake a concerted effort to protect our people in the event of biological or chemical weapons being unleashed either by a rogue state, an international criminal organization, or a terrorist group. The key elements of this directive are, for the first time, a civilian stockpile of antidotes and antibiotics, protecting the population by public health surveillance to detect biological or chemical agents, and analyzing the results of diseases.

The President wants an additional $294 million to go to the Justice Department, the FBI, the Department of Health and Human Services, but certainly to FEMA.

We support the FEMA request because it is very important. It is consistent with its overall mission. They receive tasking under the Nunn-Lugar-Domenici legislation that it protect us from all hazards, including weapons of mass destruction, and they need to do several things: They need to play an important role in coordination, and they need to do preparedness by working with States for planning and for training.

It is not only planning—we are not talking about endless summers of planning—but actual exercises to prepare local agencies, from city fire departments to police departments to emergency medical personnel, on what will be the way to both contain the attack and contain the panic around the attack. If we are hit by something from a rogue state or from an international criminal organization, one of the first instances will be to contain the chemical attack or identify the biological one. But people will be scared, they will be panic-stricken. This is an unknown situation. It is FEMA's job to work with the civilian population around the preparedness to do this.

We know that our colleagues in the Department of Defense, like at Fort Detrick, we know that the National Institutes of Health and FDA will be working on the antidotes and the vaccines to protect our civilian population.

We believe that this amount of $17 million enhances the preparedness, which is to coordinate with the Department of Defense and the National Guard, with the Department of Health and Human Services, as well as State and local governments.

DOD, except through the National Guard, doesn't have a relationship with State and local governments. They come in after the first responders. So these funds are very important in developing a new manual, in developing training in the State and local communities, particularly in the high-risk areas that we know would be targeted by rogue states, to deal with their predatory acts.

We believe that this legislation will provide them with a downpayment to prepare. We have been so focused on moving FEMA from a cold-war agency to responding to the tremendous number of civilian natural disasters we have had, and they have done an outstanding job. We now have the infrastructure for them to respond to any risk that the United States of America faces. Now when the ugly head of someone like Saddam Hussein is raised or the ugly tentacles of international crime organizations try to do their predatory acts, we need to stand sentry with our military and our intelligence agencies.

But for anyone who is thinking about doing harm in any way to the American people, know we are well on our way to being prepared. We are prepared now, so don't think, if you are listening out there on CNN, where Saddam Hussein is, don't think we are not prepared. We are prepared, but we are even going to be better prepared. So don't even think about doing it, because if you do, you will face us in return and know we will take any and all means possible to protect our people and we, the Federal emergency management appropriators, are ready to make sure they have the resources to begin the planning and the drills to protect our people.

I support this amendment, and if there is no objection, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 3056.

The amendment (No. 3056) was agreed to.

Mr. BOND. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Madam President, I think that some of our colleagues may wish to add statements. I know we have had a number of colleagues express an interest in this. I ask unanimous consent that they be allowed to be listed as cosponsors and add statements to the RECORD by the close of business today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3057

(Purpose: To transfer land from the Department of Veterans Affairs to the University of Alabama, to clarify that States may charge loan fees to clean water state revolving fund borrowers, to make technical reforms to the Mark-to-Market program, to make technical corrections, and for other purposes)

Mr. BOND. Madam President, I send a managers' amendment to the desk on behalf of myself and Senator MIKULSKI and ask for its immediate consideration and ask unanimous consent that it be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Ms. MIKULSKI, proposes an amendment numbered 3057.

Mr. BOND. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 16, line 20, insert the following:

"SEC. 110. LAND CONVEYANCE, RIDGECREST CHILDREN'S CENTER, ALABAMA.

(a) CONVEYANCE.—The Secretary of Veterans Affairs may convey, without consideration, to the Board of Trustees of the University of Alabama, all right, title, and interest of the United States in and to the parcel of real property, including any improvements thereon, described in subsection (b).

(b) COVERED PARCEL.—The parcel of real property to be conveyed under subsection (a)

is the following: A parcel of property lying in the northeast quarter of the southwest quarter, section 28, township 21 south, range 9 west, Tuscaloosa County, Alabama, lying along and adjacent to Ridgecrest (Brewer's Porch) Children's Center being more particularly described as follows: As a point of commencement start at the southeast corner of the north half of the southwest quarter run in an easterly direction along an easterly projection of the north boundary of the southeast quarter of the southwest quarter for a distance of 888.52 feet to a point; thence with a deflection angle to the left of 134 degrees 41 minutes run in a northwesterly direction for a distance of 1164.38 feet to an iron pipe; hence with a deflection angle to the left of 75 degrees 03 minutes run in a southwesterly direction for a distance of 37.13 feet to the point of beginning of this parcel of property; thence continue in this same southwesterly direction along the projection of the chain link fence for a distance of 169.68 feet to a point; thence with an interior angle to the left of 63 degrees 16 minutes run in a northerly direction for a distance of 233.70 feet to a point; thence with an interior angle to the left of 43 degrees 55 minutes run in a southeasterly direction for a distance of 218.48 feet to the point of beginning, said parcel having an interior angle of closure of 72 degrees 49 minutes, said parcel containing 0.40 acres more or less, said parcel of property is also subject to all rights-of-way, easements, and conveyances heretofore given for this parcel of property.

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

On page 55, after line 13, insert the following new sections and designate, accordingly:

"SEC. TECHNICAL CORRECTIONS TO THE DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998.

(a) SECTION 8 CONTRACT RENEWAL POLICY FOR FY 1999 AND SUBSEQUENT YEARS.—Section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 is amended:

(1) in subsection (a)(2), by inserting after ''Notwithstanding paragraph (1)'' The following ''and subject to section 516 of this subtitle''; and

(2) by inserting at the end the following new subsections''

''(b) INAPPLICABILITY TO PROJECTS SUBJECT TO RESTRUCTURING.—This section shall not apply to projects restructured under this subtitle.

''(c) SAVINGS PROVISIONS.—Upon the repeal of this subtitle pursuant to section 579, the provisions of sections 512(2) and 516 (as in effect immediately before such repeal) shall apply with respect to this section.''.

(b) REPEAL OF CONTRACT RENEWAL AUTHORITY UNDER SECTION 405(a).—Section 405(a) of the Balanced Budget Down Payment Act, I is hereby repealed.

(c) EXEMPTIONS FROM RESTRUCTURING.—(1) Section 514(h)(1) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, is amended to read as follows:

(1) the primary financing for the project was provided by a unit of State government of a unit of general local government (or an agency or instrumentality of either) and the primary financing involves mortgage insurance under the National Housing Act, such that implementation of a mortgage restructuring and rental assistance sufficiency plan under this Act would be in conflict with applicable law or agreements governing such financing;''.

(2) Section 524(a)(2)(B) is amended by striking ''and the financing'' and inserting ''and the primary financing''.

(d) MANDATORY RENEWAL OF PROJECT-BASED ASSISTANCE.—Section 515(c)(1) is amended by inserting ''or'' after the semicolon at the end of subparagraph (B).

(e) PARTIAL PAYMENTS OF CLAIMS.—Section 514 of the national Housing Act is amended by—

(1) by striking ''1978 or'' and inserting ''1978) or''; and

(2) by striking ''))'' and inserting ''))''.''

On page 56, line 17, after the word ''That'' insert '', of the funds made available under this heading,''.

On page 69, line 15, following the last proviso and prior to the period, insert the following:

'': *Provided further*, That, notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, as amended, the limitation on the amounts in a water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts a State has heretofore included, or will hereafter include, as principal in loans made by such fund to eligible borrowers where such amounts represent costs of administering the fund, except that such amounts therefore or hereafter included in loans shall be accounted for separately from other assets in the fund, shall only be used for purposes of administering the fund and shall not exceed an amount that the Administrator deems reasonable''

On page 70, line 3, insert the following: ''(a) LIMITATION ON FUNDS USED TO ENFORCE REGULATIONS REGARDING ANIMAL FATS AND VEGETABLE OILS.—None of the funds made available by this Act or subsequent Acts may be used by the Environmental Protection Agency to issue, implement, or enforce a regulation or to establish an interpretation or guideline under the Edible Oil Regulatory Reform Act (Public Law 104–55) or the amendments made by that Act, that does not recognize and provide for, with respect to fats, oils, and greases (as described in that Act, or the amendments made by that Act) differences in—

(1) physical, chemical, biological and other relevant properties; and

(2) environmental effects.

(b) DEADLINE FOR PROMULGATION OF REGULATIONS.—Not later than March 31, 1999, the Administrator of the Environmental Protection Agency shall issue regulations amending 40 C.F.R. 112 to comply with the requirements of Public Law 104–55.''

On page 55, after line 13, insert the following new section:

SEC. . CLARIFICATION OF OWNER'S RIGHT TO PREPAY.

(a) PREPAYMENT RIGHT.—Notwithstanding section 211 of the Housing and Community Development Act of 1987 or section 221 of the Housing and Community Development Act of 1987 (as in effect pursuant to section 604(c) of the Cranston-Gonzalez National Affordable Housing Act), subject to subsection (b), with respect to any project that is eligible low-income housing (as that term is defined in section 229 of the Housing and Community Development Act of 1987)—

(1) the owner of the project may prepay, and the mortgagee may accept prepayment of, the mortgage on the project, and

(2) the owner may request voluntary termination of a mortgage insurance contract with respect to such project and the contract may be terminated notwithstanding any requirements under sections 229 and 250 of the National Housing Act.

(b) CONDITIONS.—Any prepayment of a mortgage or termination of an insurance contract authorized under subsection (a) may be made—

(1) only to the extent that such prepayment or termination is consistent with the terms and conditions of the mortgage on or mortgage insurance contract for the project; and

(2) only if owner of the project involved agrees not to increase the rent charges for any dwelling unit in the project during the 60-day period beginning upon such prepayment or termination.

Mr. BOND. Madam President, this amendment includes clarifying provisions which have been cleared on both sides and are without controversy.

First, on behalf of Senator SHELBY, the amendment would allow the transfer of land from the Department of Veterans Affairs—Tuscaloosa VA Hospital—to the University of Alabama to use for the Ridgecrest Children's Center. VA has no objection to this language, and it is in keeping with the conveyance of land from Tuscaloosa authorized in the fiscal year 1997 VA-HUD bill.

Second, the amendment makes a technical correction to a provision under the American Battle Monuments Commission.

Third, the amendment clarifies that States, in administering their clean water State revolving fund program, may charge borrowers loan origination fees. This language has been reviewed and approved by both EPA and the authorizing committee.

Fourth, the amendment would make a number of technical amendments to the mark-to-market legislation enacted as part of the VA-HUD fiscal year 1998 Appropriations Act with the concurrence of the administration and the Senate Banking Committee.

Fifth, on behalf of Senator HARKIN, the amendment would require that EPA recognize the differences between the environmental effects caused by spills of animal fats and vegetable oils, as opposed to petroleum oil, and issue regulations to accomplish this commonsense differentiation.

Finally, the amendment would clarify the owner's right to prepay under the Preservation Program, as requested by the administration and cleared by the Senate Banking Committee.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I think this is an outstanding managers' amendment. I think it resolves several issues related to the Tuscaloosa Hospital, the American Battle Monuments Commission, as well as clarifying certain things with EPA.

I am particularly gratified that we will recognize the differences of the environmental effects between animal fats and vegetable oils and petroleum oil. And I think this will be an important clarification for EPA to issue this commonsense differentiation. I have been at oil spills and I have also spilled some oil on my floor cooking those Maryland crab cakes, and I know the difference, and it will help EPA know as well.

So I am prepared to accept the amendment.

Mr. BOND. Madam President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3057) was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BOND. Madam President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business Friday, July 3, 1998, the federal debt stood at $5,528,258,076,325.62 (Five trillion, five hundred twenty-eight billion, two hundred fifty-eight million, seventy-six thousand, three hundred twenty-five dollars and sixty-two cents).

One year ago, July 3, 1997, the federal debt stood at $5,356,041,000,000 (Five trillion, three hundred fifty-six billion, forty-one million).

Twenty-five years ago, July 3, 1973, the federal debt stood at $453,254,000,000 (Four hundred fifty-three billion, two hundred fifty-four million) which reflects a debt increase of more than $5 trillion—$5,075,004,076,325.62 (Five trillion, seventy-five billion, four million, seventy-six thousand, three hundred twenty-five dollars and sixty-two cents) during the past 25 years.

TRIBUTE TO JUDGE MAURICE H. RICHARDSON

Mr. KENNEDY. Madam President, I welcome this opportunity to recognize the valuable service given to Massachusetts by our state District Court Judge Maurice H. Richardson, who retired in June after serving the citizens of Norfolk County with great distinction for nearly a quarter century.

Judge Richardson dedicated his career in the law to serving the people of our state. As a judge he applied the law with great wisdom and compassion. He was well known for his ability to distinguish between hardened, habitual criminals and those who could take advantage of opportunities for rehabilitation. He encouraged many to seek counseling, enter a drug or alcohol treatment program, or take other steps to put their lives and their families back together.

During his years on the bench, Judge Richardson was also a skillful and tireless advocate for mental health. For many years he presided over mental health commitment hearings for several Massachusetts facilities. He was dedicated to finding the most effective assistance for the mentally ill, and often worked closely with doctors, patients and their families.

Judge Richardson also took the lead in the state judicial system and state legislature to improve the way the mentally ill and the mentally retarded are treated by the state courts, and his efforts enhanced the quality of life for countless individuals and their families.

Judge Richardson has earned well-deserved recognition for his leadership and his achievements. Throughout his distinguished career, he received numerous awards, including the District Court Award for Judicial Excellence from the Massachusetts Judges' Conference, the Annual Award from the Bar Association of Norfolk County, and the Commissioners Award from the Massachusetts Department of Mental Health.

I am sure that my colleagues join me in commending Judge Richardson for his distinguished service. We congratulate him on his extraordinary career and we extend our warmest wishes to Judge Richardson and his family on his retirement.

FIVE WINNERS PICKED TO ''CELEBRATE AMERICA''

Mr. KENNEDY. Madam President, a few months ago, the American Immigration Lawyers Association held its second annual essay contest, entitled ''Celebrate America'' for fifth grade children across the country. The children were asked to write essays on the subject, ''Why I am Glad America is a Nation of Immigrants.''

Thousands of children entered the contest, and I congratulate all the participants. Five winners were selected, and were judged by a panel that included our colleague Senator ABRAHAM, Washington State Governor Gary Locke, New York City Mayor Rudolph Giuliani, Minnesota Supreme Court Justice Alan Page, and myself.

The winner of this year's contest is Jaclyn Mals, from Decatur Classical School in Chicago, who wrote about her great-grandfather's immigrant experience. In addition, four other students were honored for their essays—Tony Kudron of Livonia, MI, Samantha Fonseca-Moreira of Lexington, MA, Mandi Steiner of West Hills, CA, and Kayla Weinstein of Encinitas, CA. All of the essays are an expression of the pride that we all share in our immigrant heritage, and emphasize what the nation gains from immigrants.

I congratulate each of these students, and I ask unanimous consent that the five winning essays from the ''Celebrate America'' contest be printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

(By Jaclyn Mals)

MISS LIBERTY AND ME

This man, I'm told, was an immigrant,
arrived when he was young,
seven dollars in his pocket,
Spoke only a foreign tongue.

Miss Liberty greeted him at the shore,
and he smiled with great relief,
a new beginning was ahead,
in freedom, her torch did reach.

The years ahead were an adventure,
new language, new customs, and ways,
his children were his tutors,
to prosper in his days.

This man was my great grandpa,
and if you look around,
his story is quite familiar now,
in this multi-cultural crowd.

He gave us inspiration,
to welcome all who roam,
and light the way like Miss Liberty,
for those with no land to call home.

So whenever you meet a person,
who comes from a land that's not free
show them all they can be in freedom,
like Great Grandpa, Miss Liberty, and me.

WHY I'M GLAD AMERICA IS A NATION OF IMMIGRANTS

(By Tony Kudron)

Immigration has played a very important part in our country's history. Many of our past immigrants passed through Ellis Island from 1892 to 1943. It has been part of the Liberty National Monument since 1965. Many of today's immigrants come to the United States to be reunited with their families. Others come here seeking employment, while others look for political freedom.

My story of immigration is about my sister, Mia. She was adopted from Seoul, Korea. One of the steps in the adoption process was to petition the Department of INS. The Immigration and Naturalization Service is our country's government agency that administers our country's immigration laws and procedures. Our social worker helped us with the forms and procedures. There were several things that needed to be done, but the two most important were that my parents had to have their finger prints sent to the INS, and the other was to fill out Form I–600 to Petition to Classify Orphan as an Immediate Relative. The citizenship process took six months. The next step was to go to the INS office in Port Huron, Michigan. So, on November 15, 1996 my family went to Port Huron.

We started the afternoon off by enjoying lunch at the Thomas Edison Inn on the St. Clair River. After lunch we went to our scheduled appointment at the INS office located by the Blue Water Bridge. Mia was dressed in a red, white and blue dress and was holding the American flag. There my parents went over the paperwork with the officers and turned in Mia's green card. They gave us a copy of her green card for her baby book. Since Mia was just under two years

old, my dad signed her certificate of U.S. Citizenship for her. Now was the final step. With a very serious look on his face the INS officer read Mia the Oath of Allegiance. Mia stood on a chair in front of the officer's desk and listened carefully as if she understood, nodding her head when appropriate. It brought tears and smiles to all of our faces. She also received a letter from President Clinton congratulating her on becoming a U.S. citizen. So, I'm glad America is a nation of immigrants because without immigration to the U.S., I wouldn't have my beautiful little sister.

WHY I AM GLAD AMERICA IS A NATION OF IMMIGRANTS

(By Samantha Fonseca-Moreira)

America without immigrants, would be like a patchwork quilt without the patches. Without immigrants there would be no colors. The immigrants bring the colors to the quilt because of their different cultures, religions and skin color. They came to this country for different reasons; freedom, starting a new life, making money and worshiping any way they choose. Without immigrants America would not have become the great nation that it is today.

The thread that sews the quilt together is made from the struggles and hard times that many immigrants had to go through when they came to the United States. One of the reasons that the quilt is so strong and beautiful is that we have worked hard together to make America a better country by creating rules that are fair for everyone. The individual patches are needed to create the beauty of the quilt. Together they combined to form the patterns that make the quilt complete.

The stuffing is made up of generations and generations of new Americans that met and married, a German with an Irish, a Chinese with a Portuguese, a Greek with a French, for a Brazilian with a Canadian. Only in the United States could this be possible. They bring stories and heritages that become part of America. The quilt is a never ending project. New immigrants arrive every day creating their own patches of the American quilt.

WHY I AM GLAD AMERICA IS A NATION OF IMMIGRANTS—I CAN BE ME IN AMERICA

(By Mandi Steiner)

I am who I am, and you are who you are
If you believe in me, and I believe in you,
We each can be a shining star
In our land of the red, white, and blue.

You are my sister, and you are my brother
It doesn't matter if you are Italian or Greek,
Let's remember to be kind to each other,
And respect the language we happen to speak.

We can learn so many new things,
About all the cultures that we meet
That we can travel without wings
By talking to new friends on our street.

I greet you with ''Hola'', and you say ''Bon Jour,''
But I know what you mean by the smile on your face.
So hand in hand we walk down the block to the store,
Not ever caring about color or race.

I feel lucky to sample the flavors we share
Chop suey, chili, and falafels galore
We sing, we eat, we show that we care.
We enjoy and then come back for more.

I am who I am, and you are who you are
We have roots to keep us proud without fear
Although we may have come from very far,
In America our voice will be heard loud and clear.

IMMIGRANTS ARE THE KEY

(By Kayla Weinstein)

Do you always think the grass is green,
Morning, evening, in-between?
Look much closer and you'll see
So many colors blend to be.

So many fishes in the sea
Designs and colors running free
But all are one and come together
Making life there so much better.

Blue's not the color of the sky
Both day and night I'll tell you why,
Pinks, oranges, purples must be seen
And all the colors in-between

And what about the pot of soup?
Beans, broccoli, peas and more to scoop
Each has a flavor of its own.
Together's when its name is known.

Our country's something of the same
All people share their county's fame
Were richer when we come together
Learning, sharing makes us better.

Difference makes our nation richer
Like juice for punch in one big pitcher
Like grass, like sky, like soup, like sea
Our land of immigrants is key!

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2431. An act to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes.

H.R. 3150. An act to amend title 11, of the United States Code, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5735. A communication from the Chief of the Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''EIC Eligibility Requirements'' (RIN1545–AV62) received on June 25, 1998; to the Committee on Finance.

EC–5736. A communication from the Chief of the Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability'' (Rev. Proc. 98–38) received on June 25, 1998; to the Committee on Finance.

EC–5737. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the report of a cost comparison of the Master Personnel Records function at the Air Force Personnel Center, Randolph Air Force Base, San Antonio, Texas; to the Committee on Armed Services.

EC–5738. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the report of a cost comparison of the Supply and Transportation functions at Andersen Air Force Base, Guam; to the Committee on Armed Services.

EC–5739. A communication from the Director of the Office of Regulatory Management and Information, Office of Policy, Planning, and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Ohio'' (FRL6116–9) received on June 25, 1998; to the Committee on Environment and Public Works.

EC–5740. A communication from the Executive Director of the Presidio Trust, transmitting, pursuant to law, the report of a rule entitled ''Interim Management of the Presidio'' (RIN3212–AA00) received on June 25, 1998; to the Committee on Energy and Natural Resources.

EC–5741. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled ''Federal Supervisors and Strategic Human Resources Management''; to the Committee on Governmental Affairs.

EC–5742. A communication from the Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Reporting Requirements for Risk/Benefit Information; Amendment and Correction'' (RIN2070–AB50) received on June 25, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5743. A communication from the Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Electric Engineering, Architectural Service and Design Policies and Procedures'' (RIN0572–AA48) received on June 25, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5744. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice that a reward has been paid to Rewards Program Participant 96–21; to the Committee on Foreign Relations.

EC–5745. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Establishment of the Medicare+Choice Program'' (RIN0938–AI29) received on June 25, 1998; to the Committee on Finance.

EC–5746. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Medicare Coverage of and Payment for Bone Mass Measurements'' (RIN0938–AI89) received on June 25, 1998; to the Committee on Finance.

EC–5747. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule relative to money purchase pension plans (Rev. Proc. 98–42) received on June 25, 1998; to the Committee on Finance.

EC–5748. A communication from the National Director of the Tax Forms and Publications Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule relative to specifications for the private printing of substitute forms W–2 and W–3 (Rev. Proc. 98–33) received on June 25, 1998; to the Committee on Finance.

EC–5749. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Employment in the Senior Executive Service; Promotion and Internal Placement'' (RIN3206–AH92) received on June 25, 1998; to the Committee on Governmental Affairs.

EC–5750. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees Retirement System—Open Enrollment Act Implementation'' (RIN3206–AG96) received on June 25, 1998; to the Committee on Governmental Affairs.

EC–5751. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Retention Allowances'' (RIN3206–AI31) received on June 25, 1998; to the Committee on Governmental Affairs.

EC–5752. A communication from the Director of the Personnel and Family Readiness Division, Headquarters United Sates Marine Corps, Department of the Navy, transmitting, pursuant to law, the annual report of the retirement plan for civilian employees involved in morale, welfare and recreation support activities for calendar year 1997; to the Committee on Governmental Affairs.

EC–5753. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1997 through March 31, 1998 with an associated Director's report; to the Committee on Governmental Affairs.

EC–5754. A communication from the Interim District of Columbia Auditor, transmitting, pursuant to law, a report regarding the Water and Sewer Authority's fiscal year 1998 revenue estimate; to the Committee on Governmental Affairs.

EC–5755. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled ''Minimum Wage and Overtime Hours Report''; to the Committee on Labor and Human Resources.

EC–5756. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a rule entitled ''Waiver of Rights and Claims Under the Age Discrimination in Employment Act'' received on June 25, 1998; to the Committee on Labor and Human Resources.

EC–5757. A communication from the Members of the Railroad Retirement Board, transmitting, pursuant to law, the annual report on the financial status of the railroad unemployment insurance system for 1998; to the Committee on Labor and Human Resources.

EC–5758. A communication from the General Counsel of the National Science Foundation, transmitting, pursuant to law, the report of a rule entitled ''Antarctica; Adjustment of Civil Monetary Penalties'' received on June 25, 1998; to the Committee on Labor and Human Resources.

EC–5759. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Labeling of Drugs for Use in Milk-Producing Animals'' (Docket 96N–0007) received on June 25, 1998; to the Committee on Labor and Human Resources.

EC–5760. A communication from the Secretary of Defense, transmitting notice of military retirements; to the Committee on Armed Services.

EC–5761. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Streamlined Research and Development Contracting'' (Case 97–D002) received on June 25, 1998; to the Committee on Armed Services.

EC–5762. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a Presidential Determination entitled ''Sanctions Against Pakistan for Detonation of a Nuclear Explosive Device'' (No. 98–25); to the Committee on Foreign Relations.

EC–5763. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Passport Procedures—Amendment to Restriction of Passports Regulation'' (Notice 2632) received on June 25, 1998; to the Committee on Foreign Relations.

EC–5764. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a proposed Manufacturing License Agreement with Israel regarding aircraft components (DTC–78–98); to the Committee on Foreign Relations.

EC–5765. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a proposed Manufacturing License Agreement with Israel regarding aircraft components (DTC–77–98); to the Committee on Foreign Relations.

EC–5766. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a proposed Manufacturing License Agreement with Israel and the United Kingdom regarding aircraft components (DTC–76–98); to the Committee on Foreign Relations.

EC–5767. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a proposed Manufacturing License Agreement with Japan regarding airborne transponders (DTC–83–98); to the Committee on Foreign Relations.

EC–5768. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled ''Compensation and Conflicts-of-Interest Rules for Federal Home Loan Bank Employees'' (RIN3069–AA76) received on June 25, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–5769. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report of a rule regarding certain foreign policy-based export controls imposed on the Federal Republic of Yugoslavia received on June 25, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–5770. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, notice of a Determination regarding Export-Import Bank financing of the sale of defense articles and services to Venezuela for anti-narcotics purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC–5771. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tuberculosis in Cattle, Bison, and Captive Cervids; Indemnity for Suspects'' (Docket 98–033–1) received on June 25, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5772. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Validated Brucellosis-Free States; Oklahoma'' (Docket 98–061–1) received on June 25, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5773. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Brucellosis in Cattle; State and Area Classifications; Louisiana'' (Docket 98–068–1) received on June 25, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5774. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Indiana'' (FRL6114–8) received on June 25, 1998; to the Committee on Environment and Public Works.

EC–5775. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Disposal of Polychlorinated Biphenyls (PCB's); Final Rule'' (FRL5726–1) received on June 25, 1998; to the Committee on Environment and Public Works.

EC–5776. A communication from the Director of Publications, American Council of Learned Societies, transmitting, pursuant to law, the Council's annual report for fiscal year 1997; to the Committee on the Judiciary.

EC–5777. A communication from the Acting Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Premerger Notification; Reporting and Waiting Period Requirements'' received on June 25, 1998; to the Committee on the Judiciary.

EC–5778. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes'' (Docket 98–NM–178–AD) received on June 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5779. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' (Docket 29248) received on June 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5780. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' (Docket 29249) received on June 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5781. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of VOR Federal Airway V–405; NY'' (Docket 97–AEA–30) received on June 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5782. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of VOR Federal Airway V–605; and Withdrawal of Proposal to Establish VOR Federal Airway V–603; SC'' (Docket 95–ASO–22) received on June 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5783. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes'' (Docket 97–NM–304–AD) received on June 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5784. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Gulfstream Aerospace Corporation Model G–159 (G–I) Airplanes'' (Docket 97–NM–302–AD) received on June 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5785. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes'' (Docket 98–NM–181–AD) received on June 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5786. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; San Francisco Bay, San Francisco, CA—COTP San Francisco Bay; 98–011'' (RIN2115–AA97) received on June 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5787. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; San Francisco Bay, San Francisco, CA—COTP San Francisco Bay; 98–010'' (RIN2115–AA97) received on June 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5788. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Qualifications for Tankermen and for Persons in Charge of Transfers of Dangerous Liquids and Liquefied Gases'' (Docket 79–116) received on June 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5789. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Burlington Independence Day Fireworks, Burlington Bay, Vermont'' (Docket 01–98–058) received on June 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5790. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: City of Yonkers Fireworks, New York, Hudson River'' (Docket 01–98–044) received on June 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5791. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Kotzebue, AK'' (Docket 98–AAL–5) received on June 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5792. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Cellular One Offshore Cup; San Juan Bay and North of Old San Juan, Puerto Rico'' (Docket 07–98–037) received on June 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5793. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Independence Day Celebration Cumberland River Miles 190–191, Nashville, TN'' (Docket 08–98–025) received on June 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5794. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Anchorage Area: Groton, CT'' (Docket 01–97–014) received on June 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5795. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Deerfield Beach Super Boat Race, Deerfield Beach, Florida'' (Docket 07–98–024) received on June 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5796. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630'' (Docket 971208297–8054–02) received on June 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5797. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule regarding the commercial cod harvest in the Northeast (Docket 980318066–8066–01) received on June 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5798. A communication from the Director of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report on the Subsonic Noise Reduction Technology Program for fiscal year 1997 received on June 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5799. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Minimum Distance Separations To Mexican Broadcast Stations'' received on June 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5800. A communication from the Acting Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Amended Enforcement Policy Statement Concerning Clear and Conspicuous Disclosure in Foreign Language Advertising and Sales Materials'' received on June 25, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5801. A communication from the Chairman of the Farm Credit Insurance Corporation, transmitting, pursuant to law, the Corporation's report for calendar year 1997; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of June 26, 1998, the following reports of committees were submitted on July 2, 1998:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1752: A bill to authorize the Secretary of Agriculture to convey certain administrative sites and use the proceeds for the acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest in the State of Arizona (Rept. No. 105–233).

S. 1807: A bill to transfer administrative jurisdiction over certain parcels of public domain land in Lake County, Orgeon, to facilitate management of the land, and for other purposes (Rept. No. 105–234).

By Mr. GREGG, from the Committee on Appropriations, without amendment:

S. 2260: An original bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes (Rept. No. 105–235).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 434: A bill to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, New Mexico, to the village of El Rito and the town of Jemez Springs, New Mexico. (Rept. No. 105–236).

By Mr. MURKOWSKI, From the Committee on Energy and Natural Resources, without amendment:

H.R. 2165: A bill to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 3862 in the State of Iowa, and for other purposes (Rept. No. 105–237).

H.R. 2217: A bill to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 9248 in the State of Colorado, and for other purposes (Rept. No. 105–238).

H.R. 2841: A bill to extend the time required for the construction of a hydroelectric project (Rept. No. 105–239).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1510: A bill to direct the Secretary of the Interior and the Secretary of Agriculture to convey certain lands to the county of Rio Arriba, New Mexico (Rept. No. 105–240).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LEVIN:

S. 2261. A bill to amend chapter 63 of title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes; to the Committee on Governmental Affairs.

S. 2262. A bill to amend chapter 89 of title 5, United States Code, relating to the Federal Employees Health Benefits Program, to enable the Federal Government to enroll an employee and the family of the employee in the program when a State court orders the employee to provide health insurance coverage for a child of an employee but the employee fails to provide the coverage, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GORTON (for himself, Mr. LIEBERMAN, Mr. FAIRCLOTH, Mr. HARKIN, and Mrs. BOXER):

S. 2263. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Institutes of Health with respect to research on autism; to the Committee on Labor and Human Resources.

By Mr. HATCH:

S. 2264. A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to patriotic and national observances, ceremonies, and organizations, as title 36, Untied States Code, ''Patriotic and National Observances, Ceremonies, and Organizaitons''; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN:

S. 2261. A bill to amend chapter 63 of title 5, United States Code, to increase the amount of leave time available to a

Federal employee in any year in connection with serving as an organ donor, and for other purposes; to the Committee on Governmental Affairs.

ORGAN DONOR LEGISLATION

● Mr. LEVIN: Mr. President, I introduce legislation which would increase the amount of leave time available to a Federal employee who serves as an organ donor. Presently, Federal employees are allowed a maximum of 7 days when serving as an organ or bone-marrow donor. Although a 7 day recovery period is sufficient for bone-marrow donors, often times, the donation of an organ requires a lengthier period for recovery. This bill seeks to address this need.

Under this bill, Federal employees that serve as organ donors would be allowed to take up to 30 days of leave for recovery. Thus, this legislation provides Federal employees the security of knowing that they can take sufficient leave time when considering the option of organ donation. This will also serve as a guide for both public and private employers who may wish to provide similar benefits to their employees.

Medical technology and improved surgical techniques have improved the survival rate of persons needing an organ transplant. It is important that the Federal Government continues to do whatever it can to assist the medical community in encouraging citizens to become organ donors.

Mr. President, I ask unanimous consent that a bill summary be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

The bill would increase the current limit of 7 days to 30 days for organ donation. Recent surveys of doctors and hospitals show that the current limit, while sufficient time for bone-marrow donation, is an insufficient amount of time for organ transplant procedures, where recovery time is lengthier. This change would properly differentiate the two types of donations to reflect that difference in the time it takes to recuperate.

I would also amend the table of sections at the beginning of chapter 63 of title 5, United States Code, by adding after the item relating to section 6327 a second section 6328 which relates to absence due to funerals of fellow Federal law enforcement officers.●

By Mr. LEVIN:

S. 2262 A bill to amend chapter 89 of title 5, United States Code, relating to the Federal Employees Health Benefits Program, to enable the Federal Government to enroll an employee and the family of the employee in the program when a State court orders the employee to provide health insurance coverage for a child of an employee but the employee fails to provide the coverage, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEES HEALTH BENEFITS CHILDREN'S EQUITY ACT OF 1998

● Mr. LEVIN. Mr. President, today I introduce the Federal Employees Health Benefit Children's Equity Act of 1998.

This legislation concerns Federal employees who are under a court order to provide health insurance to their dependent children. If a Federal employee is under such a court order and his dependent children have no health insurance coverage, the Federal government would be authorized to enroll the employee in a ''family coverage'' health plan. If the employee is not enrolled in any health care plan, the Federal government would be authorized to enroll the employee in the ''family coverage'' plan of the standard option of the service benefit plan, typically Blue Cross/Blue Shield. The bill would also prevent the employee from canceling health coverage for his children for the term of the court order.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Section 1 provides the bill's short title, the ''Federal Employees Health Benefits Children's Equity Act of 1997.''

Section 2 would amend 5 U.S.C. §8905 by adding a new subsection (f) to allow an employee who is not enrolled in an FEHB plan to enroll in a plan for self and family coverage if the employee is required by a court order or administrative order to provide health insurance coverage for a child who meets the definition of ''member of family'' under 5 U.S.C. 8901(5). Moreover, if such an employee fails to enroll and cannot show that the child is covered by other health insurance, this section would require the employing agency to enroll the employee for self and family under the low-option Service Benefit Plan (currently Blue Cross/Blue Shield).

Section 2 also prescribes similar treatment for a similarly-situated employee who is enrolled as an individual in an FEHB plan. The amendment would ensure that, under the circumstances described in the preceding paragraph, the employee's enrollment would be changed to a self and family enrollment that would cover the child. An employee who did not so change his or her enrollment voluntarily would be enrolled for self and family in the same plan in which the employee was already covered as an individual, unless that plan does not provide full benefits and services where the child resides. In the latter event, the employee would be enrolled for self and family under the low-option Service Benefit Plan.

Finally, Section 2 would create the new section 8905(f) of title 5 that would bar the employee from discontinuing the self and family enrollment as long as the order remains in effect and the child continues to meet the definition in section 8901(f), unless the employee can show that the child has other health insurance.●

By Mr. GORTON (for himself, Mr. LIEBERMAN, Mr. FAIRCLOTH, Mr. HARKIN, and Mrs. BOXER):

S. 2263. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Institutes of Health with respect to research on autism; to the Committee on Labor and Human Resources.

ADVANCEMENT IN PEDIATRIC AUTISM RESEARCH ACT

● Mr. GORTON. Mr. President, today, I join with my colleagues Senators LIEBERMAN, FAIRCLOTH, HARKIN, and BOXER to introduce legislation that will build on current scientific advances in understanding autism and will promote additional research in this promising field. Many think autism is rare. In fact, it is the third most prevalent childhood disability, affecting an estimated four hundred thousand Americans and their families. It is also a condition that doctors and scientists believe can be cured. It is not something that we simply must accept.

When people think of autism they might remember the character played by Dustin Hoffman in the movie ''Rainman.'' Yet autism has many faces; it affects people from every background, social and ethnic category. Children with autism may be profoundly retarded and may never learn to speak, while others may be extremely hyperactive and bright. Some may have extraordinary talents, such as an exceptional memory or skill in mathematics. However, all share the common traits of difficulty with communication and social interaction. And for reasons we do not yet understand, eighty percent of those with autism are males.

But autism is not about statistics or medical definitions—it is about children and families. The Kruegers, from Washington state, have an all too typical story. Their little girl Chanel developed like any other child—she happily played with her parents, took her first steps, learned some of her first words and then she started to regress. In four short months, by the time she was two, Chanel had become almost completely enveloped in her own private world. Chanel's mother told me ''it was like somebody came in the middle of the night and took my child.''

Like many children with autism, the Krueger's daughter no longer responded when her parents called her name; words she once spoke clearly became garbled; and socializing became more and more difficult. Fortunately, due to her parents dedication and intervention Chanel Krueger at age 5, is doing remarkably well.

But, many autistic children completely lose the ability to interact with the outside world. The hours these kids should be spending in little league or playing with their friends are often spent staring out the window, transfixed by the dust floating in the sunlight or the pattern of leaves on the ground.

Even today, with advances in therapy and early intervention, few of these children will go to college, hold a regular job, live independently or marry. More than half never learn how to speak.

The facts about autism can be sobering—but there is hope. Early intervention and treatment has helped many

children. Science has also made great strides in understanding this disorder. We now know that autism is a biological condition, it is not an emotional problem and it is not caused by faulty parenting. Scientists believe that autism is one of the most heritable developmental disorders and is the most likely to benefit from the latest advances in genetics and neurology. Once the genetic link is discovered, the opportunitis for understanding, treating, and eventually curing autism are endless.

The promise of research is exactly why I am introducing this legislation and my colleague Representative JIM GREENWOOD has introduced similar legislation in the House. This bill will increase the federal commitment to autism research. Its cornerstone is authorization for five Centers of Excellence where basic researchers, clinicians and scientists can come together to increase our understanding of this devastating disorder.

I also want to encourage the collaboration beginning to take place between the various Institutes at the HIH conducting autism research. The bill formalizes the current autism coordinating committee and includes a mechanism to ensure public input.

While we are hoping to advance our understanding and treatment of autism through research, it is also important that pediatricians and other health professionals have the most current information so that children and their families can receive help as early as possible. The bill includes authorization for an Autism Awareness Program to educate doctors and other health professionals about autism.

Finally, the bill includes a provision to fund a gene and brain tissue bank developed from families affected with autism to be available for research purposes. This library of genetic information should be a valuable tool for researchers trying to identify the genetic basis for the disorder.

While the focus of this bill is on autism, advances in this area are also likely to shed light on related problems such as attention deficit disorder, obsessive compulsive disorder, and various seizure disorders and learning disabilities.

Research is the key to unlocking the door and freeing those with autism from the isolation and loneliness of their private world. This bill is intended to give the NIH the resources to take advantage of the tremendous opportunity before us to find more effective treatments and ultimately a cure for autism. The promise is real. Fulfillment of that promise only requires our commitment. I urge my Senate colleagues to support this important investment in the future of our children and our Nation.●

By Mr. HATCH:

S. 2264. A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to patriotic and national observances, ceremonies, and organizations, as title 36, United States Code, ''Patriotic and National Observances, Ceremonies, and Organizations''; to the Committee on the Judiciary.

PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS CODIFICATION ACT

● Mr. HATCH. Mr. President, I am pleased to introduce today the Patriotic and National Observances, Ceremonies, and Organizations Codification Act.

This legislation will codify as title 36, United States Code, certain general and permanent laws related to various Federally chartered patriotic and national observances, ceremonies, and organizations. Without making substantive changes, this bill restates existing law to remove ambiguities and inconsistencies and repeals obsolete, unnecessary, and superseded provisions.

Some of the important organizations whose charters will be codified with this legislation include, among other: The American Legion, The American Society of International Law, Army and Navy Union of the United States of America, Boy Scouts of America, Boys & Girls Clubs of America, Congressional Medal of Honor Society of the United States of America, Girl Scouts of the United States of America, Jewish War Veterans of the United States of America, Incorporated, Little League Baseball, Incorporated, National Academy of Sciences, National Fund for Medical Education, United States Olympic Committee, The American National Red Cross.

The bill was drafted by the Office of the Law Revision Counsel under the Office's statutory mandate to prepare and submit periodically to the Committee on the Judiciary of the House of Representatives, one title at a time, a restatement and revision of the general and permanent laws of the United States for enactment into positive law (2 U.S.C. 285b).●

ADDITIONAL COSPONSORS

S. 623

At the request of Mr. INOUYE, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Illinois (Ms. MOSELEY-BRAUN) were added as cosponsors of S. 623, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippines Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 980

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 980, a bill to require the Secretary of the Army to close the United States Army School of the Americas.

S. 1220

At the request of Mr. DODD, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 1220, a bill to provide a process for declassifying on an expedited basis certain documents relating to human rights abuses in Guatemala and Honduras.

S. 1423

At the request of Mr. HAGEL, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 1423, a bill to modernize and improve the Federal Home Loan Bank System.

S. 1529

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1529, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 1859

At the request of Mr. ROTH, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 1859, a bill to correct the tariff classification of 13″ televisions.

S. 1903

At the request of Mr. THOMAS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1903, a bill to prohibit the return of veterans memorial objects to foreign nations without specific authorization in law.

S. 1970

At the request of Mr. ABRAHAM, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1970, a bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

S. 1976

At the request of Mr. DEWINE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1976, a bill to increase public awareness of the plight of victims of crime with developmental disabilities, to collect data to measure the magnitude of the problem, and to develop strategies to address the safety and justice needs of victims of crime with developmental disabilities.

S. 1981

At the request of Mr. HUTCHINSON, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1981, a bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act.

S. 2022

At the request of Mr. DEWINE, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 2022, a bill to provide for the improvement of interstate criminal justice identification, information, communications, and forensics.

S. 2112

At the request of Mr. ENZI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2112, a bill to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer.

S. 2128

At the request of Mr. STEVENS, the name of the Senator from Florida (Mr. GRAHAM) was withdrawn as a cosponsor of S. 2128, a bill to clarify the authority of the Director of the Federal Bureau of Investigation regarding the collection of fees to process certain identification records and name checks, and for other purposes.

S. 2130

At the request of Mr. GRAMS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2130, a bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals.

S. 2185

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2185, a bill to protect children from firearms violence.

S. 2201

At the request of Mr. TORRICELLI, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2201, a bill to delay the effective date of the final rule promulgated by the Secretary of Health and Human Services regarding the Organ Procurement and Transplantation Network.

SENATE JOINT RESOLUTION 50

At the request of Mr. BOND, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of Senate Joint Resolution 50, a joint resolution to disapprove the rule submitted by the Health Care Financing Administration, Department of Health and Human Services on June 1, 1998, relating to surety bond requirements for home health agencies under the medicare and medicaid programs.

SENATE CONCURRENT RESOLUTION 95

At the request of Mr. DODD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of Senate Concurrent Resolution 95, a concurrent resolution expressing the sense of Congress with respect to promoting coverage of individuals under long-term care insurance.

AMENDMENT NO. 2241

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 2241 proposed to S. Con. Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2907

At the request of Mr. THURMOND, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of amendment No. 2907 proposed to S. 2057, an original bill to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENTS SUBMITTED

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

BOND (AND MIKULSKI) AMENDMENTS NOS. 3056–3057

Mr. BOND. (for himself and Ms. MIKULSKI) proposed two amendments to the bill (S. 2168) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes; as follows:

AMENDMENT NO. 3056

On page 73, line 11, strike ''$231,000,000'' and insert ''$239,000,000, including $11,000,000 for assisting state and local governments in preparing for and responding to terrorist incidents''.

On page 42, line 14, strike ''$1,000,826,000'' and insert ''992,826,000''.

AMENDMENT NO. 3057

On page 16, line 20, insert the following:

''SEC. 110. LAND CONVEYANCE, RIDGECREST CHILDREN'S CENTER, ALABAMA.

(a) CONVEYANCE.—The Secretary of Veterans Affairs may convey, without consideration, to the Board of Trustees of the University of Alabama, all right, title, and interest of the United States in and to the parcel of real property, including any improvements thereon, described in subsection (b).

(b) COVERED PARCEL.—The parcel of real property to be conveyed under subsection (a) is the following: A parcel of property lying in the northeast quarter of the southwest quarter, section 28, township 21 south, range 9 west, Tuscaloosa County, Alabama, lying along and adjacent to Ridgecrest (Brewer's Porch) Children's Center being more particularly described as follows: As a point of commencement start at the southeast corner of the north half of the southwest quarter run in an easterly direction along an easterly projection of the north boundary of the southwest quarter of the southwest quarter for a distance of 888.52 feet to a point; thence with a deflection angle to the left of 134 degrees 41 minutes run in a northwesterly direction for a distance of 1164.38 feet to an iron pipe; thence with a deflection angle to the left of 75 degrees 03 minutes run in an southwesterly direction for a distance of 37.13 feet to the point of beginning of this parcel of property; thence continue in this same southwesterly direction along the projection of the chain link fence for a distance of 169.68 feet to a point; thence with an interior angle to the left of 63 degrees 16 minutes run in a northerly direction for a distance of 233.70 feet to a point; thence with an interior angle to the left of 43 degrees 55 minutes run in a southeasterly direction for a distance of 218.48 feet to the point of beginning, said parcel having an interior angle of closure of 72 degrees 49 minutes, said parcel containing 0.40 acres more or less, said parcel of property is also subject to all rights-of-way, easements, and conveyances heretofore given for this parcel of property.

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

On page 55, after line 13, insert the following new sections and designate, accordingly:

''SEC. . TECHNICAL CORRECTIONS TO THE DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998.

(a) SECTION 8 CONTRACT RENEWAL POLICY FOR FY 1999 AND SUBSEQUENT YEARS.—Section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 is amended——

(1) in subsection (a)(2), by inserting after ''Notwithstanding paragraph (1)'' the following ''and subject to section 516 of this subtitle''; and

(2) by inserting at the end the following new subsections''

''(b) INAPPLICABILITY TO PROJECTS SUBJECT TO RESTRUCTURING.—This section shall not apply to projects restructured under this subtitle.

''(c) SAVINGS PROVISIONS.—Upon the repeal of this subtitle pursuant to section 579, the provisions of sections 512(2) and 516 (as in effect immediately before such repeal) shall apply with respect to this section.''.

(b) REPEAL OF CONTRACT RENEWAL AUTHORITY UNDER SECTION 405(a).—Section 405(a) of The Balanced Budget Downpayment Act, I is hereby repealed.

(c) EXEMPTIONS FROM RESTRUCTURING.—(1) Section 514(h)(1) of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, is amended to read as follows:

(1) the primary financing for the project was provided by a unit of State government or a unit of general local government (or an agency or instrumentality of either) and the primary financing involves mortgage insurance under the National Housing Act, such that implementation of a mortgage restructuring and rental assistance sufficiency plan under this Act would be in conflict with applicable law or agreements governing such financing;''.

(2) Section 524(a)(2)(B) is amended by striking ''and financing'' and inserting ''and the primary financing''.

(d) MANDATORY RENEWAL OF PROJECT-BASED ASSISTANCE.—Section 515(c)(1) is amended by inserting ''or'' after the semicolon at the end of subparagraph (B).

(e) PARTIAL PAYMENTS OF CLAIMS.—Section 514 of the National Housing Act is amended by—

(1) by striking ''1978 or'' and inserting ''1978) or ''; and

(2) by striking ''))'' and inserting ''))''.''

On page 56, line 17, after the word ''That'' insert '', of the funds made available under this heading,''.

On page 69, line 15, following the last proviso and prior to the period, insert the following:

''*: Provided further,* That, notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, as amended, the limitation on the amounts in a water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts a State has heretofore included, or will hereafter include, as principal in loans made by such fund to eligible borrowers where such amounts represent costs of administering the fund, except that such amounts heretofore or hereafter included in loans shall be accounted for separately from other assets in the fund, shall only be used for purposes of administering the fund and shall not exceed an amount that the Administrator deems reasonable''

On page 70, line 3, insert the following: ''(a) LIMITATION ON FUNDS USED TO ENFORCE REGULATIONS REGARDING ANIMAL FATS AND VEGETABLE OILS.—None of the funds made available by this Act or subsequent Acts may be used by the Environmental Protection Agency to issue, implement, or enforce a regulation or to establish an interpretation or guideline under the Edible Oil Regulatory Reform Act (Public Law 104–55) or the amendments made by that Act, that does not recognize and provide for, with respect to fats, oils, and greases (as described in that Act, or the amendments made by that Act) differences in—

(1) physical, chemical, biological and other relevant properties; and

(2) environmental effects.

(b) DEADLINE FOR PROMULGATION OF REGULATIONS.—Not later than March 31, 1999, the Administrator of the Environmental Protection Agency shall issue regulations amending 40 C.F.R. 112 to comply with the requirements of Public Law 104–55.''

On page 55, after line 13, insert the following new section:

SEC. . CLARIFICATION OF OWNER'S RIGHT TO PREPAY.

(a) PREPAYMENT RIGHT.—Notwithstanding section 211 of the Housing and Community Development Act of 1987 or section 221 of the Housing and Community Development Act of 1987 (as in effect pursuant to section 604(c) of the Cranston-Gonzalez National Affordable Housing Act), subject to subsection (b), with respect to any project that is eligible low-income housing (as that term is defined in section 229 of the Housing and Community Development Act of 1987)—

(1) the owner of the project may prepay, and the mortgagee may accept prepayment of, the mortgage on the project, and

(2) the owner may request voluntary termination of a mortgage insurance contract with respect to such project and the contract may be terminated notwithstanding any requirements under sections 229 and 250 of the National Housing Act.

(b) CONDITIONS.—Any prepayment of a mortgage or termination of an insurance contract authorized under subsection (a) may be made—

(1) only to the extent that such prepayment or termination is consistent with the terms and conditions of the mortgage on or mortgage insurance contract for the project; and

(2) only if owner of the project involved agrees not to increase the rent charges for any dwelling unit in the project during the 60-day period beginning upon such prepayment or termination.

COATS AMENDMENT NO. 3058

(Ordered to lie on the table.)

Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2168, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. URBAN HOMESTEAD PROVISIONS.

(a) DEFINITIONS.—In this section:

(1) COMMUNITY DEVELOPMENT CORPORATION.—The term ''community development corporation'' means a nonprofit organization whose primary purpose is to promote community development by providing housing opportunities to low-income families.

(2) COST RECOVERY BASIS.—The term ''cost recovery basis'' means, with respect to any sale of a project or residence by a unit of general local government to a community development corporation under subsection (b)(3)(B), that the purchase price paid by the community development corporation is less than or equal to the costs incurred by the unit of general local government in connection with such project or residence during the period beginning on the date on which the unit of general local government acquires title to the multifamily housing project or residential property under subsection (b)(1) and ending on the date on which the sale is consummated.

(3) LOW-INCOME FAMILIES.—The term ''low-income families'' has the same meaning as in section 3(b) of the United States Housing Act of 1937.

(4) MULTIFAMILY HOUSING PROJECT.—The term ''multifamily housing project'' has the same meaning as in section 203 of the Housing and Community Development Amendments of 1978.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(6) SEVERE PHYSICAL PROBLEMS.—A dwelling unit shall be considered to have ''severe physical problems'' if such unit—

(A) lacks hot or cold piped water, a flush toilet, or both a bathtub and a shower in the unit, for the exclusive use of that unit;

(B) on not less than 3 separate occasions, during the preceding winter months was uncomfortably cold for a period of more than 6 consecutive hours due to a malfunction of the heating system for the unit;

(C) has no functioning electrical service, exposed wiring, any room in which there is not a functioning electrical outlet, or has experienced not less than 3 blown fuses or tripped circuit breakers during the preceding 90-day period;

(D) is accessible through a public hallway in which there are no working light fixtures, loose or missing steps or railings, and no elevator; or

(E) has severe maintenance problems, including water leaks involving the roof, windows, doors, basement, or pipes or plumbing fixtures, holes or open cracks in walls or ceilings, severe paint peeling or broken plaster, and signs of rodent infestation.

(7) SINGLE FAMILY RESIDENCE.—The term ''single family residence'' means a 1- to 4-family dwelling that is held by the Secretary.

(8) SUBSTANDARD MULTIFAMILY HOUSING PROJECT.—A multifamily housing project is ''substandard'' if not less than 25 percent of the dwelling units of the project have severe physical problems.

(9) UNIT OF GENERAL LOCAL GOVERNMENT.—The term ''unit of general local government'' has the same meaning as in section 102(a) of the Housing and Community Development Act of 1974.

(10) UNOCCUPIED MULTIFAMILY HOUSING PROJECT.—The term ''unoccupied multifamily housing project'' means a multifamily housing project that the unit of general local government certifies in writing is not inhabited.

(b) DISPOSITION OF UNOCCUPIED AND SUBSTANDARD PUBLIC HOUSING.—

(1) TRANSFER OF OWNERSHIP TO UNITS OF GENERAL LOCAL GOVERNMENT.—Notwithstanding section 203 of the Housing and Community Development Amendments of 1978 or any other provision of Federal law pertaining to the disposition of property, the Secretary shall transfer ownership of any unoccupied multifamily housing project, substandard multifamily housing project, or other residential property that is owned by the Secretary to the appropriate unit of general local government for the area in which the project or residence is located in accordance with paragraph (2), if the unit of general local government enters into an agreement with the Secretary described in paragraph (3).

(2) TIMING.—

(A) IN GENERAL.—Any transfer of ownership under paragraph (1) shall be completed—

(i) with respect to any multifamily housing project owned by the Secretary that is determined to be unoccupied or substandard before the date of enactment of this Act, not later than 1 year after that date of enactment; and

(ii) with respect to any multifamily housing project or other residential property acquired by the Secretary on or after the date of enactment of this Act, not later than 1 year after the date on which the project is determined to be unoccupied or substandard or the residence is acquired, as appropriate.

(B) SATISFACTION OF INDEBTEDNESS.—Prior to any transfer of ownership under subparagraph (A), the Secretary shall satisfy any indebtedness incurred in connection with the project or residence at issue, either by—

(i) cancellation of the indebtedness; or

(ii) reimbursing the unit of general local government to which the project or residence is transferred for the amount of the indebtedness.

(3) SALE TO COMMUNITY DEVELOPMENT CORPORATIONS.—An agreement is described in this paragraph if it is an agreement that requires a unit of general local government to dispose of the multifamily housing project or other residential property in accordance with the following requirements:

(A) NOTIFICATION TO COMMUNITY DEVELOPMENT CORPORATIONS.—Not later than 30 days after the date on which the unit of general local government acquires title to the multifamily housing project or other residential property under paragraph (1), the unit of general local government shall notify community development corporations located in the State in which the project or residence is located—

(i) of such acquisition of title; and

(ii) that, during the 6-month period beginning on the date on which such notification is made, such community development corporations shall have the exclusive right under this subsection to make bona fide offers to purchase the project or residence on a cost recovery basis.

(B) RIGHT OF FIRST REFUSAL.—During the 6-month period described in subparagraph (A)(ii)—

(i) the unit of general local government may not sell or offer to sell the multifamily housing project or other residential property other than to a party notified under subparagraph (A), unless each community development corporation notifies the unit of general local government that the corporation will not make an offer to purchase the project or residence; and

(ii) the unit of general local government shall accept a bona fide offer to purchase the project or residence made during such period if the offer is acceptable to the unit of general local government, except that a unit of general local government may not sell a project or residence to a community development corporation during that 6-month period other than on a cost recovery basis.

(C) OTHER DISPOSITION.—During the 6-month period beginning on the expiration of

the 6-month period described in subparagraph (A)(ii), the unit of general local government shall dispose of the multifamily housing project or other residential property on a negotiated, competitive bid, or other basis, on such terms as the unit of general local government deems appropriate.

(c) EXEMPTION FROM PROPERTY DISPOSITION REQUIREMENTS.—No provision of the Multifamily Housing Property Disposition Reform Act of 1994, or any amendment made by that Act, shall apply to the disposition of property in accordance with this section.

(d) TENANT LEASES.—This section shall not affect the terms or the enforceability of any contract or lease entered into before the date of enactment of this Act.

(e) PROCEDURES.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish, by rule, regulation, or order, such procedures as may be necessary to carry out this section.

MCCAIN (AND ROCKEFELLER) AMENDMENT NO. 3059

(Ordered to lie on the table.)

Mr. MCCAIN (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by them to the bill, S. 2168, supra; as follows:

On page 93, between lines 18 and 19, insert the following:

SEC. 423. Effective as of the date of enactment of the Transportation Equity Act for the 21st Century (Public Law 105–178), the Veterans Benefits Act of 1998 (subtitle B of title VIII of the Transportation Equity Act for 21st Century) is repealed and shall be treated as if not enacted.

MCCAIN AMENDMENT NO. 3060

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 2168, supra; as follows:

On page 93, between lines 18 and 19, insert the following:

SEC. 423. (a) Each entity that receives a grant from the Federal Government for purposes of providing emergency shelter for homeless individuals shall—

(1) ascertain, to the extent practicable, whether or not each adult individual seeking such shelter from such entity is a veteran; and

(2) provide each such individual who is a veteran such counseling relating to the availability of veterans benefits (including employment assistance, health care benefits, and other benefits) as the Secretary of Veterans Affairs considers appropriate.

(b) The Secretary of Veterans Affairs and the Secretary of Housing and Urban Development shall jointly coordinate the activities required by subsection (a).

(c) Entities referred to in subsection (a) shall notify the Secretary of Veterans Affairs of the number and identity of veterans ascertained under paragraph (1) of that subsection. Such entities shall make such notification with such frequency and in such form as the Secretary shall specify.

(d) Notwithstanding any other provision of law, an entity referred to subsection (a) that fails to meet the requirements specified in that subsection shall not be eligible for additional grants or other Federal funds for purposes of carrying out activities relating to emergency shelter for homeless individuals.

ADDITIONAL STATEMENTS

REAUTHORIZING THE OFFICE OF THE DRUG CZAR

● Mr. WYDEN. Mr. President, for the past two weeks I have been working with Senator GORDON SMITH, Senator BIDEN and others to reach an agreement so that the legislation reauthorizing the office of the so-called Drug Czar, H.R. 2610, can move forward. I do not object to the reauthorization, but have been prevented from offering an amendment to the measure and will not give my consent to adoption of the Drug Czar bill until we have reached agreement on my amendment. The amendment I wish to offer is bipartisan legislation Senator GORDON SMITH and I have sponsored in response to the gun violence that struck Thurston High School in Springfield, Oregon. The bill, S. 2169, would provide an incentive for states to enact a 72-hour holding period for students that bring guns to schools so that the students who bring guns to school may be fully and thoroughly evaluated by professionals. The President has endorsed our proposal, and it is my hope that we can reach a consensus that allows the Senate to pass both the Drug Czar measure and the Wyden-Smith bill.●

TRADE LAW ENFORCEMENT IMPROVEMENT ACT OF 1998

● Mr. ABRAHAM. Mr. President, on Friday, June 26th, the day the Senate adjourned for the July 4th recess, I introduced the Trade Law Enforcement Improvement Act of 1998. This bill would clarify an ambiguity in an important U.S. antitrust law and thereby ensure that U.S. law will be effectively utilized to combat anticompetitive foreign cartels, acts, and conspiracies designed to unfairly exclude American products from overseas markets.

The principal aim of my bill is to codify the U.S. Department of Justice's (DOJ) current—and correct—interpretation of the Foreign Trade Antitrust Improvements Act of 1982 (FTAIA) which is currently embodied in Footnote 62 of the International Antitrust Guidelines. This footnote makes it clear that there are no unnecessary jurisdictional obstacles to challenging anticompetitive acts and conspiracies that take place outside our borders.

The FTAIA authorized the U.S. to assert jurisdiction over anticompetitive conduct abroad that has a ''direct, substantial and reasonably foreseeable'' effect on export trade or commerce or those engaged in export trade or commerce with foreign nations. However, in 1998 DOJ issued International Enforcement Guidelines which included Footnote 159, a new interpretation of FTAIA confining U.S. enforcement efforts solely to anticompetitive conduct that affected U.S. consumers, without regard to its effect on U.S. exporters. Specifically, the footnote announced that henceforth ''the Department [would be] concerned only with adverse effects on competition that would harm U.S. consumers * * *.''

Fortunately, in 1992, DOJ announced that Footnote 159 would be superseded by a policy which recognized that harm to U.S. exporters was sufficient to trigger an antitrust enforcement action regardless of whether there were harmful effects on U.S. consumers. Thus, the interpretation was revised to affirmatively permit DOJ to enforce ''our antitrust laws against anticompetitive practices that harm U.S. commerce.'' That interpretation now appears in Footnote 62 of the current International Enforcement Guidelines.

While the correction to Footnote 159 was drafted by Assistant Attorney General Jim Rill in the Bush Administration, it is important to note that it has been fully endorsed by the Clinton Administration. Assistant Attorneys General Rill, Bingaman, and Klein should all be recognized and commended for their strong leadership in strengthening international antitrust enforcement and for bringing cases under the authority of the FTAIA.

Let me describe why this provision in our trade law is so important and why it is crucial that it be properly interpreted and enforced.

The opening of global markets has advanced America's current economic prosperity, but it also poses fundamental challenges for U.S. antitrust laws. One example is the U.S. flat glass industry. For the better part of a decade, America's leading flat glass producers have been seeking access to the Japanese market, the largest and richest in Asia. American companies are already leaders in producing and selling high-quality innovative glass products around the world. U.S. firms have been very successful in Europe, Asia, the Middle East, and Latin America—but not yet Japan. The fact is that securing effective distribution channels for American glass has not proved to be a significant barrier to entry in any country other than Japan.

It is not for a lack of trying. In 1992, President Bush and Japanese Prime Minister Miyazawa negotiated an agreement in which Japan committed that the Japan Fair Trade Commission (JFTC) would study anticompetitive practices in the flat glass sector. For over a quarter-century, the Japanese market has been controlled by a cartel, consisting of the three leading Japanese producers—Asahi, Nippon, and Central. Because of the cartel, market shares for the three companies have been remarkably constant: Asahi has had a 50% market share, Nippon has had 30%, and Central has had 20% for nearly three decades, while other major markets in Europe and North America have undergone dramatic competitive shifts.

When the JFTC, one year later, issued its report, it found a long-standing history of anticompetitive practices in the Japanese flat glass industry, but concluded that enforcement action was ''inappropriate.''

In 1995, the Clinton Administration concluded a new trade agreement in the U.S.-Japan Framework talks. Japan committed to ''deal with structural and sectoral issues in order substantially to increase access and sales of competitive foreign goods and services.'' For their part, Japanese flat glass manufacturers and distributors pledged publicly that the market would be open on a non-discriminatory basis for competition by all suppliers, foreign and domestic alike. It was agreed that the U.S. and Japanese Governments would jointly monitor progress to verify that Japanese distributors would deal in imported glass, ''recognizing that token dealings or use does not demonstrate diversification of supply sources.''

So what happened? Trade agreements have done nothing to shake the glass cartel's stranglehold on Japan's distribution system. Instead, despite a remarkable series of U.S.-Japan trade agreements, commitments, and undertakings, the market share of U.S. producers has increased from 1.0% to 1.5%, even though imported foreign-affiliated glass costs about 30% less. In short, despite years of intensive efforts by U.S. negotiators, an illegal cartel continues to control the Japanese glass market to the exclusion of U.S. producers.

Two weeks ago, Deputy U.S. Trade Representative Richard Fisher presented the latest U.S. proposal to the Government of Japan. The proposal was drafted by the Antitrust Division of DOJ. USTR is asking the Japanese Government to establish antitrust-type compliance plans for its glass sector that would be modeled on the compliance plans currently in effect at most major U.S. corporations. In other words, we are not asking anything from Japanese companies that we do not already expect of U.S. companies. But reportedly senior Japanese officials flatly rejected the U.S. proposal, making it clear that they have little regard for robust compliance plans that would deter anticompetitive conduct on the part of management and sales personnel.

Mr. President, it is precisely such intractable trade disputes that the FTAIA was intended to address, and it is vital that we make use of the one instrument we currently have at our disposal to rectify such problems. Given the confusion and uncertainty that has surrounded this provision of our antitrust trade law due to the conflicting interpretations that various administrations have attached to it, it is important for us to eliminate any vestige of ambiguity that may still remain even after we have gone back to its original interpretation.

By clarifying the jurisdictional requirements of the FTAIA, it is my hope that we can encourage DOJ and injured U.S. industries to make broad use of this important power by challenging cartels, such as those blocking distribution of U.S. flat glass in Japan, in the U.S. courts, before U.S. juries, under U.S. law. My bill makes simply a straightforward point: anticompetitive foreign cartels and conspiracies are subject to U.S. antitrust laws, and foreign companies who engage in such activities will be held accountable and dealt with accordingly. We must ensure that American firms and workers have a timely and effective remedy against those who would engage in anticompetitive acts designed to exclude American products or services from the international marketplace.

Mr. President, I ask that the text of the bill be printed in the RECORD, and I urge my colleagues to review this legislation and to cosponsor and support it.

The text of the bill follows:

S. 2252

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Trade Law Enforcement Improvement Act of 1998.''.

SEC. 2 AMENDMENTS.

(a) AMENDMENT OF THE SHERMAN ACT.—Section 7 of the Sherman Act (15 U.S.C. 6a) is amended by striking the period at the end and inserting the following: ''and without regard to the effect of such conduct on consumers in the United States. A determination of whether the effects of such conduct is substantial may be made solely with reference to the product or type of product affected by the conduct and the geographical area in which the conduct occurs.''.

(b) AMENDMENT TO THE FEDERAL TRADE COMMISSION ACT.—Section 5(a)(3) of the Federal Trade Commission Act (15 U.S.C. 45(a)(3)) is amended by striking the period at the end and inserting the following: ''and without regard to the effect of such methods of competition on consumer in the United States. A determination of whether the effect of such methods of competion is substantial may be made solely with reference to the product or type of product affected by such methods of competition and the geographical area in which such methods of competition occur.''.●

STROM THURMOND DEFENSE AUTHORIZATION BILL

● Mr. DODD. Mr. President, I rise to commend the Chairman and Ranking Member of the Senate Armed Services Committee for their fine work on the Strom Thurmond Defense Authorization Bill which passed the Senate by a vote of 88–4 on June 25th of this year. The nearly unanimous support by this body for this $270 billion authorization bill is a real tribute to their diligence and foresight.

This bill will deservedly bear the name of my good friend Chairman THURMOND in recognition of his lifelong commitment to the defense of this nation. Some may think that the Chairman s devotion to national defense began with his assignment to the Armed Services Committee some forty years ago, but they would be mistaken. In fact, Senator THURMOND joined the Army reserves in 1924. Shortly after the United States declared war against Imperial Japan and Nazi Germany in 1941, at the age of 39, Senator THURMOND resigned his judgeship and joined the Army. As a member of the elite 82nd Airborne Unit, he worked behind enemy lines in advance of the D-Day invasion force which landed 54 years ago this month. He won a Legion of Merit and rose to the rank of Major General in the Army Reserve. So Senator THURMOND has not only played a major role in developing national defense policy, but he has literally stood at the vanguard in the defense of this nation.

The bill bears the imprint of his strong commitment to the national defense. In addition to procuring world-class weapons systems and preserving troop readiness, the bill includes a 3.6% pay increase for our soldiers, sailors, airmen and marines. The men and women who serve on the front lines deserve that increase for their determination and commitment in defending this nation.

For the retirees who served in the Armed Forces for most of their lives, this bill includes three health care demonstration projects. The goal is to provide the best possible health care to the protectors of this nation by eliminating the weaknesses of the present system.

The bill provides $2.7 billion for the second New Attack Submarine which will be built by Electric Boat and Newport News Shipbuilding. These two shipyards, the finest in the nation, will continue to build the world s most capable submarines.

I am concerned, however, by reports that the Navy's strength may drop below 300 ships and the attack submarine force below 50 submarines. Recent events in the Persian Gulf and on the Indian subcontinent should serve as reminders that we face an uncertain future. We must not allow ourselves to be lulled into a false sense of security that would have us cut the number of submarines to less than half of Cold War levels. After all, a couple of submarines can cut off the world's supply of oil from the Persian Gulf. We have worked too hard during two world wars and the Cold War to let our guard down now, and I believe we must remain vigilant.

The Senate Armed Services Committee deserves praise for adding eight UH–60 Blackhawk helicopters to the President's request for a total of 34 Blackhawk-type helicopters. Four of these versatile aircraft will be delivered to the Navy, twelve will be delivered to the Army, and eighteen will go to the National Guard. Most of the Blackhawks will replace Vietnam-era Huey helicopters that cannot meet everyday commitments. I hope that we will see a larger request from the President next year in recognition of the needs of all three services.

Finally, this bill fully funds other vitally important defense programs, including the Comanche helicopter, the C–17 cargo aircraft, the F–22 fighter and the JSTARS aircraft. These systems will be elements in this nation's

arsenal for decades to come. The Committee's careful consideration of these programs led them to decisions that I whole-heartedly support.

As a whole, the bill is good for this nation's defense and it is vitally important in the less-predictable world of today. I am proud to stand with my colleagues on the Committee and the vast majority of the Senate in supporting this bill.●

CBO COST ESTIMATE—S. 1403

● Mr. MURKOWSKI. Mr. President, when the Committee on Energy and Natural Resources filed its report on S. 1403, the National Historic Lighthouse Preservation Act of 1998, the estimate of the Congressional Budget Office was not available. The estimate has since been received and I ask that it be printed in the RECORD for the information of the Senate.

The material follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 29, 1998.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1403, the National Historic Lighthouse Preservation Act of 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis (for Federal costs) and Marjorie Miller (for the state and local impact).

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

S. 1403—National Historic Lighthouse Preservation Act of 1998

Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 1403 would cost the federal government less than $500,000 annually beginning in fiscal year 1999. Because the bill could increase direct spending, pay-as-you-go procedures would apply. CBO estimates, however, that any such effects would be negligible. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

S. 1403 would create two programs related to historic lighthouses. The first of these would be a program to preserve national historic lighthouses, under which the National Park Service (NPS) would collect information about such facilities and would support related education and research projects. The second would be a process under which the federal government—acting through the NPS and the General Services Administration (GSA—would convey or sell surplus lighthouses to nonfederal entities. The bill would authorize the appropriation of whatever amounts are necessary to carry out these programs. In addition, proceeds from any sales of lighthouses under the bill could be spent without further appropriation for the NPS's national maritime heritage grant program. Under existing law, proceeds from sales of property such as lighthouses are treated as offsetting receipts and cannot be spent without appropriation action.

The NPS, GSA, and other federal agencies, such as the U.S. Coast Guard, already perform many of the duties that would be required by S. 1403, including both preserving historic lighthouses and disposing of surplus stations. Based on information provided by the NPS, CBO estimates that the federal government would spend less than $500,000 annually in appropriated funds to carry out the more formal preservation program required by this legislation and to process lighthouse conveyances under the new disposal process.

CBO estimates that any effect on direct spending would be insignificant because the government would be as unlikely to sell any lighthouses under this legislation as it is under existing authorities. Entities eligible to receive title to historic lighthouses under this bill would include state and local agencies. Participation by such agencies and any related costs would be voluntary on their part.

The CBO staff contacts are Deborah Reis (for federal costs) and Marjorie Miller (for the state and local impact). This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.●

REMARKS HONORING THE 25TH ANNIVERSARY OF THE CHILDREN'S PROGRAM OF NORTHERN IRELAND

● Mr. WELLSTONE. Mr. President, I rise today to mark a significant milestone: the Minnesota-based Children's Program of Northern Ireland is celebrating its 25th anniversary this summer.

This important program began in 1973 when one nine-year-old from Belfast, David Hughes, traveled to Minnesota and stayed with Roy and Ruth Lerud of Twin Valley.

From this simple beginning, wondrous things have happened.

During the following summer, Rotary Clubs in Hibbing, Minnesota, and Belfast, Northern Ireland, joined together to bring 120 children, ages 10–11, to Minnesota host families.

And now, 25 years later, the program can boast that more than 4,000 children have come to Minnesota and neighboring states. These children have had their lives touched in immeasurable ways. And they have touched the lives of untold thousands of Minnesotans.

The Children's Program of Northern Ireland was the first of its kind in the nation. It is now the blueprint of 25 other, similar programs throughout America which bring children to Minnesota for a summer of peace and understanding.

Something important is at work here—Minnesotans are working to bring about peace, one child at a time. When the good people of Minnesota got involved in this program 25 years ago it was because they saw the need and stepped in to fill it. There were no Presidential Commissions or calls by Congress asking citizens to become involved. Rather, there were everyday heroes and heroines who tried to make their world better by opening their homes to a child from a troubled part of the world.

And they have succeeded.

Rotary is proud, and rightly so, of its motto ''Service Above Self.'' The Hibbing Rotary Club and the Belfast Rotary Club, in 1974, were living embodiments of this motto, as are all the people throughout Minnesota and Northern Ireland whose hard work and dedication have made this program such an enduring success.

From the beginning these selfless efforts have been driven by volunteers. I would like to recognize, on the floor of the United States Senate, two of those volunteers. Hazel Busby is the coordinator in Belfast. She has been a tireless and enthusiastic volunteer for many, many years. I also would like to recognize Kathy Schultz, who is the current American board president. Both of these women merit the highest recognition for their contributions toward achieving peace in our time.

None of us can know exactly how significant these Minnesota efforts have been in bringing peace and understanding to our world. However, we can know that the work of these fine people has brought a large measure of peace and understanding to untold thousands on both sides of the Atlantic. And that, in and of itself, merits recognition and highest praise.●

STROM THURMOND NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (S. 2057), passed by the Senate on June 25, 1998, is as follows:

S. 2057

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

SECTION 1. SHORT TITLE.

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

(1) Senator Strom Thurmond of South Carolina first became a member of the Committee on Armed Services of the United States Senate on January 19, 1959. His continuous service on that committee covers more than 75 percent of the period of the existence of the committee, which was established immediately after World War II, and more than 20 percent of the period of the existence of military and naval affairs committees of Congress, the original bodies of which were formed in 1816.

(2) Senator Thurmond came to Congress and the committee as a distinguished veteran of service, including combat service, in the Armed Forces of the United States.

(3) Senator Thurmond was commissioned as a reserve second lieutenant of infantry in 1924. He served with great distinction with the First Army in the European Theater of Operations during World War II, landing in Normandy in a glider with the 82nd Airborne Division on D-Day. He was transferred to the Pacific Theater of Operations at the end of the war in Europe and was serving in the Philippines when Japan surrendered.

(4) Having reverted to Reserve status at the end of World War II, Senator Thurmond was promoted to brigadier general in the United States Army Reserve in 1954. He served as President of the Reserve Officers Association beginning that same year and ending in 1955. Senator Thurmond was promoted to major general in the United States Army Reserve in 1959. He transferred to the Retired Reserve on January 1, 1965, after 36 years of commissioned service.

(5) The distinguished character of Senator Thurmond's military service has been recognized by awards of numerous decorations that include the Legion of Merit, the Bronze Star medal with ''V'' device, the Army Commendation Medal, the Belgian Cross of the Order of the Crown, and the French Croix de Guerre.

(6) Senator Thurmond has served as Chairman of the Committee on Armed Services of the Senate since 1995 and as the ranking minority member of the committee from 1993 to 1995. Senator Thurmond concludes his service as Chairman at the end of the One Hundred Fifth Congress, but is to continue to serve the committee as a member in successive Congresses.

(7) This Act is the fortieth annual authorization bill for the Department of Defense for which Senator Thurmond has taken a major responsibility as a member of the Committee on Armed Services of the Senate.

(8) Senator Thurmond, as officer and legislator, has made matchless contributions to the national security of the United States that, in duration and in quality, are unique.

(9) It is altogether fitting and proper that this Act, the last annual authorization Act for the national defense that Senator Thurmond manages in and for the United States Senate as Chairman of the Committee on Armed Services of the Senate, be named in his honor.

(b) SHORT TITLE.—This Act shall be cited as the ''Strom Thurmond National Defense Authorization Act for Fiscal Year 1999''.

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

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

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

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

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

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for Longbow Hellfire missile program.
Sec. 112. Condition for award of more than one multiyear contract for the family of medium tactical vehicles.
Sec. 113. Armored system modernization.
Sec. 114. Reactive armor tiles.
Sec. 115. Annual reporting of costs associated with travel of members of Chemical Demilitarization Citizens' Advisory Commission.
Sec. 116. Extension of authority to carry out Armament Retooling and Manufacturing Support Initiative.
Sec. 117. Alternative technologies for destruction of assembled chemical weapons.

Subtitle C—Navy Programs

Sec. 121. CVN–77 nuclear aircraft carrier program.
Sec. 122. Increased amount to be excluded from cost limitation for Seawolf submarine program.
Sec. 123. Multiyear procurement authority for the Medium Tactical Vehicle Replacement.
Sec. 124. Multiyear procurement authority for certain aircraft programs.

Subtitle D—Air Force Programs

Sec. 131. Joint Surveillance Target Attack Radar System.
Sec. 132. Limitation on replacement of engines on military aircraft derived from Boeing 707 aircraft.
Sec. 133. F–22 aircraft program.
Sec. 134. C–130J aircraft program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

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

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Crusader self-propelled artillery system program.
Sec. 212. CVN–77 nuclear aircraft carrier program.
Sec. 213. Unmanned aerial vehicle programs.
Sec. 214. Airborne Laser Program.
Sec. 215. Enhanced Global Positioning System program.
Sec. 216. Manufacturing Technology Program.
Sec. 217. Authority for use of major range and test facility installations by commercial entities.
Sec. 218. Extension of authority to carry out certain prototype projects.
Sec. 219. NATO alliance ground surveillance concept definition.
Sec. 220. NATO common-funded civil budget.
Sec. 221. Persian Gulf illnesses.
Sec. 222. DOD/VA Cooperative Research Program.
Sec. 223. Low Cost Launch Development Program.

Subtitle C—Other Matters

Sec. 231. Policy with respect to ballistic missile defense cooperation.
Sec. 232. Review of pharmacological interventions for reversing brain injury.
Sec. 233. Landmines.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from the National Defense Stockpile Transaction Fund.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 311. Special Operations Command counterproliferation and counterterrorism activities.
Sec. 312. Tagging system for identification of hydrocarbon fuels used by the Department of Defense.
Sec. 313. Pilot program for acceptance and use of landing fees charged for use of domestic military airfields by civil aircraft.
Sec. 314. NATO common-funded military budget.

Subtitle C—Environmental Provisions

Sec. 321. Transportation of polychlorinated biphenyls from abroad for disposal in the United States.
Sec. 322. Modification of deadline for submittal to Congress of annual reports on environmental activities.
Sec. 323. Submarine solid waste control.
Sec. 324. Payment of stipulated penalties assessed under CERCLA.
Sec. 325. Authority to pay negotiated settlement for environmental cleanup of formerly used defense sites in Canada.
Sec. 326. Settlement of claims of foreign governments for environmental cleanup of overseas sites formerly used by the Department of Defense.
Sec. 327. Arctic Military Environmental Cooperation Program.
Sec. 328. Sense of Senate regarding oil spill prevention training for personnel on board Navy vessels.

Subtitle D—Counter-Drug Activities

Sec. 331. Patrol coastal craft for drug interdiction by Southern Command.
Sec. 332. Program authority for Department of Defense support for counter-drug activities.
Sec. 333. Southwest border fence.
Sec. 334. Revision and clarification of authority for Federal support of National Guard drug interdiction and counter-drug activities.
Sec. 335. Sense of Congress regarding priority of drug interdiction and counter-drug activities.

Subtitle E—Other Matters

Sec. 341. Liquidity of working-capital funds.
Sec. 342. Termination of authority to manage working-capital funds and certain activities through the Defense Business Operations Fund.
Sec. 343. Clarification of authority to retain recovered costs of disposals in working-capital funds.
Sec. 344. Best commercial inventory practices for management of secondary supply items.
Sec. 345. Increased use of smart cards.
Sec. 346. Public-private competition in the provision of support services.
Sec. 347. Condition for providing financial assistance for support of additional duties assigned to the Army National Guard.
Sec. 348. Repeal of prohibition on joint use of Gray Army Airfield, Fort Hood, Texas.
Sec. 349. Inventory management of in-transit secondary items.
Sec. 350. Personnel reductions in Army Materiel Command.
Sec. 351. Prohibitions regarding evaluation of merit of selling malt beverages and wine in commissary stores as exchange system merchandise.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Limited exclusions of joint duty officers from limitations on number of general and flag officers.
Sec. 403. Limitation on daily average of personnel on active duty in grades E–8 and E–9.
Sec. 404. Repeal of permanent end strength requirement for support of two major regional contingencies.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.

Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Exclusion of additional reserve component general and flag officers from limitation on number of general and flag officers who may serve on active duty.
Sec. 415. Increase in numbers of members in certain grades authorized to be on active duty in support of the reserves.
Sec. 416. Consolidation of strength authorizations for active status Naval Reserve flag officers of the Navy Medical Department staff corps.

Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Streamlined selective retention process for regular officers.
Sec. 502. Permanent applicability of limitations on years of active naval service of Navy limited duty officers in grades of commander and captain.
Sec. 503. Involuntary separation pay denied for officer discharged for failure of selection for promotion requested by the officer.
Sec. 504. Term of office of the Chief of the Air Force Nurse Corps.
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Sec. 3504. Expenditures only in accordance with treaties.
Sec. 3505. Donations to the Commission.
Sec. 3506. Agreements for United States to provide post-transfer administrative services for certain employee benefits.
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Sec. 3508. Central Examining Office.
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Sec. 3510. Placement of United States citizens in positions with the United States Government.
Sec. 3511. Panama Canal Board of Contract Appeals.
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TITLE XXXVI—COMMERCIAL ACTIVITIES OF PEOPLE'S LIBERATION ARMY

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Sec. 3702. Authorization for additional Customs personnel to monitor the importation of products made with forced or indentured labor.
Sec. 3703. Reporting requirement on forced labor or indentured labor products destined for the United States market.
Sec. 3704. Renegotiating memoranda of understanding on forced labor.
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TITLE XXXVIII—FAIR TRADE IN AUTOMOTIVE PARTS

Sec. 3801. Short title.
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Sec. 3902. Findings.

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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

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

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

(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1999 for procurement for the Army as follows:

(1) For aircraft, $1,466,508,000.

(2) For missiles, $1,175,539,000.

(3) For weapons and tracked combat vehicles, $1,443,108,000.

(4) For ammunition, $1,010,155,000.

(5) For other procurement, $3,565,927,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1999 for procurement for the Navy as follows:

(1) For aircraft, $7,499,934,000.

(2) For weapons, including missiles and torpedoes, $1,370,045,000.

(3) For shipbuilding and conversion, $6,067,272,000.

(4) For other procurement, $4,052,012,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1999 for procurement for the Marine Corps in the amount of $910,558,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for procurement of ammunition for the Navy and the Marine Corps in the amount of $476,539,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1999 for procurement for the Air Force as follows:

(1) For aircraft, $8,303,839,000.

(2) For missiles, $2,354,745,000.

(3) For ammunition, $384,161,000.

(4) For other procurement, $6,792,081,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1999 for Defense-wide procurement in the amount of $2,029,250,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1999 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

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

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

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

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

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

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

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1999 for procurement for the Inspector General of the Department of Defense in the amount of $1,300,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 1999 the amount of $780,150,000 for—

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

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

SEC. 108. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 1999 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $402,387,000.

SEC. 109. DEFENSE EXPORT LOAN GUARANTEE PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1999 for the Department of Defense for carrying out the Defense Export Loan Guarantee Program under section 2540 of title 10, United States Code, in the total amount of $1,250,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR LONGBOW HELLFIRE MISSILE PROGRAM.

Beginning with the fiscal year 1999 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract for the procurement of the Longbow Hellfire missile. The contract may be for a term of five years.

SEC. 112. CONDITION FOR AWARD OF MORE THAN ONE MULTIYEAR CONTRACT FOR THE FAMILY OF MEDIUM TACTICAL VEHICLES.

Before awarding a multiyear procurement contract for the production of the Family of Medium Tactical Vehicles to more than one contractor under the authority of section 112(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1648), the Secretary of the Army shall certify in writing to the congressional defense committees that—

(1) the total quantity of Family of Medium Tactical Vehicles trucks required by the Army to be delivered in any 12-month period exceeds the production capacity of any single prime contractor; or

(2)(A) the total cost of the procurements to the Army under all such contracts over the period of the contracts will be the same as or lower than the amount that would be the total cost of the procurements if only one such contract were awarded; and

(B) the vehicles to be produced by all contractors under the contracts will be produced with common components that will be interchangeable among similarly configured models.

SEC. 113. ARMORED SYSTEM MODERNIZATION.

(a) LIMITATION.—Of the funds authorized to be appropriated under section 101(3), $20,300,000 of the funds available for the M1A1D Application Integration Kit may not be obligated for the procurement of the Kit until 30 days after the Secretary of the Army submits the report required under subsection (b).

(b) REPORT.—Not later than January 31, 1999, the Secretary of the Army shall submit a report on armored system modernization to the congressional defense committees. The report shall contain an assessment of the current acquisition and fielding strategies for the M1A2 Abrams Tank and M2A3 Bradley Fighting Vehicle and an assessment of alternatives to those strategies. The report shall specifically include an assessment of an alternative fielding strategy that provides for placing all of the armored vehicles configured in the latest variant into one heavy corps. The assessment of each alternative strategy shall include the following:

(1) The relative effects on warfighting capabilities in terms of operational effectiveness and training and support efficiencies, taking into consideration the joint warfighting context.

(2) How the alternative strategy would facilitate the transition to the Future Scout and Cavalry System, the Future Combat System, or other armored systems for the future force structure known as the Army After Next.

(3) How the alternative strategy fits into the context of overall armored system modernization through 2020.

(4) Budgetary implications.

(5) Implications for the national technology and industrial base.

SEC. 114. REACTIVE ARMOR TILES.

(a) LIMITATION.—None of the funds authorized to be appropriated under section 101(3) or 102(b) may be obligated for the procurement of reactive armor tiles until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees the study required by subsection (c).

(b) EXCEPTION.—The limitation in subsection (a) does not apply to the obligation of any funds for the procurement of armor tiles for an armored vehicle for which the Secretary of the Army or, in the case of the Marine Corps, the Secretary of the Navy, had established a requirement for such tiles before the date of the enactment of this Act.

(c) STUDY REQUIRED.—(1) The Secretary of Defense shall contract with an entity independent of the Department of Defense to conduct a study of the present and future operational requirements of the Army and the Marine Corps for reactive armor tiles for armored vehicles and to submit to the Secretary a report on the results of the study.

(2) The study shall include the following:

(A) A detailed assessment of the operational requirements of the Army and the Marine Corps for reactive armor tiles for each of the armored vehicles presently in use, including the requirements for each vehicle in its existing configurations and in configurations proposed for the vehicle.

(B) For each armored vehicle, an analysis of the costs and benefits of the procurement and installation of the tiles, including a comparison of those costs and benefits with the costs and benefits of any existing upgrade program for the armored vehicle.

(3) The entity carrying out the study shall request the views of the Secretary of the Army and the Secretary of the Navy.

(d) SUBMISSION TO CONGRESS.—Not later than April 1, 1999, the Secretary of Defense shall submit to the congressional defense committees—

(1) the report on the study;

(2) the comments of the Secretary of the Army and the Secretary of the Navy on the study; and

(3) for each vehicle for which it is determined that a requirement for reactive armor tiles exists, the Secretary's recommendations as to the number of vehicles to be equipped with the tiles.

SEC. 115. ANNUAL REPORTING OF COSTS ASSOCIATED WITH TRAVEL OF MEMBERS OF CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSION.

(a) INFORMATION TO BE INCLUDED IN ANNUAL REPORT ON CHEMICAL DEMILITARIZATION PROGRAM.—Section 1412(g)(2) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(g)(2)) is amended by adding at the end the following:

''(C) An accounting of all funds expended (for the fiscal year covered by the report) for travel and associated travel costs for Citizens' Advisory Commissioners under section 172(g) of Public Law 102–484 (50 U.S.C. 1521 note).''.

(b) TECHNICAL AMENDMENT.—Section 1412(g) of section 1412 of such Act is amended by striking out ''(g) PERIODIC REPORTS.—''

and inserting in lieu thereof ''(g) ANNUAL REPORT.—''.

SEC. 116. EXTENSION OF AUTHORITY TO CARRY OUT ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

Section 193(a) of the Armament Retooling and Manufacturing Support Act of 1992 (subtitle H of title I of Public Law 102–484; 10 U.S.C. 2501 note) is amended by striking out ''During fiscal years 1993 through 1998'' and inserting in lieu thereof ''During fiscal years 1993 through 1999''.

SEC. 117. ALTERNATIVE TECHNOLOGIES FOR DESTRUCTION OF ASSEMBLED CHEMICAL WEAPONS.

(a) PROGRAM MANAGEMENT.—The program manager for the Assembled Chemical Weapons Assessment shall continue to manage the development and testing (including demonstration and pilot-scale testing) of technologies for the destruction of lethal chemical munitions that are potential or demonstrated alternatives to incineration. In performing such function, the program manager shall act independently of the program manager for the baseline chemical demilitarization program and shall report to the Under Secretary of Defense for Acquisition and Technology.

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

(A) the technology has been demonstrated successful; and

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

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

(A) Establish program requirements.

(B) Prepare procurement documentation.

(C) Develop environmental documentation.

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

(E) Prepare to award a contract for the design, construction, and operation of a pilot facility for the technology to the provider team for the technology not later than June 1, 1999.

(c) INDEPENDENT EVALUATION.—The Under Secretary of Defense for Acquisition and Technology shall provide for two evaluations of the cost and schedule of the Assembled Chemical Weapons Assessment to be performed, and for each such evaluation to be submitted to the Under Secretary, not later than September 30, 1999. One of the evaluations shall be performed by a nongovernmental organization qualified to make such an evaluation, and the other evaluation shall be performed separately by the Cost Analysis Improvement Group of the Department of Defense.

(d) PILOT FACILITIES CONTRACTS.—(1) The Under Secretary of Defense for Acquisition and Technology shall determine whether to proceed with pilot-scale testing of a technology referred to in paragraph (2) in time to award a contract for the design, construction, and operation of a pilot facility for the technology to the provider team for the technology not later than December 30, 1999. If the Under Secretary determines to proceed with such testing, the Under Secretary shall (exercising the acquisition authority of the Secretary of Defense) so award a contract not later than such date.

(2) Paragraph (1) applies to an alternative technology for the destruction of lethal chemical munitions, other than incineration, that the Under Secretary—

(A) certifies in writing to Congress is—

(i) as safe and cost effective for disposing of assembled chemical munitions as is incineration of such munitions; and

(ii) is capable of completing the destruction of such munitions on or before the later of the date by which the destruction of the munitions would be completed if incineration were used or the deadline date for completing the destruction of the munitions under the Chemical Weapons Convention; and

(B) determines as satisfying the Federal and State environmental and safety laws that are applicable to the use of the technology and to the design, construction, and operation of a pilot facility for use of the technology.

(3) The Under Secretary shall consult with the National Research Council in making determinations and certifications for the purpose of paragraph (2).

(4) In this subsection, the term ''Chemical Weapons Convention'' means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, opened for signature on January 13, 1993, together with related annexes and associated documents.

(e) FUNDING.—(1) Of the total amount authorized to be appropriated under section 107, $18,000,000 shall be available for the program manager for the Assembled Chemical Weapons Assessment for the following:

(A) Demonstrations of alternative technologies under the Assembled Chemical Weapons Assessment.

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

(i) continued development of the technology leading to deployment of the technology for use;

(ii) satisfaction of requirements for environmental permits;

(iii) demonstration, testing, and evaluation;

(iv) initiation of actions to design a pilot plant;

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

(vi) educational outreach to the public to engender support for the deployment.

(C) The independent evaluation of cost and schedule required under subsection (c).

(2) Funds authorized to be appropriated under section 107(1) are authorized to be used for awarding contracts in accordance with subsection (d) and for taking any other action authorized in this section.

(f) ASSEMBLED CHEMICAL WEAPONS ASSESSMENT DEFINED.—In this section, the term ''Assembled Chemical Weapons Assessment'' means the pilot program carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104–208; 110 Stat. 3009–101; 50 U.S.C. 1521 note).

Subtitle C—Navy Programs

SEC. 121. CVN–77 NUCLEAR AIRCRAFT CARRIER PROGRAM.

Of the amount authorized to be appropriated under section 102(a)(3) for fiscal year 1999, $124,500,000 is available for the advance procurement and advance construction of components (including nuclear components) for the CVN–77 nuclear aircraft carrier program.

SEC. 122. INCREASED AMOUNT TO BE EXCLUDED FROM COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

Section 123(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1650) is amended by striking out ''$272,400,000'' and inserting in lieu thereof ''$557,600,000''.

SEC. 123. MULTIYEAR PROCUREMENT AUTHORITY FOR THE MEDIUM TACTICAL VEHICLE REPLACEMENT.

Beginning with the fiscal year 1999 program year, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract for the procurement of the Medium Tactical Vehicle Replacement. The contract may be for a term of five years.

SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR CERTAIN AIRCRAFT PROGRAMS.

Beginning with the fiscal year 1999 program year, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into multiyear contracts for the procurement of the following aircraft:

(1) The AV–8B aircraft.

(2) The E–2C aircraft.

(3) The T–45 aircraft.

Subtitle D—Air Force Programs

SEC. 131. JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM.

(a) AMOUNT FOR FOLLOW-ON OPTIONS.—Of the amount authorized to be appropriated under section 103(1) for the Joint Surveillance Target Attack Radar System (JSTARS) program, $72,000,000 is available for funding the following options:

(1) Advance procurement of long-lead items for two additional E–8C JSTARS aircraft.

(2) Payment of expenses associated with termination of production of JSTARS aircraft, together with augmentation of other funding for the program for development of an improved joint surveillance target attack radar, known as the radar technology insertion program.

(b) LIMITATION.—None of the funds available in accordance with subsection (a) for funding an option described in that subsection may be obligated until 30 days after the date on which the Secretary of Defense submits to Congress a plan for using the funds. The plan shall specify the option selected, the reasons for the selection of that option, and details about how the funds are to be used for that option.

SEC. 132. LIMITATION ON REPLACEMENT OF ENGINES ON MILITARY AIRCRAFT DERIVED FROM BOEING 707 AIRCRAFT.

None of the funds authorized to be appropriated under this title may be obligated or expended for the replacement of engines on aircraft of the Department of Defense that are derived from the Boeing 707 aircraft until the Secretary of Defense has submitted the analysis required by section 133 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1652).

SEC. 133. F–22 AIRCRAFT PROGRAM.

(a) LIMITATION ON ADVANCE PROCUREMENT.—(1) Amounts available for the Department of Defense for any fiscal year for the F–22 aircraft program may not be obligated for advance procurement for the six Lot II F–22 aircraft before the date that is 30 days after date that is applicable under paragraph (2) or (3).

(2) The applicable date for the purposes of paragraph (1) is the date on which the Secretary of Defense submits a certification under subsection (b)(1) unless the Secretary submits a report under subsection (b)(2).

(3) If the Secretary submits a report under subsection (b)(2), the applicable date for the purposes of paragraph (1) is the later of—

(A) the date on which the Secretary of Defense submits the report; or

(B) the date on which the Director of Operational Test and Evaluation submits the certification required under subsection (c).

(b) CERTIFICATION BY SECRETARY OF DEFENSE.—(1) Upon the completion of 433 hours of flight testing of F–22 flight test vehicles, the Secretary of Defense shall submit to the congressional defense committees a certification of the completion of that amount of flight testing. A certification is not required under this paragraph if the Secretary submits a report under paragraph (2).

(2) If the Secretary determines that a number of hours of flight testing of F–22 flight test vehicles less than 433 hours provides the Defense Acquisition Board with a sufficient basis for deciding to proceed into production of Lot II F–22 aircraft, the Secretary may submit a report to the congressional defense committees upon the completion of that lesser number of hours of flight testing. A report under this paragraph shall contain the following:

(A) A certification of the number of hours of flight testing completed.

(B) The reasons for the Secretary's determination that the lesser number of hours is a sufficient basis for a decision by the board.

(C) A discussion of the extent to which the Secretary's determination is consistent with each decision made by the Defense Acquisition Board since January 1997 in the case of a major aircraft acquisition program that the amount of flight testing completed for the program was sufficient or not sufficient to justify a decision to proceed into low-rate initial production.

(D) A determination by the Secretary that it is more financially advantageous for the Department to proceed into production of Lot II F–22 aircraft than to delay production until completion of 433 hours of flight testing, together with the reasons for that determination.

(c) CERTIFICATION BY THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.—Upon the completion of 183 hours of the flight testing of F–22 flight test vehicles provided for in the test and evaluation master plan for the F–22 aircraft program, as in effect on October 1, 1997, the Director of Operational Test and Evaluation shall submit to the congressional defense committees a certification of the completion of that flight testing.

SEC. 134. C–130J AIRCRAFT PROGRAM.

Not later than March 1, 1999, the Secretary of Defense shall review the C–130J aircraft program and submit a report on the program to the congressional defense committees. The report shall include at least the following:

(1) A discussion of the testing planned and the testing conducted under the program, including—

(A) the testing schedule intended at the beginning of the program;

(B) the testing schedule as of when the testing commenced; and

(C) an explanation of the time taken for the testing.

(2) The cost and schedule of the program, including—

(A) whether the Department has exercised or plans to exercise contract options for fiscal years 1996, 1997, 1998, and 1999;

(B) when the Department expects the aircraft to be delivered and how the delivery dates compare to the delivery dates specified in the contract;

(C) whether the Department expects to make any modification to the negotiated contract price for these aircraft, and the amount and basis for any such modification; and

(D) whether the Department expects the reported delays and overruns in the development of the aircraft to have any other impact on the cost, schedule, or performance of the aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1999 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,838,145,000.

(2) For the Navy, $8,219,997,000.

(3) For the Air Force, $13,673,993,000.

(4) For Defense-wide activities, $9,583,822,000, of which—

(A) $249,106,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $25,245,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) FISCAL YEAR 1999.—Of the amounts authorized to be appropriated by section 201, $4,186,817,000 shall be available for basic research and applied research projects.

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

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. CRUSADER SELF-PROPELLED ARTILLERY SYSTEM PROGRAM.

(a) LIMITATION.—Of the amount authorized to be appropriated for the Army pursuant to section 201(1), not more than $223,000,000 may be obligated for the Crusader self-propelled artillery system program until 30 days after the date on which the Secretary of the Army submits the report required under subsection (b).

(b) REQUIREMENT FOR REPORT.—The Secretary of the Army shall submit to the congressional defense committees a report on the Crusader self-propelled artillery system. The report shall include the following:

(1) An assessment of the risks associated with the current Crusader program technology.

(2) The total requirements for the Crusader system, taking into consideration revisions in force structure resulting from the redesign of heavy and light divisions to achieve a force structure known as the Army After Next.

(3) The potential for reducing the weight of the Crusader system by as much as 50 percent.

(4) The potential for using alternative propellants for the artillery projectile for the Crusader system and the effects on the overall program schedule that would result from taking the actions and time necessary to develop mature technologies for alternative propellants.

(5) An analysis of the costs and benefits of delaying procurement of Crusader to avoid affordability issues associated with the current schedule and to allow for maturation of weight and propellant technologies.

(c) SUBMISSION OF REPORT.—The Secretary of the Army shall submit the report not later than March 1, 1999.

SEC. 212. CVN–77 NUCLEAR AIRCRAFT CARRIER PROGRAM.

(a) AMOUNT FOR NEW TECHNOLOGIES.—Of the amounts authorized to be appropriated under section 201(2) for aircraft carrier system development, $50,000,000 shall be available only for research, development, test, and evaluation, and for acquisition, of technologies described in subsection (b) for use in the CVN–77 nuclear aircraft carrier program.

(b) TECHNOLOGIES.—The technologies for which amounts are available under subsection (a) are technologies that are designed—

(1) for a transition from the CVN–77 aircraft carrier program to the CV(X) aircraft carrier program; and

(2) for—

(A) demonstrating enhanced capabilities for the CV(X) aircraft carrier program; or

(B) mitigating the cost or technical risks of that program.

SEC. 213. UNMANNED AERIAL VEHICLE PROGRAMS.

(a) TERMINATION OF DARK STAR PROGRAM.—The Secretary of Defense shall terminate the Dark Star unmanned aerial vehicle program. Except as provided in subsection (b), funds available for that program may be obligated after the date of the enactment of this Act only for costs necessary for terminating the program.

(b) GLOBAL HAWK PROGRAM.—Of the unobligated balance of the funds available for the Dark Star unmanned aerial vehicle program, $32,500,000 shall be available for the procurement of three Global Hawk unmanned aerial vehicles. However, none of the funds made available for the Global Hawk unmanned aerial vehicle program under the preceding sentence may be obligated or expended for that program until phase II testing of the Global Hawk unmanned aerial vehicle has been completed.

SEC. 214. AIRBORNE LASER PROGRAM.

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

(1) The development plan of the Department of Defense for the Airborne Laser Program does not include the basic validation of certain key technologies until 2002, which is shortly before the program is scheduled to enter the engineering and manufacturing development phase of development.

(2) It is possible that the technical risk of the Airborne Laser Program could be substantially reduced by restructuring the program to include a technology demonstration using a low power laser device to collect optical data in an operationally representative environment.

(3) Department of Defense officials are currently planning to have expended approximately $1,300,000,000 on the Airborne Laser Program by the end of fiscal year 2002, and a total of $6,300,000,000 by the end of fiscal year 2008 for the development of the system and the procurement of seven airborne laser aircraft.

(4) Due to the likely vulnerability of an airborne laser system to air defense threats, the limited lethal range of the laser device, and other operational limitations of the system, the utility of the airborne laser system will be severely restricted under a wide range of operational scenarios.

(b) ASSESSMENT OF TECHNICAL AND OPERATIONAL LIMITATIONS.—The Secretary of Defense shall conduct an assessment of the technical obstacles and operational shortcomings expected for the Airborne Laser Program. In conducting the assessment, the Secretary shall—

(1) require the Panel on Reducing Risk in Ballistic Missile Defense Test Programs to evaluate the adequacy of the test program for the Airborne Laser Program; and

(2) establish an independent team of persons from outside the Department of Defense who are experts in relevant fields to review the operational limitations and issues associated with the Airborne Laser Program.

(c) REPORT ON ASSESSMENT.—Not later than March 15, 1999, the Secretary shall submit a report on the assessment to Congress. The report shall include the Secretary's findings and any recommendations that the Secretary considers appropriate.

(d) FUNDING FOR PROGRAM.—Of the amount authorized to be appropriated under section

201(3), $195,219,000 shall be available for the Airborne Laser Program.

(e) LIMITATION.—Of the amount made available pursuant to subsection (d), not more than $150,000,000 may be obligated until 30 days after the Secretary submits the report required under subsection (c).

SEC. 215. ENHANCED GLOBAL POSITIONING SYSTEM PROGRAM.

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

(1) Section 152(b) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1578) prohibits the obligation of funds, after September 30, 2000, to modify or procure any Department of Defense aircraft, ship, armored vehicle, or indirect-fire weapon system that is not equipped with a Global Positioning System receiver.

(2) Section 279(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 243) requires the Secretary of Defense to prepare a plan for enhancing the Global Positioning System and to provide in that plan for—

(A) the development of capabilities to deny hostile military forces the ability to use the Global Positioning System without hindering the ability of United States military forces and civil users to have access to and use of the system; and

(B) the development and acquisition of receivers for the Global Positioning System and other techniques for weapons and weapon systems that provide substantially improved resistance to jamming and other forms of electronic interference or disruption.

(3) Section 2281 of title 10, United States Code, requires the Secretary of Defense—

(A) to develop appropriate measures for preventing hostile use of the Global Positioning System so as to make it unnecessary for the Secretary to use the selective availability feature of the system continuously while not hindering the use of the Global Positioning System by the United States and its allies for military purposes;

(B) to ensure that the Armed Forces of the United States have the capability to use the Global Positioning System effectively despite hostile attempts to prevent the use of the system by such forces; and

(C) to develop measures for preventing hostile use of the Global Positioning System in a particular area without hindering peaceful civil use of the system elsewhere.

(b) POLICY ON PRIORITY FOR DEVELOPMENT OF ENHANCED GPS SYSTEM.—The development of an enhanced Global Positioning System is an urgent national security priority.

(c) DEVELOPMENT REQUIRED.—To fulfill the requirements described in subsection (a), the Secretary of Defense shall develop an enhanced Global Positioning System in accordance with the priority declared in subsection (b). The enhanced Global Positioning System shall consist of the following elements:

(1) An evolved satellite system that includes dynamic frequency reconfiguration and regional-level directional signal enhancements.

(2) Enhanced receivers and user equipment that are capable of providing military users with direct access to encrypted Global Positioning System signals.

(3) To the extent funded by the Secretary of Transportation, additional civil frequencies and other enhancements for civil users.

(d) SENSE OF CONGRESS REGARDING FUNDING.—It is the sense of Congress that—

(1) the Secretary of Defense should ensure that the future-years defense program provides for sufficient funding to develop and deploy an enhanced Global Positioning System system in accordance with the priority declared in subsection (b); and

(2) the Secretary of Transportation should provide sufficient funding to support additional civil frequencies for the Global Positioning System and other enhancements of the system for civil users.

(e) PLAN FOR DEVELOPMENT OF ENHANCED GLOBAL POSITIONING SYSTEM.—Not later than April 15, 1999, the Secretary of Defense shall submit to Congress a plan for carrying out the requirements of subsection (c).

(f) DELAYED EFFECTIVE DATE FOR LIMITATION ON PROCUREMENT OF SYSTEMS NOT GPS-EQUIPPED.—Section 152(b) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1578) is amended by striking out ''2000'' and inserting in lieu thereof ''2005''.

(g) FUNDING FROM AUTHORIZED APPROPRIATIONS FOR FISCAL YEAR 1999.—Of the amounts authorized to be appropriated under section 201(3), $44,000,000 shall be available to establish and carry out an enhanced Global Positioning System program.

SEC. 216. MANUFACTURING TECHNOLOGY PROGRAM.

(a) COMPETITION AND COST SHARING.—Subsection (d) of section 2525 of title 10, United States Code, is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

''(2) Except as provided in paragraph (3), the costs of a project carried out under the program shall be shared by the Department of Defense and the other parties to the grant, contract, cooperative agreement, or other transaction involved if any results of the project are likely to have an immediate and direct commercial application. The cost share—

''(A) in the case of a grant, contract, cooperative agreement, or other transaction that is awarded using a competitive selection process, shall be the cost share proposed in the application or offer selected for the award; or

''(B) in a case in which there is only one applicant or offeror, shall be the cost share negotiated with the applicant or offeror that provides the best value for the Government.

''(3)(A) Cost-sharing is not required of the non-Federal Government parties to a grant, contract, cooperative agreement, or other transaction under paragraph (2) if the project is determined as being sufficiently high risk to discourage cost-sharing by non-Federal Government sources.

''(B) A determination under subparagraph (A) that cost-sharing is not required in the case of a particular grant, contract, cooperative agreement or other transaction shall be made by—

''(i) the Secretary of the military department awarding the grant or entering into the contract, cooperative agreement, or other transaction; or

''(ii) the Secretary of Defense for any other grant, contract, cooperative agreement, or transaction.

''(C) The transaction file for a case in which cost-sharing is determined as not being required shall include written documentation of the reasons for the determination.''.

(b) FIVE-YEAR PLAN.—Subsection (e)(2) of such section is amended to read as follows:

''(2) The plan shall include the following:

''(A) An assessment of the effectiveness of the program.

''(B) An assessment of the extent to which the costs of projects are being shared by the following:

''(i) Commercial enterprises in the private sector.

''(ii) Department of Defense program offices, including weapon system program offices.

''(iii) Departments and agencies of the Federal Government outside the Department of Defense.

''(iv) Institutions of higher education.

''(v) Other institutions not operated for profit.

''(vi) Other sources.''.

SEC. 217. AUTHORITY FOR USE OF MAJOR RANGE AND TEST FACILITY INSTALLATIONS BY COMMERCIAL ENTITIES.

(a) PERMANENT AUTHORITY.—Subsection (g) of section 2681 of title 10, United States Code, is repealed.

(b) REPEAL OF EXECUTED REPORTING REQUIREMENT.—Subsection (h) of such section is repealed.

SEC. 218. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845(c) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note) is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2001''.

SEC. 219. NATO ALLIANCE GROUND SURVEILLANCE CONCEPT DEFINITION.

Amounts authorized to be appropriated under subtitle A are available for a NATO alliance ground surveillance concept definition that is based on the Joint Surveillance Target Attack Radar System (Joint STARS) Radar Technology Insertion Program (RTIP) sensor of the United States, as follows:

(1) Of the amount authorized to be appropriated under section 201(1), $6,400,000.

(2) Of the amount authorized to be appropriated under section 201(3), $3,500,000.

SEC. 220. NATO COMMON-FUNDED CIVIL BUDGET.

Of the amount authorized to be appropriated by section 201(1), $750,000 shall be available for contributions for the common-funded Civil Budget of NATO.

SEC. 221. PERSIAN GULF ILLNESSES.

(a) ADDITIONAL AMOUNT FOR PERSIAN GULF ILLNESSES.—The total amount authorized to be appropriated under this title for research and development relating to Persian Gulf illnesses is the total amount authorized to be appropriated for such purpose under the other provisions of this title plus $10,000,000.

(b) REDUCED AMOUNT FOR ARMY COMMERCIAL OPERATIONS AND SUPPORT SAVINGS PROGRAM.—Of the amount authorized to be appropriated under section 201(1), $23,600,000 shall be available for the Army Commercial Operations and Support Savings Program.

SEC. 222. DOD/VA COOPERATIVE RESEARCH PROGRAM.

(a) AVAILABILITY OF FUNDS.—(1) The amount authorized to be appropriated by section 201(4) is hereby increased by $10,000,000.

(2) Of the amount authorized to be appropriated by section 201(4), as increased by paragraph (1), $10,000,000 shall be available for the DOD/VA Cooperative Research Program.

(b) OFFSET.—(1) The amount authorized to be appropriated by section 201(2) is hereby decreased by $10,000,000.

(2) Of the amount authorized to be appropriated by section 201(2), as decreased by paragraph (1), not more than $18,500,000 shall be available for the Commercial Operations and Support Savings Program.

(c) EXECUTIVE AGENT.—The Secretary of Defense, acting through the Army Medical Research and Materiel Command and the Naval Operational Medicine Institute, shall be the executive agent for the utilization of the funds made available by subsection (a).

SEC. 223. LOW COST LAUNCH DEVELOPMENT PROGRAM.

Of the total amount authorized to be appropriated under section 201(3), $5,000,000 is available for the Low Cost Launch Development Program.

Subtitle C—Other Matters

SEC. 231. POLICY WITH RESPECT TO BALLISTIC MISSILE DEFENSE COOPERATION.

As the United States proceeds with efforts to develop defenses against ballistic missile

attack, it should seek to foster a climate of cooperation with Russia on matters related to missile defense. In particular, the United States and its NATO allies should seek to cooperate with Russia in such areas as early warning.

SEC. 232. REVIEW OF PHARMACOLOGICAL INTERVENTIONS FOR REVERSING BRAIN INJURY.

(a) REVIEW AND REPORT REQUIRED.—The Assistant Secretary of Defense for Health Affairs shall review research on pharmacological interventions for reversing brain injury and, not later than March 31, 1999, submit a report on the results of the review to Congress.

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

(1) The potential for pharmacological interventions for reversing brain injury to reduce mortality and morbidity in cases of head injuries incurred in combat or resulting from exposures to chemical weapons or agents.

(2) The potential utility of such interventions for the Armed Forces.

(3) A conclusion regarding whether funding for research on such interventions should be included in the budget for the Department of Defense for fiscal year 2000.

SEC. 233. LANDMINES.

(a) AVAILABILITY OF FUNDS.—(1) Of the amounts authorized to be appropriated in section 201, $17,200,000 shall be available for activities relating to the identification, adaptation, modification, research, and development of existing and new tactics, technologies, and operational concepts that—

(A) would provide a combat capability that is comparable to the combat capability provided by anti-personnel landmines, including anti-personnel landmines used in mixed mine systems; and

(B) comply with the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

(2) The amount available under paragraph (1) shall be derived as follows:

(A) $12,500,000 shall be available from amounts authorized to be appropriated by section 201(1).

(B) $4,700,000 shall be available from amounts authorized to be appropriated by section 201(4).

(b) STUDIES.—(1) Not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall enter into a contract with each of two appropriate scientific organizations for purposes of identifying existing and new tactics, technologies, and concepts referred to in subsection (a).

(2) Each contract shall require the organization concerned to submit a report to the Secretary and to Congress, not later than one year after the execution of such contract, describing the activities under such contract and including recommendations with respect to the adaptation, modification, and research and development of existing and new tactics, technologies, and concepts identified under such contract.

(3) Amounts available under subsection (a) shall be available for purposes of the contracts under this subsection.

(c) REPORTS.—Not later than April 1 of each of 1999 through 2001, the Secretary shall submit to the congressional defense committees a report describing the progress made in identifying and deploying tactics, technologies, and concepts referred to in subsection (a).

(d) DEFINITIONS.—In this section:

(1) ANTI-PERSONNEL LANDMINE.—The term ''anti-personnel landmine'' has the meaning given the term ''anti-personnel mine'' in Article 2 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

(2) MIXED MINE SYSTEM.—The term ''mixed mine system'' includes any system in which an anti-vehicle landmine or other munition is constructed with or used with one or more anti-personnel landmines, but does not include an anti-handling device as that term is defined in Article 2 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) AMOUNTS AUTHORIZED.—Funds are hereby authorized to be appropriated for fiscal year 1999 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $17,395,563,000.

(2) For the Navy, $22,001,302,000.

(3) For the Marine Corps, $2,621,703,000.

(4) For the Air Force, $19,213,404,000.

(5) For the Special Operations Command, $1,251,503,000.

(6) For Defense-wide activities, $9,025,598,000.

(7) For the Army Reserve, $1,217,622,000.

(8) For the Naval Reserve, $943,639,000.

(9) For the Marine Corps Reserve, $134,593,000.

(10) For the Air Force Reserve, $1,759,696,000.

(11) For the Army National Guard, $2,476,815,000.

(12) For the Air National Guard, $3,113,933,000.

(13) For the Defense Inspector General, $130,764,000.

(14) For the United States Court of Appeals for the Armed Forces, $7,324,000.

(15) For Environmental Restoration, Army, $370,640,000.

(16) For Environmental Restoration, Navy, $274,600,000.

(17) For Environmental Restoration, Air Force, $372,100,000.

(18) For Environmental Restoration, Defense-wide, $23,091,000.

(19) For Environmental Restoration, Formerly Used Defense Sites, $195,000,000.

(20) For Overseas Humanitarian, Demining, and CINC Initiatives, $50,000,000.

(21) For Drug Interdiction and Counterdrug Activities, Defense-wide, $727,582,000.

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

(23) For Medical Programs, Defense, $9,653,435,000.

(24) For Cooperative Threat Reduction programs, $440,400,000.

(25) For Overseas Contingency Operations Transfer Fund, $746,900,000.

(26) For Impact Aid, $35,000,000.

(b) GENERAL LIMITATION.—Notwithstanding paragraphs (1) through (25) of subsection (a), the total amount authorized to be appropriated for fiscal year 1999 under those paragraphs is $93,875,207,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1999 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, Air Force, $30,800,000.

(2) For Defense Working-Capital Fund, Defense-wide, $63,700,000.

(3) For the National Defense Sealift Fund, $669,566,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1999 from the Armed Forces Retirement Home Trust Fund the sum of $70,745,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

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

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1999 in amounts as follows:

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

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

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

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

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

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

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

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 311. SPECIAL OPERATIONS COMMAND COUNTERPROLIFERATION AND COUNTERTERRORISM ACTIVITIES.

Of the amount authorized to be appropriated under section 301(a)(5), the $18,500,000 available for the Special Operations Command that is not needed for the operation of six of the patrol coastal craft of the Department of Defense in the Caribbean Sea and Eastern Pacific Ocean in support of the drug interdiction efforts of the United States Southern Command by reason of section 331 shall be available for increased training and related operations in support of that command's counterproliferation of weapons of mass destruction and the command's counterterrorism activities. The amount available under the preceding sentence is in addition to other funds authorized to be appropriated under section 301(a)(5) for the Special Operations Command for such purposes.

SEC. 312. TAGGING SYSTEM FOR IDENTIFICATION OF HYDROCARBON FUELS USED BY THE DEPARTMENT OF DEFENSE.

(a) AUTHORITY TO CONDUCT PILOT PROGRAM.—The Secretary of Defense may conduct a pilot program using existing technology to determine—

(1) the feasibility of tagging hydrocarbon fuels used by the Department of Defense for the purposes of analyzing and identifying such fuels;

(2) the deterrent effect of such tagging on the theft and misuse of fuels purchased by the Department; and

(3) the extent to which such tagging assists in determining the source of surface and underground pollution in locations having separate fuel storage facilities of the Department and of civilian companies.

(b) SYSTEM ELEMENTS.—The tagging system under the pilot program shall have the following characteristics:

(1) The tagging system does not harm the environment.

(2) Each chemical used in the tagging system is—

(A) approved for use under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

(B) substantially similar to the fuel to which added, as determined in accordance with criteria established by the Environmental Protection Agency for the introduction of additives into hydrocarbon fuels.

(3) The tagging system permits a determination if a tag is present and a determination if the concentration of a tag has changed in order to facilitate identification of tagged fuels and detection of dilution of tagged fuels.

(4) The tagging system does not impair or degrade the suitability of tagged fuels for their intended use.

(c) REPORT.—Not later than 30 days after the completion of the pilot program, the Secretary shall submit to Congress a report setting forth the results of the pilot program and including any recommendations for legislation relating to the tagging of hydrocarbon fuels by the Department that the Secretary considers appropriate.

(d) FUNDING.—Of the amounts authorized to be appropriated under section 301(a)(6) for operation and maintenance for defense-wide activities, not more than $5,000,000 shall be available for the pilot program.

SEC. 313. PILOT PROGRAM FOR ACCEPTANCE AND USE OF LANDING FEES CHARGED FOR USE OF DOMESTIC MILITARY AIRFIELDS BY CIVIL AIRCRAFT.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of each military department may carry out a pilot program to demonstrate the use of landing fees as a source of funding for the operation and maintenance of airfields of the department.

(b) IMPOSITION OF LANDING FEES.—Under a pilot program carried out under this section, the Secretary of a military department may prescribe and impose landing fees for use of any military airfield of the department in the United States by civil aircraft during fiscal years 1999 and 2000. No fee may be charged under the pilot program for a landing after September 30, 2000.

(c) USE OF PROCEEDS.—Amounts received for a fiscal year in payment of landing fees imposed under the pilot program for use of a military airfield shall be credited to the appropriation that is available for that fiscal year for the operation and maintenance of the military airfield, shall be merged with amounts in the appropriation to which credited, and shall be available for that military airfield for the same period and purposes as the appropriation is available.

(d) REPORT.—Not later than March 31, 2000, the Secretary of Defense shall submit to Congress a report on the pilot programs carried out under this section by the Secretaries of the military departments. The report shall specify the amounts of fees received and retained by each military department under the pilot program as of December 31, 1999.

SEC. 314. NATO COMMON-FUNDED MILITARY BUDGET.

Of the amount authorized to be appropriated by section 30(a)(1), $227,377,000 shall be available for contributions for the common-funded Military Budget of NATO.

Subtitle C—Environmental Provisions

SEC. 321. TRANSPORTATION OF POLYCHLORINATED BIPHENYLS FROM ABROAD FOR DISPOSAL IN THE UNITED STATES.

(a) AUTHORITY.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following:

"§ 2646. Transportation of polychlorinated biphenyls from abroad; disposal

''(a) AUTHORITY TO TRANSPORT.—(1) Subject to paragraph (2), the Secretary of the Defense and the Secretaries of the military departments may provide for the transportation into the customs territory of the United States of polychlorinated biphenyls generated by or under the control of the Department of Defense for purposes of their disposal, treatment, or storage in the customs territory of the United States.

''(2) Polychlorinated biphenyls may be transported into the customs territory of the United States under paragraph (1) only if the Administrator of the Environmental Protection Agency determines that the transportation will not result in an unreasonable risk of injury to health or the environment.

''(b) DISPOSAL.—(1) The disposal, treatment, and storage of polychlorinated biphenyls transported into the customs territory of the United States under subsection (a) shall be governed by the provisions of the Toxic Substances Control Act (15 U.S.C. 2601 et seq.).

''(2) A chemical waste landfill may not be used for the disposal, treatment, or storage of polychlorinated biphenyls transported into the customs territory of the United States under subsection (a) unless the landfill meets all of the technical requirements specified in section 761.75(b)(3) of title 40, Code of Federal Regulations, as in effect on the date that was one year before the date of enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

''(c) CUSTOMS TERRITORY OF THE UNITED STATES DEFINED.—In this section, the term 'customs territory of the United States' has the meaning given that term in General Note 2. of the Harmonized Tariff Schedule of the United States.''.

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

''2646. Transportation of polychlorinated biphenyls from abroad; disposal.''.

SEC. 322. MODIFICATION OF DEADLINE FOR SUBMITTAL TO CONGRESS OF ANNUAL REPORTS ON ENVIRONMENTAL ACTIVITIES.

Section 2706 of title 10, United States Code, is amended by striking out ''not later than 30 days'' each place it appears in subsections (a), (b), (c), and (d) and inserting in lieu thereof ''not later than 45 days''.

SEC. 323. SUBMARINE SOLID WASTE CONTROL.

(a) SOLID WASTE DISCHARGE REQUIREMENTS.—Subsection (c)(2) of section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902) is amended—

(1) in subparagraph (A), by adding at the end the following:

''(iii) With regard to submersibles, nonplastic garbage that has been compacted and weighted to ensure negative buoyancy.''; and

(2) in subparagraph (B)(ii), by striking out ''subparagraph (A)(ii)'' and inserting in lieu thereof ''clauses (ii) and (iii) of subparagraph (A)''.

(b) CONFORMING AMENDMENT.—Subsection (e)(3)(A) of that section is amended by striking out ''garbage that contains more than the minimum amount practicable of''.

SEC. 324. PAYMENT OF STIPULATED PENALTIES ASSESSED UNDER CERCLA.

The Secretary of Defense may pay, from amounts in the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) 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), not more than $15,000 as payment of pay stipulated civil penalties assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) against McClellan Air Force Base, California.

SEC. 325. AUTHORITY TO PAY NEGOTIATED SETTLEMENT FOR ENVIRONMENTAL CLEANUP OF FORMERLY USED DEFENSE SITES IN CANADA.

(a) FINDINGS.—Congress makes the following findings with respect to the authorization of payment of settlement with Canada in subsection (b) regarding environmental cleanup at formerly used defense sites in Canada:

(1) A unique and longstanding national security alliance exists between the United States and Canada.

(2) The sites covered by the settlement were formerly used by the United States and Canada for their mutual defense.

(3) There is no formal treaty or international agreement between the United States and Canada regarding the environmental cleanup of the sites.

(4) Environmental contamination at some of the sites could pose a substantial risk to the health and safety of the United States citizens residing in States near the border between the United States and Canada.

(5) The United States and Canada reached a negotiated agreement for an ex-gratia reimbursement of Canada in full satisfaction of claims of Canada relating to environmental contamination which agreement was embodied in an exchange of Notes between the Government of the United States and the Government of Canada.

(6) There is a unique factual basis for authorizing a reimbursement of Canada for environmental cleanup at sites in Canada after the United States departure from such sites.

(7) The basis for and authorization of such reimbursement does not extend to similar claims by other nations.

(8) The Government of Canada is committed to spending the entire $100,000,000 of the reimbursement authorized in subsection (b) in the United States, which will benefit United States industry and United States workers.

(b) AUTHORITY TO MAKE PAYMENTS.—(1) Subject to paragraph (3), the Secretary of Defense may, using funds specified under subsection (c), make a payment described in paragraph (2) in each of fiscal years 1999 through 2008 for purposes of the ex-gratia reimbursement of Canada in full satisfaction of any and all claims asserted against the United States by Canada for environmental cleanup of sites in Canada that were formerly used for the mutual defense of the United States and Canada.

(2) A payment referred to in paragraph (1) is a payment of $10,000,000, in constant fiscal year 1996 dollars, into the Foreign Military Sales Trust Account for purposes of Canada.

(3) A payment may be made under paragraph (1) in any fiscal year after fiscal year 1999 only if the Secretary of Defense submits to Congress with the budget for such fiscal year under section 1105 of title 31, United States Code, evidence that the cumulative amount expended by the Government of Canada for environmental cleanup activities in Canada during any fiscal years before such fiscal year in which a payment under that paragraph was authorized was an amount equal to or greater than the aggregate amount of the payments under that paragraph during such fiscal years.

(c) SOURCE OF FUNDS.—A payment may be made under subsection (b) in a fiscal year from amounts appropriated pursuant to the authorization of appropriations for the Department of Defense for such fiscal year for Operation and Maintenance, Defense-Wide.

SEC. 326. SETTLEMENT OF CLAIMS OF FOREIGN GOVERNMENTS FOR ENVIRONMENTAL CLEANUP OF OVERSEAS SITES FORMERLY USED BY THE DEPARTMENT OF DEFENSE.

(a) NOTICE OF NEGOTIATIONS.—The President shall notify Congress before entering

into any negotiations for the ex-gratia settlement of the claims of a government of another country against the United States for environmental cleanup of sites in that country that were formerly used by the Department of Defense.

(b) AUTHORIZATION REQUIRED FOR USE FUNDS FOR PAYMENT OF SETTLEMENT.—Notwithstanding any other provision of law, no funds may be utilized for any payment under an ex-gratia settlement of any claims described in subsection (a) unless the use of the funds for that purpose is specifically authorized by law, treaty, or international agreement.

SEC. 327. ARCTIC MILITARY ENVIRONMENTAL COOPERATION PROGRAM.

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

(1) The Secretary of Defense has developed a program to address environmental matters relating to the military activities of the Department of Defense in the Arctic region. The program is known as the ''Arctic Military Environmental Cooperation Program''.

(2) The Secretary has carried out the Arctic Military Environmental Cooperation Program using funds appropriated for Cooperative Threat Reduction programs.

(b) ACTIVITIES UNDER PROGRAM.—(1) Subject to paragraph (2), activities under the Arctic Military Environmental Cooperation Program shall include cooperative activities on environmental matters in the Arctic region with the military departments and agencies of other countries, including the Russian Federation.

(2) Activities under the Arctic Military Environmental Cooperation Program may not include any activities for purposes for which funds for Cooperative Threat Reduction programs have been denied, including the purposes for which funds were denied by section 1503 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2732).

(c) AVAILABILITY OF FISCAL YEAR 1999 FUNDS.—(1) Of the amount authorized to be appropriated by section 301(a)(6), $4,000,000 shall be available for carrying out the Arctic Military Environmental Program.

(2) Amounts available for the Arctic Military Environmental Cooperation Program under paragraph (1) may not be obligated or expended for that Program until 45 days after the date on which the Secretary of Defense submits to the congressional defense committees a plan for the Program under paragraph (3).

(3) The plan for the Arctic Military Environmental Cooperation Program under this paragraph shall include the following:

(A) A statement of the overall goals and objectives of the Program.

(B) A statement of the proposed activities under the Program and the relationship of such activities to the national security interests of the United States.

(C) An assessment of the compatibility of the activities set forth under subparagraph (B) with the purposes of the Cooperative Threat Reduction programs of the Department of Defense (including with any prohibitions and limitations applicable to such programs).

(D) An estimate of the funding to be required and requested in future fiscal years for the activities set forth under subparagraph (B).

(E) A proposed termination date for the Program.

SEC. 328. SENSE OF SENATE REGARDING OIL SPILL PREVENTION TRAINING FOR PERSONNEL ON BOARD NAVY VESSELS.

(a) FINDINGS.—The Senate makes the following findings:

(1) There have been six significant oil spills in Puget Sound, Washington, in 1998, five at Puget Sound Naval Shipyard (including three from the U.S.S. Kitty Hawk, one from the U.S.S. Carl Vinson, and one from the U.S.S. Sacramento) and one at Naval Station Everett from the U.S.S. Paul F. Foster.

(2) Navy personnel on board vessels, and not shipyard employees, were primarily responsible for a majority of these oil spills at Puget Sound Naval Shipyard.

(3) Oil spills have the potential to damage the local environment, killing microscopic organisms, contributing to air pollution, harming plants and marine animals, and increasing overall pollution levels in Puget Sound.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Navy should take immediate action to significantly reduce the risk of vessel oil spills, including the minimization of fuel oil transfers, the assurance of proper training and qualifications of all Naval personnel in occupations that may contribute to or minimize the risk of shipboard oil spills, and the improvement of liaison with local authorities concerning oil spill prevention and response activities.

Subtitle D—Counter-Drug Activities

SEC. 331. PATROL COASTAL CRAFT FOR DRUG INTERDICTION BY SOUTHERN COMMAND.

Of the funds authorized to be appropriated under section 301(a)(21), relating to drug interdiction and counter-drug activities, $18,500,000 shall be available for the equipping and operation of six of the Cyclone class coastal defense ships of the Department of Defense in the Caribbean Sea and Eastern Pacific Ocean in support of the drug interdiction efforts of the United States Southern Command.

SEC. 332. PROGRAM AUTHORITY FOR DEPARTMENT OF DEFENSE SUPPORT FOR COUNTER-DRUG ACTIVITIES.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended by striking out ''through 1999'' and inserting in lieu thereof ''through 2004''.

(b) BASES AND FACILITIES SUPPORT.—(1) Subsection (b)(4) of such section is amended by inserting ''of the Department of Defense or any Federal, State, local, or foreign law enforcement agency'' after ''counter-drug activities''.

(2) Section 1004 of such Act is further amended by adding at the end the following:

''(h) CONGRESSIONAL NOTIFICATION OF FACILITIES PROJECTS.—(1) Not later than 21 days before obligating funds for beginning the work on a project described in paragraph (2), the Secretary of Defense shall submit to the congressional defense committees a notification of the project, including the scope and estimated total cost of the project.

''(2) Paragraph (1) applies to a project for the modification or repair of a Department of Defense facility for the purpose set forth in subsection (b)(4) that is estimated to cost more than $500,000.''.

SEC. 333. SOUTHWEST BORDER FENCE.

(a) LIMITATION OF FUNDING FOR EXPANSION.—None of the funds authorized to be appropriated for the Department of Defense by this Act may be used to expand the Southwest border fence until the Secretary of Defense submits the report required by subsection (b).

(b) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the extent to which the Southwest border fence has reduced the illegal transportation of narcotics and other drugs into the United States.

(c) SOUTHWEST BORDER FENCE DEFINED.—In this section, the term ''Southwest border fence'' means the fence that was constructed, at Department of Defense expense, along the southwestern border of the United States for the purpose of preventing or reducing the illegal transportation of narcotics and other drugs into the United States.

SEC. 334. REVISION AND CLARIFICATION OF AUTHORITY FOR FEDERAL SUPPORT OF NATIONAL GUARD DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

(a) PROCUREMENT OF EQUIPMENT.—Subsection (a)(3) of section 112 of title 32, United States Code, is amended by striking out ''and leasing of equipment'' and inserting in lieu thereof ''and equipment, and the leasing of equipment,''.

(b) TRAINING AND READINESS.—Subsection (b)(2) of such section is amended to read as follows:

''(2)(A) A member of the National Guard serving on full-time National Guard duty under orders authorized under paragraph (1) shall participate in the training required under section 502(a) of this title in addition to the duty performed for the purpose authorized under that paragraph. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing duty for the purpose of carrying out drug interdiction and counter-drug activities.

''(B) Appropriations available for the Department of Defense for drug interdiction and counter-drug activities may be used for paying costs associated with a member's participation in training described in subparagraph (A). The appropriation shall be reimbursed in full, out of appropriations available for paying those costs, for the amounts paid. Appropriations available for paying those costs shall be available for making the reimbursements.''.

(c) ASSISTANCE TO YOUTH AND CHARITABLE ORGANIZATIONS.—Subsection (b)(3) of such section is amended to read as follows:

''(2) A unit or member of the National Guard of a State may be used, pursuant to a State drug interdiction and counter-drug activities plan approved by the Secretary of Defense under this section, to provide services or other assistance (other than air transportation) to an organization eligible to receive services under section 508 of this title if—

''(A) the State drug interdiction and counter-drug activities plan specifically recognizes the organization as being eligible to receive the services or assistance;

''(B) in the case of services, the provision of the services meets the requirements of paragraphs (1) and (2) of subsection (a) of section 508 of this title; and

''(C) the services or assistance is authorized under subsection (b) or (c) of such section or in the State drug interdiction and counter-drug activities plan.''.

(d) DEFINITION OF DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.—Subsection (i)(1) of such section is amended by inserting after ''drug interdiction and counter-drug law enforcement activities'' the following: '', including drug demand reduction activities,''.

SEC. 335. SENSE OF CONGRESS REGARDING PRIORITY OF DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

It is the sense of Congress that the Secretary of Defense should revise the Global Military Force Policy of the Department of Defense—

(1) to treat the international drug interdiction and counter-drug activities of the department as a military operation other than war, thereby elevating the priority given such activities under the policy to the next priority below the priority given to war under the policy and to the same priority as

is given to peacekeeping operations under the policy; and

(2) to allocate the assets of the department to drug interdiction and counter-drug activities in accordance with the priority given those activities.

Subtitle E—Other Matters

SEC. 341. LIQUIDITY OF WORKING-CAPITAL FUNDS.

(a) INCREASED CASH BALANCES.—The Secretary of Defense shall administer the working-capital funds of the Department of Defense during fiscal year 1999 so as to ensure that the total amount of the cash balances in such funds on September 30, 1999, exceeds the total amount of the cash balances in such funds on September 30, 1998, by $1,300,000,000.

(b) ACTIONS REGARDING UNBUDGETED LOSSES AND GAINS.—(1) In order to achieve the increase in cash balances in working-capital funds required under subsection (a), the Under Secretary of Defense (Comptroller) shall—

(A) assess surcharges on the rates charged to Department of Defense activities for the performance of depot-level maintenance and repair workloads for those activities in fiscal year 1999 as necessary to recoup for the working-capital funds the amounts of any operational losses that are incurred in the performance of those workloads in excess of the amounts of the losses that are budgeted for fiscal year 1999; and

(B) return to Department of Defense activities any amounts that—

(i) are realized for the working-capital funds for depot-level maintenance and repair workloads in excess of the estimated revenues budgeted for the performance of those workloads that originate in those activities; and

(ii) are not needed to achieve the required increase in cash balances.

(2) The Under Secretary of Defense (Comptroller) shall prescribe policies and procedures for carrying out paragraph (1). The policies and procedures shall include a prohibition on applying assessments of surcharges to a Department of Defense activity more frequently than once every six months.

(c) WAIVER.—(1) The Secretary of Defense may waive the requirements of this section upon certifying to Congress, in writing, that the waiver is necessary to meet requirements associated with—

(A) a contingency operation (as defined in section 101(a)(13) of title 10, United States Code); or

(B) an operation of the Armed Forces that commenced before October 1, 1998, and continues during fiscal year 1999.

(2) The waiver authority under paragraph (1) may not be delegated to any official other than the Deputy Secretary of Defense.

(3) The waiver authority under paragraph (1) does not apply to the limitation in subsection (d) or the limitation in section 2208(l)(3) of title 10, United States Code (as added by subsection (e)).

(d) FISCAL YEAR 1999 LIMITATION ON ADVANCE BILLINGS.—(1) The total amount of the advance billings rendered or imposed for the working-capital funds of the Department of Defense and the Defense Business Operations Fund in fiscal year 1999—

(A) for the Department of the Navy, may not exceed $500,000,000; and

(B) for the Department of the Air Force, may not exceed $500,000,000.

(2) In paragraph (1), the term ''advance billing'' has the meaning given such term in section 2208(l) of title 10, United States Code.

(e) PERMANENT LIMITATION ON ADVANCE BILLINGS.—(1) Section 2208(l) of title 10, United States Code, is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

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

''(3) The total amount of the advance billings rendered or imposed for all working-capital funds of the Department of Defense in a fiscal year may not exceed $1,000,000,000.''.

(2) Section 2208(l)(3) of such title, as added by paragraph (1), applies to fiscal years after fiscal year 1999.

(f) SEMIANNUAL REPORT.—(1) The Under Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives—

(A) not later than May 1, 1999, a report on the administration of this section for the 6-month period ending on March 31, 1999; and

(B) not later than November 1, 1999, a report on the administration of this section for the 6-month period ending on September 30, 1999.

(2) Each report shall include, for the 6-month period covered by the report, the following:

(A) The profit and loss status of each working-capital fund activity.

(B) The actions taken by the Secretary of each military department to use assessments of surcharges to correct for unbudgeted losses and gains.

SEC. 342. TERMINATION OF AUTHORITY TO MANAGE WORKING-CAPITAL FUNDS AND CERTAIN ACTIVITIES THROUGH THE DEFENSE BUSINESS OPERATIONS FUND.

(a) REVISION OF CERTAIN DBOF PROVISIONS AND REENACTMENT TO APPLY TO WORKING-CAPITAL FUNDS GENERALLY.—Section 2208 of title 10, United States Code, is amended by adding at the end the following:

''(m) CAPITAL ASSET SUBACCOUNTS.—Amounts charged for depreciation of capital assets shall be credited to a separate capital asset subaccount established within a working-capital fund.

''(n) SEPARATE ACCOUNTING, REPORTING, AND AUDITING OF FUNDS AND ACTIVITIES.—The Secretary of Defense, with respect to the working-capital funds of each Defense Agency, and the Secretary of each military department, with respect to the working-capital funds of the military department, shall provide in accordance with this subsection for separate accounting, reporting, and auditing of funds and activities managed through the working-capital funds.

''(o) CHARGES FOR GOODS AND SERVICES PROVIDED THROUGH THE FUND.—(1) Charges for goods and services provided for an activity through a working-capital fund shall include the following:

''(A) Amounts necessary to recover the full costs of the goods and services provided for that activity.

''(B) Amounts for depreciation of capital assets, set in accordance with generally accepted accounting principles.

''(2) Charges for goods and services provided through a working-capital fund may not include the following:

''(A) Amounts necessary to recover the costs of a military construction project (as defined in section 2801(b) of this title), other than a minor construction project financed by the fund pursuant to section 2805(c)(1) of this title.

''(B) Amounts necessary to cover costs incurred in connection with the closure or realignment of a military installation.

''(C) Amounts necessary to recover the costs of functions designated by the Secretary of Defense as mission critical, such as ammunition handling safety, and amounts for ancillary tasks not directly related to the mission of the function or activity managed through the fund.

''(p) PROCEDURES FOR ACCUMULATION OF FUNDS.—The Secretary of Defense, with respect to each working-capital fund of a Defense Agency, and the Secretary of a military department, with respect to each working-capital fund of the military department, shall establish billing procedures to ensure that the balance in that working-capital fund does not exceed the amount necessary to provide for the working-capital requirements of that fund, as determined by the Secretary concerned.

''(q) ANNUAL REPORTS AND BUDGET.—The Secretary of Defense, with respect to each working-capital fund of a Defense Agency, and the Secretary of each military department, with respect to each working-capital fund of the military department, shall annually submit to Congress, at the same time that the President submits the budget under section 1105 of title 31, the following:

''(1) A detailed report that contains a statement of all receipts and disbursements of the fund (including such a statement for each subaccount of the fund) for the fiscal year ending in the year preceding the year in which the budget is submitted.

''(2) A detailed proposed budget for the operation of the fund for the fiscal year for which the budget is submitted.

''(3) A comparison of the amounts actually expended for the operation of the fund for the fiscal year referred to in paragraph (1) with the amount proposed for the operation of the fund for that fiscal year in the President's budget.

''(4) A report on the capital asset subaccount of the fund that contains the following information:

''(A) The opening balance of the subaccount as of the beginning of the fiscal year in which the report is submitted.

''(B) The estimated amounts to be credited to the subaccount in the fiscal year in which the report is submitted.

''(C) The estimated amounts of outlays to be paid out of the subaccount in the fiscal year in which the report is submitted.

''(D) The estimated balance of the subaccount at the end of the fiscal year in which the report is submitted.

''(E) A statement of how much of the estimated balance at the end of the fiscal year in which the report is submitted will be needed to pay outlays in the immediately following fiscal year that are in excess of the amount to be credited to the subaccount in the immediately following fiscal year.''.

(b) REPEAL OF AUTHORITY TO MANAGE THROUGH THE DEFENSE BUSINESS OPERATIONS FUND.—(1) Section 2216a of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 131 of such title is amended by striking out the item relating to section 2216a.

SEC. 343. CLARIFICATION OF AUTHORITY TO RETAIN RECOVERED COSTS OF DISPOSALS IN WORKING-CAPITAL FUNDS.

Section 2210(a) of title 10, United States Code, is amended to read as follows:

''(a)(1) A working-capital fund established pursuant to section 2208 of this title may retain so much of the proceeds of disposals of property referred to in paragraph (2) as is necessary to recover the expenses incurred by the fund in disposing of such property. Proceeds from the sale or disposal of such property in excess of amounts necessary to recover the expenses may be credited to current applicable appropriations of the Department of Defense.

''(2) Paragraph (1) applies to disposals of supplies, material, equipment, and other personal property that were not financed by stock funds established under section 2208 of this title.''.

SEC. 344. BEST COMMERCIAL INVENTORY PRACTICES FOR MANAGEMENT OF SECONDARY SUPPLY ITEMS.

(a) DEVELOPMENT AND SUBMISSION OF SCHEDULE.—Not later than 180 days after the

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

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

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

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

SEC. 345. INCREASED USE OF SMART CARDS.

(a) FUNDING FOR INCREASED USE GENERALLY.—Of the funds available for the Navy for fiscal year 1999 for operation and maintenance, the Secretary of the Navy shall allocate sufficient amounts, up to $25,000,000, to making significant progress toward ensuring that smart cards having a multi-application, multi-technology automated reading capability are issued and used throughout the Navy and the Marine Corps for purposes for which such cards are suitable.

(b) DEPLOYMENT OF SMART CARDS.—(1) Not later than March 31, 1999, the Secretary of the Navy shall equip with smart card technology at least one carrier battle group, one carrier air wing, and one amphibious readiness group (including the Marine Corps units embarked on the vessels of such battle and readiness groups) in each of the United States Atlantic Command and the United States Pacific Command.

(2) None of the funds appropriated pursuant to any authorization of appropriations in this Act may be expended after March 31, 1999, for the procurement of the Joint Uniformed Services Identification card for, or for the issuance of such card to, members of the Navy or the Marine Corps until the Secretary of the Navy certifies in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that the Secretary has completed the issuance of smart cards in accordance with paragraph (1).

(c) PLAN.—Not later than March 31, 1999, the Secretary of the Navy shall submit to the congressional defense committees a plan for equipping all operational naval units with smart card technology. The Secretary shall include in the plan estimates of the costs of, and the savings to be derived from, carrying out the plan.

(d) SMART CARD DEFINED.—In this section, the term ''smart card'' means a credit card size device that contains one or more integrated-circuits.

SEC. 346. PUBLIC-PRIVATE COMPETITION IN THE PROVISION OF SUPPORT SERVICES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Defense should take action to initiate public-private competitions pursuant to Office of Management and Budget Circular A–76 for functions of the Department of Defense involving not fewer than a number of employees equivalent to 30,000 full-time employees for each of fiscal years 1999, 2000, 2001, 2002, 2003, and 2004.

(b) SMALL FUNCTIONS QUALIFIED FOR A WAIVER OF THE NOTIFICATION AND REPORTING REQUIREMENTS FOR CONVERSION TO CONTRACTOR PERFORMANCE.—(1) Section 2461(d) of title 10, United States Code, is amended by striking out ''20 or fewer'' and inserting in lieu thereof ''50 or fewer''.

(2) Notwithstanding any other provision of law, no study, notification, or report may be required pursuant to subsection (a), (b), or (c) of section 2461 of title 10, United States Code, or Office of Management and Budget Circular A–76 for functions that are being performed by 50 or fewer Department of Defense civilian employees.

(c) BEST OVERALL VALUE TO THE TAXPAYER.—Section 2462(a) of title 10, United States Code, is amended by striking out ''at a cost that is lower'' and all that follows through the period at the end and inserting in lieu thereof: ''at a lower cost than the cost at which the Department can provide the same supply or service or at a better overall value than the value that the Department can provide for the same supply or service. Each determination regarding relative cost or relative overall value shall be based on an objective evaluation of cost and performance-related factors and shall include the consideration of any cost differential required by law, Executive order, or regulation.''.

(d) EFFECTIVE DATE.—Subsections (b) and (c), and the amendments made by such subsections, shall take effect on January 1, 2001.

SEC. 347. CONDITION FOR PROVIDING FINANCIAL ASSISTANCE FOR SUPPORT OF ADDITIONAL DUTIES ASSIGNED TO THE ARMY NATIONAL GUARD.

(a) COMPETITIVE SOURCE SELECTION.—Section 113(b) of title 32, United States Code, is amended to read as follows:

''(b) COVERED ACTIVITIES.—(1) Except as provided in paragraph (2), financial assistance may be provided for the performance of an activity by the Army National Guard under subsection (a) only if—

''(A) the activity is carried out in the performance of a responsibility of the Secretary of the Army under paragraph (6), (10), or (11) of section 3013(b) of title 10; and

''(B) the Army National Guard was selected to perform the activity under competitive procedures that permit all responsible private-sector sources to submit offers and be considered for selection to perform the activity on the basis of the offers.

''(2) Paragraph (1)(B) does not apply to an activity that, on the date of the enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, was performed for the Federal Government by employees of the Federal Government or employees of a State.''.

(b) PROSPECTIVE APPLICABILITY.—Subparagraph (B) of section 113(b)(1) of title 32, United States Code (as amended by subsection (a) of this section), does not apply to—

(1) financial assistance provided under that section before October 1, 1998; or

(2) financial assistance for an activity that, on or before May 8, 1998, the Secretary of the Army identified in writing as being under consideration for supporting with financial assistance under such section.

SEC. 348. REPEAL OF PROHIBITION ON JOINT USE OF GRAY ARMY AIRFIELD, FORT HOOD, TEXAS.

Section 319 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 3855), relating to a prohibition on the joint military-civilian use of Robert Gray Army Airfield, Fort Hood, Texas, is repealed.

SEC. 349. INVENTORY MANAGEMENT OF IN-TRANSIT SECONDARY ITEMS.

(a) REQUIREMENT FOR PLAN.—Not later than March 1, 1999, the Secretary of Defense shall submit to Congress a plan to address problems with Department of Defense management of the department's inventories of in-transit secondary items as follows:

(1) The vulnerability of in-transit secondary items to loss through fraud, waste, and abuse.

(2) Loss of oversight of in-transit secondary items, including any loss of oversight when items are being transported by commercial carriers.

(3) Loss of accountability for in-transit secondary items due to either a delay of delivery of the items or a lack of notification of a delivery of the items.

(b) CONTENT OF PLAN.— The plan shall include, for each of the problems described in subsection (a), the following information:

(1) The actions to be taken to correct the problems.

(2) Statements of objectives.

(3) Performance measures and schedules.

(4) An identification of any resources that may be necessary for correcting the problem, together with an estimate of the annual costs.

(c) GAO REVIEWS.—(1) Not later than 60 days after the date on which the Secretary of Defense submits the plan to Congress, the Comptroller General shall review the plan and submit to Congress any comments that the Comptroller General considers appropriate regarding the plan.

(2) The Comptroller General shall monitor any implementation of the plan and, not later than one year after the date referred to in paragraph (1), submit to Congress an assessment of the extent to which the plan has been implemented.

SEC. 350. PERSONNEL REDUCTIONS IN ARMY MATERIEL COMMAND.

Not later than March 31, 1999, the Comptroller General shall submit to the congressional defense committees a report concerning—

(1) the effect that the quadrennial defense review's proposed personnel reductions in the Army Materiel Command will have on workload and readiness if implemented; and

(2) the projected cost savings from such reductions and the manner in which such savings are expected to be achieved.

SEC. 351. PROHIBITIONS REGARDING EVALUATION OF MERIT OF SELLING MALT BEVERAGES AND WINE IN COMMISSARY STORES AS EXCHANGE SYSTEM MERCHANDISE.

Neither the Secretary of Defense nor any other official of the Department of Defense may—

(1) by contract or otherwise, conduct a survey of eligible patrons of the commissary store system to determine patron interest in having commissary stores sell malt beverages and wine as exchange store merchandise; or

(2) conduct a demonstration project to evaluate the merit of selling malt beverages and wine in commissary stores as exchange store merchandise.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1999, as follows:

(1) The Army, 480,000.

(2) The Navy, 372,696.

(3) The Marine Corps, 172,200.

(4) The Air Force, 370,882.

SEC. 402. LIMITED EXCLUSIONS OF JOINT DUTY OFFICERS FROM LIMITATIONS ON NUMBER OF GENERAL AND FLAG OFFICERS.

(a) ONE ADDITIONAL EXEMPTION FROM PERCENTAGE LIMITATION ON NUMBER OF LIEUTENANT GENERALS AND VICE ADMIRALS.—Section 525(b)(4)(B) of title 10, United States Code, is amended by striking out ''six'' and inserting in lieu thereof ''seven''.

(b) EXTENSION OF AUTHORITY TO EXCLUDE UP TO 12 JOINT DUTY OFFICERS FROM LIMITATION ON AUTHORIZED GENERAL AND FLAG OFFICER STRENGTH.—Section 526(b)(2) of such title is amended by striking out ''October 1, 1998'' and inserting in lieu thereof ''October 1, 2002''.

SEC. 403. LIMITATION ON DAILY AVERAGE OF PERSONNEL ON ACTIVE DUTY IN GRADES E–8 AND E–9.

(a) FISCAL YEAR BASIS FOR APPLICATION OF LIMITATION.—The first sentence of section 517(a) of title 10, United States Code, is amended—

(1) by striking out ''a calendar year'' and inserting in lieu thereof ''a fiscal year''; and

(2) by striking out ''January 1 of that year'' and inserting in lieu thereof ''the first day of that fiscal year''.

(b) CORRECTION OF CROSS REFERENCE.—Such sentence is further amended by striking out ''Except as provided in section 307 of title 37, the'' and inserting in lieu thereof ''The''.

SEC. 404. REPEAL OF PERMANENT END STRENGTH REQUIREMENT FOR SUPPORT OF TWO MAJOR REGIONAL CONTINGENCIES.

(a) REPEAL.—Section 691 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 39 of such title is amended by striking out the item relating to section 691.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1999, as follows:

(1) The Army National Guard of the United States, 357,000.

(2) The Army Reserve, 208,000.

(3) The Naval Reserve, 90,843.

(4) The Marine Corps Reserve, 40,018.

(5) The Air National Guard of the United States, 106,991.

(6) The Air Force Reserve, 74,242.

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

(b) WAIVER AUTHORITY.—The Secretary of Defense may vary an end strength authorized by subsection (a) by not more than 2 percent.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1999, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 21,763.

(2) The Army Reserve, 11,804.

(3) The Naval Reserve, 15,590.

(4) The Marine Corps Reserve, 2,362.

(5) The Air National Guard of the United States, 10,930.

(6) The Air Force Reserve, 991.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The reserve components of the Army and the Air Force are authorized strengths for military technicians (dual status) as of September 30, 1999, as follows:

(1) For the Army Reserve, 5,205.

(2) For the Army National Guard of the United States, 22,179.

(3) For the Air Force Reserve, 9,761.

(4) For the Air National Guard of the United States, 22,408.

SEC. 414. EXCLUSION OF ADDITIONAL RESERVE COMPONENT GENERAL AND FLAG OFFICERS FROM LIMITATION ON NUMBER OF GENERAL AND FLAG OFFICERS WHO MAY SERVE ON ACTIVE DUTY.

Section 526(d) of title 10, United States Code, is amended to read as follows:

''(d) EXCLUSION OF CERTAIN RESERVE OFFICERS.—(1) Subject to paragraph (2), the limitations of this section do not apply to the following reserve component general or flag officers:

''(A) A general or flag officer who is on active duty for training.

''(B) A general or flag officer who is on active duty under a call or order specifying a period of less than 180 days.

''(C) A general or flag officer who is on active duty under a call or order specifying a period of more than 179 days.

''(2) The number of general or flag officers of an armed force that are excluded from the applicability of the limitations of this section under paragraph (1)(C) at any one time may not exceed the number equal to three percent of the number specified for that armed force under subsection (a).''.

SEC. 415. INCREASE IN NUMBERS OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) OFFICERS.—The table in section 12011(a) of title 10, United States Code, is amended to read as follows:

''Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	791	140
Lieutenant Colonel or Commander	1,524	520	713	90
Colonel or Navy Captain	438	188	297	30''.

(b) SENIOR ENLISTED MEMBERS.—The table in section 12012(a) of title 10, United States Code, is amended to read as follows:

''Grade	Army	Navy	Air Force	Marine Corps
E–9	623	202	395	20
E–8	2,585	429	997	94''.

SEC. 416. CONSOLIDATION OF STRENGTH AUTHORIZATIONS FOR ACTIVE STATUS NAVAL RESERVE FLAG OFFICERS OF THE NAVY MEDICAL DEPARTMENT STAFF CORPS.

Section 12004(c) of subtitle E of title 10, United States Code, is amended—

(1) in the table in paragraph (1)—

(A) by striking out the item relating to the Medical Corps and inserting in lieu thereof the following:

''Medical Department staff corps ... 9''; and

(B) by striking out the items relating to the Dental Corps, the Nurse Corps, and the Medical Service Corps; and

(2) by adding at the end the following:

''(4)(A) For the purposes of paragraph (1), the Medical Department staff corps referred to in the table are as follows:

''(i) The Medical Corps.

''(ii) The Dental Corps.

''(iii) The Nurse Corps.

''(iv) The Medical Service Corps.

''(B) Each of the Medical Department staff corps is authorized one rear admiral (lower half) within the strength authorization distributed to the Medical Department staff corps under paragraph (1). The Secretary of the Navy shall distribute the remainder of the strength authorization for the Medical Department staff corps under that paragraph among those staff corps as the Secretary determines appropriate to meet the needs of the Navy.''.

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1999 a total of $70,434,386,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1999.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. STREAMLINED SELECTIVE RETENTION PROCESS FOR REGULAR OFFICERS.

(a) REPEAL OF REQUIREMENT FOR DUPLICATIVE BOARD.—Section 1183 of title 10, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—(1) Section 1182(c) of such title is amended by striking out ''send the record of proceedings to a board of review convened under section 1183 of this title'' and inserting in lieu thereof ''recommend to the Secretary concerned that the officer not be retained on active duty''.

(2) Section 1184 of such title is amended by striking out ''board of review convened under section 1183 of this title'' and inserting in lieu thereof ''board of inquiry convened under section 1182 of this title''.

(c) CLERICAL AMENDMENTS.—(1) The heading for section 1184 of such title is amended by striking out ''**review**'' and inserting in lieu thereof ''**inquiry**''.

(2) The table of sections at the beginning of chapter 60 of such title is amended by striking out the items relating to sections 1183 and 1184 and inserting in lieu thereof the following:

''1184. Removal of officer: action by Secretary upon recommendation of board of inquiry.''.

SEC. 502. PERMANENT APPLICABILITY OF LIMITATIONS ON YEARS OF ACTIVE NAVAL SERVICE OF NAVY LIMITED DUTY OFFICERS IN GRADES OF COMMANDER AND CAPTAIN.

(a) COMMANDERS.—Section 633 of title 10, United States Code, is amended—

(1) by striking out ''Except an officer'' and all that follows through ''or section 6383 of this title applies'' and inserting in lieu thereof ''Except an officer of the Navy or Marine Corps who is an officer designated for limited duty to whom section 5596(e) or 6383 of this title applies''; and

(2) by striking out the second sentence.

(b) CAPTAINS.—Section 634 of such title is amended—

(1) by inserting ''an officer of the Navy who is designated for limited duty to whom section 6383(a)(4) of this title applies and except'' in the first sentence after ''Except''; and

(2) by striking out the second sentence.

(c) YEARS OF ACTIVE NAVAL SERVICE.—Section 6383(a) of such title is amended by striking out paragraph (5).

(d) LIMITATIONS ON SELECTIVE RETENTIONS.—Section 6383(k) of such title is amended by striking out the last sentence.

SEC. 503. INVOLUNTARY SEPARATION PAY DENIED FOR OFFICER DISCHARGED FOR FAILURE OF SELECTION FOR PROMOTION REQUESTED BY THE OFFICER.

(a) INELIGIBILITY FOR SEPARATION PAY.—Section 1174(a) of title 10, United States Code, is amended by adding at the end the following:

''(3) Notwithstanding paragraphs (1) and (2), an officer discharged for twice failing of selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer submitted a request not to be selected for promotion to any selection board that considered and did not select the officer for promotion to that grade.''.

(b) REPORT OF SELECTION BOARD TO NAME OFFICERS REQUESTING NONSELECTION.—Section 617 of such title is amended by adding at the end the following:

''(c) A selection board convened under section 611(a) of this title shall include in its report to the Secretary concerned the name of any regular officer considered and not recommended by the board for promotion who submitted to the board a request not to be selected for promotion.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to selection boards convened under section 611(a) of title 10, United States Code, on or after that date.

SEC. 504. TERM OF OFFICE OF THE CHIEF OF THE AIR FORCE NURSE CORPS.

Section 8069(b) of title 10, United States Code, is amended in the third sentence by striking out ''and'' and inserting in lieu thereof the following: ''except that the Secretary may increase the limit to four years in any case in which the Secretary determines that special circumstances justify a longer term of service in the position. An officer appointed as Chief''.

SEC. 505. ATTENDANCE OF RECIPIENTS OF NAVAL RESERVE OFFICERS' TRAINING CORPS SCHOLARSHIPS AT PARTICIPATING COLLEGES OR UNIVERSITIES.

Section 2107 of title 10, United States Code, is amended by adding at the end the following:

''(i)(1) Notwithstanding any other provision of law or any policy or regulation of the Department of Defense or of the Department of the Navy, recipients of Naval Reserve Officers' Training Corps scholarships who live in a State which has more scholarship awardees than slots available under the Navy quotas in their State colleges and universities may attend any college or university of their choice in their State to which they have been accepted, so long as the college or university is a participant in the Naval Reserve Officers' Training Corps program.

''(2) The Department of Defense and the Department of the Navy are prohibited from setting maximum limits on the number of Naval Reserve Officers' Training Corps scholarship students who can be enrolled at any college or university participating in the Naval Reserve Officers' Training Corps program in such State.''.

Subtitle B—Reserve Component Matters

SEC. 511. SERVICE REQUIRED FOR RETIREMENT OF NATIONAL GUARD OFFICER IN HIGHER GRADE.

(a) REVISION OF REQUIREMENT.—Subparagraph (E) of section 1370(d)(3) of title 10, United States Code, is amended to read as follows:

''(E) To the extent authorized by the Secretary of the military department concerned, a person who, after having been found qualified for Federal recognition in a higher grade by a board under section 307 of title 32, serves in a position for which that grade is the minimum authorized grade and is appointed as a reserve officer in that grade may be credited for the purposes of subparagraph (A) as having served in that grade. The period of the service for which credit is afforded under the preceding sentence may only be the period for which the person served in the position after the Senate provides advice and consent for the appointment.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to appointments to higher grades that take effect after that date.

SEC. 512. REDUCED TIME-IN-GRADE REQUIREMENT FOR RESERVE GENERAL AND FLAG OFFICERS INVOLUNTARILY TRANSFERRED FROM ACTIVE STATUS.

(a) MINIMUM SERVICE IN ACTIVE STATUS.—Section 1370(d)(3) of title 10, United States Code, as amended by section 511, is further amended by adding at the end the following new subparagraph:

''(F) A person covered by subparagraph (A) who has completed at least six months of satisfactory service in a grade above colonel or (in the case of the Navy) captain and, while serving in an active status in such grade, is involuntarily transferred (other than for cause) from active status may be credited with satisfactory service in the grade in which serving at the time of such transfer, notwithstanding failure of the person to complete three years of service in that grade.''.

(b) EFFECTIVE DATE.—Subparagraph (F) of such section, as added by subsection (a), shall take effect on the date of the enactment of this Act and shall apply with respect to transfers referred to in such subparagraph that are made on or after that date.

SEC. 513. ELIGIBILITY OF ARMY AND AIR FORCE RESERVE BRIGADIER GENERALS TO BE CONSIDERED FOR PROMOTION WHILE ON INACTIVE STATUS LIST.

(a) WAIVER OF ACTIVE STATUS REQUIREMENT.—Chapter 1405 of title 10, United States Code, is amended by adding at the end the following:

''§ 14318. Officers on inactive status list: eligibility of Army and Air Force reserve brigadier generals for consideration for promotion

''(a) WAIVER OF ONE-YEAR ACTIVE STATUS RULE.—The Secretary concerned may waive the eligibility requirements in section 14301(a) of this title (and the requirement in section 140101(a) of this title that an officer be on a reserve active-status list) in the case of a general officer referred to in subsection (b) and authorize the officer to be considered for promotion under this chapter by a promotion board convened under section 14101(a) of this title.

''(b) APPLICABILITY.—Subsection (a) applies to a reserve officer of the Army or Air Force who—

''(1) is on the inactive status list of the Standby Reserve in the grade of brigadier general pursuant to a transfer under section 14314(a)(2) of this title;

''(2) has been on the inactive status list pursuant to the transfer for less than one year as of the date of the convening of the promotion board that is to consider the officer for promotion; and

''(3) during the one-year period ending on the date of the transfer to the inactive status list, continuously performed service on either the reserve active-status list, the active-duty list, or a combination of both lists.''.

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

''14318. Officers on inactive status list: eligibility of Army and Air Force reserve brigadier generals for consideration for promotion.''.

SEC. 514. COMPOSITION OF SELECTIVE EARLY RETIREMENT BOARDS FOR REAR ADMIRALS OF THE NAVAL RESERVE AND MAJOR GENERALS OF THE MARINE CORPS RESERVE.

Section 14705(b) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b) BOARDS.—''; and

(2) by adding at the end the following:

''(2) In the case of a board convened to consider the early retirement of officers in the grade of rear admiral in the Naval Reserve or major general in the Marine Corps Reserve, the Secretary of the Navy may prescribe the composition of the board notwithstanding section 14102(b) of this title. In doing so, however, the Secretary shall ensure that each regular commissioned officer of the Navy or the Marine Corps appointed to the board holds a permanent grade higher than

the grade of the officers under consideration by the board and that at least one member of the board is a reserve officer who holds the grade of rear admiral or major general.''.

SEC. 515. USE OF RESERVES FOR EMERGENCIES INVOLVING WEAPONS OF MASS DESTRUCTION.

(a) ORDER TO ACTIVE DUTY.—(1) Section 12304 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting ''or is necessary to provide assistance referred to in subsection (b)'' after ''to augment the active forces for any operational mission''.

(B) in subsection (b)—

(i) by striking out ''(b)'' and inserting in lieu thereof ''(c) LIMITATIONS.—(1)''; and

(ii) by striking out '', or to provide'' and inserting in lieu thereof ''or, except as provided in subsection (b), to provide'';

(C) by redesignating subsection (c) as paragraph (2); and

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

''(b) SUPPORT FOR RESPONSES TO CERTAIN EMERGENCIES.—The authority under subsection (a) includes authority to order a unit or member to active duty to provide assistance in responding to an emergency involving a use or threatened use of a weapon of mass destruction.''.

(2) Subsection (i) of such section is amended to read as follows:

''(i) DEFINITIONS.—For purposes of this section:

''(1) The term 'Individual Ready Reserve mobilization category' means, in the case of any reserve component, the category of the Individual Ready Reserve described in section 10144(b) of this title.

''(2) The term 'weapon of mass destruction' has the meaning given such term in section 1402 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1)).''.

(3) Such section is further amended—

(A) in subsection (a), by inserting ''AUTHORITY.—'' after ''(a)'';

(B) in subsection (d), by inserting ''EXCLUSION FROM STRENGTH LIMITATIONS.—'' after ''(d)'';

(C) in subsection (e), by inserting ''POLICIES AND PROCEDURES.—'' after ''(e)'';

(D) in subsection (f), by inserting ''NOTIFICATION OF CONGRESS.—'' after ''(f)'';

(E) in subsection (g), by inserting ''TERMINATION OF DUTY.—'' after ''(g)''; and

(F) in subsection (h), by inserting ''RELATIONSHIP TO WAR POWERS RESOLUTION.—'' after ''(h)''.

(b) USE OF ACTIVE GUARD AND RESERVE PERSONNEL.—Section 12310 of title 10, United States Code, is amended by adding at the end the following:

''(c)(1) A Reserve on active duty as described in subsection (a), or a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32 in connection with functions referred to in subsection (a), may perform any duties in support of emergency preparedness programs to prepare for or to respond to any emergency involving the use of a weapon of mass destruction (as defined in section 1402 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1))).

''(2) The costs of the pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for a Reserve performing duties under the authority of paragraph (1) shall be paid from the appropriation that is available to pay such costs for other members of the reserve component of that Reserve who are performing duties as described in subsection (a).''.

Subtitle C—Other Matters

SEC. 521. ANNUAL MANPOWER REQUIREMENTS REPORT.

Section 115a(a) of title 10, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: ''The Secretary of Defense shall submit an annual manpower requirements report to Congress each year, not later than 45 days after the date on which the President submits the budget for the next fiscal year to Congress under section 1105(a) of title 31.''.

SEC. 522. FOUR-YEAR EXTENSION OF CERTAIN FORCE REDUCTION TRANSITION PERIOD MANAGEMENT AND BENEFITS AUTHORITIES.

(a) ACTIVE FORCE EARLY RETIREMENT.—Section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended by striking out ''October 1, 1999'' and inserting in lieu thereof ''October 1, 2003''.

(b) SPECIAL SEPARATION BENEFITS PROGRAM.—Section 1174a(h) of title 10, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2003''.

(c) VOLUNTARY SEPARATION INCENTIVE.—Section 1175(d)(3) of such title is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2003''.

(d) SELECTIVE EARLY RETIREMENT BOARDS.—Section 638a(a) of such title, is amended by striking out ''nine-year period'' and inserting in lieu thereof ''13-year period''.

(e) RETIRED GRADE.—Section 1370(a)(2)(A) of such title is amended by striking out ''nine-year period'' and inserting in lieu thereof ''13-year period''.

(f) MINIMUM COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT.—Sections 3911(b), 6323(a)(2), and 8911(b) of such title are amended by striking out ''nine-year period'' and inserting in lieu thereof ''13-year period''.

(g) TRAVEL, TRANSPORTATION, AND STORAGE BENEFITS.—(1) Subsections (c)(1)(C) and (f)(2)(B)(v) of section 404 of title 37, United States Code, and subsections (a)(2)(B)(v) and (g)(1)(C) of section 406 of such title are amended by striking out ''nine-year period'' and inserting in lieu thereof ''13-year period''.

(2) Section 503(c)(1) of the National Defense Authorization Act for Fiscal Year 1991 (37 U.S.C. 406 note) is amended by striking out ''nine-year period'' and inserting in lieu thereof ''13-year period''.

(h) EDUCATIONAL LEAVE FOR PUBLIC AND COMMUNITY SERVICE.—Section 4463(f) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143a note) is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2003''.

(i) HEALTH BENEFITS.—Section 1145 of title 10, United States Code, is amended—

(1) in subsections (a)(1) and (c)(1), by striking out ''nine-year period'' and inserting in lieu thereof ''13-year period''; and

(2) in subsection (e), by striking out ''five-year period'' and inserting in lieu thereof ''nine-year period''.

(j) COMMISSARY AND EXCHANGE BENEFITS.—Section 1146 of such title is amended—

(1) by striking out ''nine-year period'' in the first sentence and inserting in lieu thereof ''13-year period''; and

(2) by striking out ''five-year period'' in the second sentence and inserting in lieu thereof ''nine-year period''.

(k) USE OF MILITARY HOUSING.—Section 1147(a) of such title 10 is amended—

(1) in paragraph (1), by striking out ''nine-year period'' and inserting in lieu thereof ''13-year period''; and

(2) in paragraph (2), by striking out ''five-year period'' and inserting in lieu thereof ''nine-year period''.

(l) CONTINUED ENROLLMENT OF DEPENDENTS IN DEFENSE DEPENDENTS' EDUCATION SYSTEM.—Section 1407(c)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(c)(1)) is amended by striking out ''nine-year period'' and inserting in lieu thereof ''13-year period''.

(m) GUARD AND RESERVE TRANSITION INITIATIVES.—Title XLIV of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is amended—

(1) in section 4411, by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2003''; and

(2) in section 4416(b)(1), by striking out ''October 1, 1999'' and inserting in lieu thereof ''October 1, 2003''.

(n) RETIRED PAY FOR NONREGULAR SERVICE-AGE AND SERVICE REQUIREMENTS.—(1) Section 12731(f) of title 10, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2003''.

(2) Subsections (a)(1)(B) and (b) of section 12731a of such title are amended by striking out ''October 1, 1999'' and inserting in lieu thereof ''October 1, 2003''.

(o) REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR RETENTION OF GRADE UPON VOLUNTARY RETIREMENT.—Section 1370(d) of such title is amended by adding at the end the following new paragraph:

''(5) The Secretary of Defense may authorize the Secretary of a military department to reduce the three-year period required by paragraph (3)(A) to a period not less than two years in the case of retirements effective during the period beginning on the date of the enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 and ending September 30, 2003. The number of the reserved commissioned officers of an armed force in the same grade for whom a reduction is made during any fiscal year in the period of service-in-grade otherwise required under this paragraph may not exceed the number equal to two percent of the strength authorized for that fiscal year for reserve commissioned officers of that armed force in an active status in that grade.''.

(p) AFFILIATION WITH GUARD AND RESERVE UNITS; WAIVER OF CERTAIN LIMITATIONS.—Section 1150(a) of such title is amended by striking out ''nine-year period'' and inserting in lieu thereof ''13-year period''.

(q) TIME FOR USE OF MONTGOMERY G.I. BILL ENTITLEMENT.—Section 16133(b)(1)(B) of such title is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2003''.

SEC. 523. CONTINUATION OF ELIGIBILITY FOR VOLUNTARY SEPARATION INCENTIVE AFTER INVOLUNTARY LOSS OF MEMBERSHIP IN READY OR STANDBY RESERVE.

(a) PERIOD OF ELIGIBILITY.—Subsection (a) of section 1175 of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking out '', for the period of time the member is serving in a reserve component''; and

(3) by adding at the end the following:

''(2)(A) Except as provided in subparagraph (B), a financial incentive provided a member under this section shall be paid for the period equal to twice the number of years of service of the member, computed as provided in subsection (e)(5).

''(B) If, before the expiration of the period otherwise applicable under subparagraph (A) to a member receiving a financial incentive under this section, the member is separated from a reserve component or is transferred to the Retired Reserve, the period for payment of a financial incentive to the member under this section shall terminate on the date of the separation or transfer unless—

''(i) the separation or transfer is required by reason of the age or number of years of service of the member;

''(ii) the separation or transfer is required by reason of the failure of selection for promotion or the medical disqualification of the member, except in a case in which the Secretary of Defense or the Secretary of Transportation determines that the basis for the separation or transfer is a result of a deliberate action taken by the member with the intent to avoid retention in the Ready Reserve or Standby Reserve; or

''(iii) in the case of a separation, the member is separated from the reserve component for appointment or enlistment in or transfer to another reserve component of an armed force for service in the Ready Reserve or Standby Reserve of that armed force.''.

(b) REPEAL OF SUPERSEDED PROVISION.—Subsection (e)(1) of such section is amended by striking out the second sentence.

SEC. 524. REPEAL OF LIMITATIONS ON AUTHORITY TO SET RATES AND WAIVE REQUIREMENT FOR REIMBURSEMENT OF EXPENSES INCURRED FOR INSTRUCTION AT SERVICE ACADEMIES OF PERSONS FROM FOREIGN COUNTRIES.

(a) UNITED STATES MILITARY ACADEMY.—Section 4344(b) of title 10, United States Code, is amended—

(1) in the second sentence of paragraph (2), by striking out '', except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States''; and

(2) by striking out paragraph (3).

(b) NAVAL ACADEMY.—Section 6957(b) of such title is amended—

(1) in the second sentence of paragraph (2), by striking out '', except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a midshipman appointed from the United States''; and

(2) by striking out paragraph (3).

(c) AIR FORCE ACADEMY.—Section 9344(b) of such title is amended—

(1) in the second sentence of paragraph (2), by striking out '', except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States''; and

(2) by striking out paragraph (3).

SEC. 525. REPEAL OF RESTRICTION ON CIVILIAN EMPLOYMENT OF ENLISTED MEMBERS.

(a) REPEAL.—Section 974 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of such title is amended by striking out the item relating to section 974.

SEC. 526. EXTENSION OF REPORTING DATES FOR COMMISSION ON MILITARY TRAINING AND GENDER-RELATED ISSUES.

(a) INTERIM REPORT.—Subsection (e)(1) of section 562 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1754; 10 U.S.C. 113 note) is amended by striking out ''April 15, 1998'' and inserting in lieu thereof ''October 15, 1998''.

(b) FINAL REPORT.—Subsection (e)(2) of such section is amended by striking out ''September 16, 1998'' and inserting in lieu thereof ''March 15, 1999''.

SEC. 527. MORATORIUM ON CHANGES OF GENDER-RELATED POLICIES AND PRACTICES PENDING COMPLETION OF THE WORK OF THE COMMISSION ON MILITARY TRAINING AND GENDER-RELATED ISSUES.

Notwithstanding any other provision of law, officials of the Department of Defense are prohibited from implementing any change of policy or official practice in the department regarding separation or integration of members of the Armed Forces on the basis of gender that is within the responsibility of the Commission on Military Training and Gender-Related Issues to review under subtitle F of title V of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1750), before the date on which the commission terminates under section 564 of such Act.

SEC. 528. TRANSITIONAL COMPENSATION FOR ABUSED DEPENDENT CHILDREN NOT RESIDING WITH THE SPOUSE OR FORMER SPOUSE OF A MEMBER CONVICTED OF DEPENDENT ABUSE.

(a) ENTITLEMENT NOT CONDITIONED ON FORFEITURE OF SPOUSAL COMPENSATION.—Subsection (d) of section 1059 of title 10, United States Code, is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following:

''(1) If the individual was married at the time of the commission of the dependent-abuse offense resulting in the separation, the spouse or former spouse to whom the individual was married at that time shall be paid such compensation, including an amount (determined under subsection (f)(2)) for each, if any, dependent child of the individual described in subsection (b) who resides in the same household as that spouse or former spouse.'';

(2) in paragraph (2)—

(A) by striking out ''(but for subsection (g)) would be eligible'' and inserting in lieu thereof ''is or, but for subsection (g), would be eligible''; and

(B) by striking out ''such compensation'' and inserting in lieu thereof ''compensation under this section''; and

(3) in paragraph (4), by striking out ''For purposes of paragraphs (2) and (3)'' and inserting in lieu thereof ''For purposes of this subsection''.

(b) AMOUNT OF PAYMENT.—Subsection (f)(2) of such section is amended by striking out ''has custody of a dependent child or children of the member'' and inserting in lieu thereof ''has custody of a dependent child of the member who resides in the same household as that spouse or former spouse''.

(c) PROSPECTIVE APPLICABILITY.—No benefits shall accrue by reason of the amendments made by this section for any month that begins before the date of the enactment of this Act.

SEC. 529. PILOT PROGRAM FOR TREATING GED AND HOME SCHOOL DIPLOMA RECIPIENTS AS HIGH SCHOOL GRADUATES FOR DETERMINATIONS OF ELIGIBILITY FOR ENLISTING IN THE ARMED FORCES.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall establish a pilot program to assess whether the Armed Forces could better meet recruiting requirements by treating GED recipients and home school diploma recipients as having graduated from high school with a high school diploma for the purpose of determining the eligibility of those persons to enlist in the Armed Forces. The Secretary of each military department shall administer the pilot program for the armed force or armed forces under the jurisdiction of the Secretary.

(b) ELIGIBLE RECIPIENTS.—(1) Under the pilot program, a person shall be treated as having graduated from high school with a high school diploma for the purpose described in subsection (a) if the person—

(A) has completed a general education development program while participating in the National Guard Challenge Program and is a GED recipient; or

(B) is a home school diploma recipient and provides a transcript demonstrating completion of high school to the military department involved under the pilot program.

(2) For the purposes of this section, a person is a GED recipient if the person, after completing a general education development program, has obtained certification of high school equivalency by meeting State requirements and passing a State approved exam that is administered for the purpose of providing an appraisal of the person's achievement or performance in the broad subject matter areas usually required for high school graduates.

(3) For the purposes of this section, a person is a home school diploma recipient if the person has received a diploma for completing a program of education through the high school level at a home school, without regard to whether the home school is treated as a private school under the law of the State in which located.

(c) ANNUAL LIMIT ON NUMBER.—Not more than 1,250 GED recipients, and not more than 1,250 home school diploma recipients, enlisted by an armed force in any fiscal year may be treated under the pilot program as having graduated from high school with a high school diploma.

(d) PERIOD FOR PILOT PROGRAM.—The pilot program shall be in effect for five fiscal years beginning on October 1, 1998.

(e) REPORT.—(1) Not later than February 1, 2004, the Secretary of Defense shall submit a report on the pilot program to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(2)(A) The report shall include the assessment of the Secretary of Defense, and any assessment of any of the Secretaries of the military departments, regarding the value of, and any necessity for, authority to treat GED recipients and home school diploma recipients as having graduated from high school with a high school diploma for the purpose of determining the eligibility of those persons to enlist in the Armed Forces.

(B) The Secretary shall also set forth in the report, by armed force for each fiscal year of the pilot program, a comparison of the performance of the persons who enlisted in that armed force during the fiscal year as GED or home school diploma recipients treated under the pilot program as having graduated from high school with a high school diploma with the performance of the persons who enlisted in that armed force during the same fiscal year after having graduated from high school with a high school diploma, with respect to the following:

(i) Attrition.

(ii) Discipline.

(iii) Adaptability to military life.

(iv) Aptitude for mastering the skills necessary for technical specialties.

(v) Reenlistment rates.

(f) REFERENCE TO NATIONAL GUARD CHALLENGE PROGRAM.—The National Guard Challenge Program referred to in this section is a program conducted under section 509 of title 32, United States Code.

(g) STATE DEFINED.—In this section, the term ''State'' has the meaning given that term in section 509(l)(1) of title 32, United States Code.

SEC. 530. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO CERTAIN PERSONS.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary of the military department concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) DISTINGUISHED-SERVICE CROSS.—Subsection (a) applies to award of the Distinguished-Service Cross of the Army as follows:

(1) To Isaac Camacho of El Paso, Texas, for extraordinary heroism in actions at Camp Hiep Hoa in Vietnam on November 24, 1963, while serving as a member of the Army.

(2) To Bruce P. Crandall of Mesa, Arizona, for extraordinary heroism in actions at Landing Zone X-Ray in Vietnam on November 14, 1965, while serving as a member of the Army.

(3) To Leland B. Fair of Jessieville, Arkansas, for extraordinary heroism in actions in the Philippine Islands on July 4, 1945, while serving as a member of the Army.

(c) DISTINGUISHED-SERVICE MEDAL.—Subsection (a) applies to award of the Distinguished-Service Medal of the Army to Richard P. Sakakida of Fremont, California, for exceptionally meritorious service while a prisoner of war in the Philippine Islands from May 7, 1942, to September 14, 1945, while serving as a member of the Army.

(d) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to award of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual (not covered by section 573(d) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1757)) concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate, before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

SEC. 531. PROHIBITION ON ENTRY INTO CORRECTIONAL FACILITIES FOR PRESENTATION OF DECORATIONS TO PERSONS WHO COMMIT CERTAIN CRIMES BEFORE PRESENTATION.

(a) PROHIBITION.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following:

"§ 1132. Presentation of decorations: prohibition on entering into correctional facilities for certain presentations

''(a) PROHIBITION.—No member of the armed forces may enter into a Federal, State, or local correctional facility for purposes of presenting a decoration to a person who has been convicted of a serious violent felony.

''(b) DEFINITIONS.—In this section:

''(1) The term 'decoration' means any decoration or award that may be presented or awarded to a member of the armed forces.

''(2) The term 'serious violent felony' has the meaning given that term in section 3359(c)(2)(F) of title 18.''.

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

''1132. Presentation of decorations: prohibition on entering into correctional facilities for certain presentations.''.

SEC. 532. ADVANCEMENT OF BENJAMIN O. DAVIS, JUNIOR, TO GRADE OF GENERAL.

(a) AUTHORITY.—The President is authorized to advance Benjamin O. Davis, Junior, to the grade of general on the retired list of the Air Force.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—An advancement of Benjamin O. Davis, Junior, to the grade of general on the retired list of the Air Force under subsection (a) shall not increase or change the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the said Benjamin O. Davis, Junior.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 1999.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services by section 203(a) of such title to become effective during fiscal year 1999 shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 1999, the rates of basic pay of members of the uniformed services are increased by 3.6 percent.

(c) OFFSETTING REDUCTIONS IN AUTHORIZATIONS OF APPROPRIATIONS.—(1) Notwithstanding any other provision of title I, the total amount authorized to be appropriated under title II is hereby reduced by $150,000,000.

(2) Notwithstanding any other provision of title II, the total amount authorized to be appropriated under title II is hereby reduced by $275,000,000.

SEC. 602. RATE OF PAY FOR CADETS AND MIDSHIPMEN AT THE SERVICE ACADEMIES.

(a) INCREASED RATE.—Section 203(c) of title 37, United States Code, is amended by striking out ''$558.04'' and inserting in lieu thereof ''$600.00''.

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

SEC. 603. PAYMENTS FOR MOVEMENTS OF HOUSEHOLD GOODS ARRANGED BY MEMBERS.

(a) MONETARY ALLOWANCE AUTHORIZED.—Subsection (b)(1) of section 406 of title 37, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking out '', or reimbursement therefor,''; and

(B) by inserting after the second sentence the following: ''Alternatively, a member may be paid reimbursement or a monetary allowance under subparagraph (F).''; and

(2) by adding at the end the following:

''(F) A member entitled to transportation of baggage and household effects under subparagraph (A) may, as an alternative to the provision of transportation, be paid reimbursement or, at the member's request, a monetary allowance in advance for the cost of transportation of the baggage and household effects. The monetary allowance may be paid only if the amount of the allowance does not exceed the cost that would be incurred by the Government under subparagraph (A) for the transportation of the baggage and household effects. Appropriations available to the Department of Defense, the Department of Transportation, and the Department of Health and Human Services for providing transportation of baggage or household effects of members of the uniformed services shall be available to pay a reimbursement or monetary allowance under this subparagraph. The Secretary concerned may prescribe the manner in which the risk of liability for damage, destruction, or loss of baggage or household effects arranged, packed, crated, or loaded by a member is allocated among the member, the United States, and any contractor when a reimbursement or monetary allowance is elected under this subparagraph.''.

(b) REPEAL OF SUPERSEDED PROVISION.—Such section is further amended by striking out subsection (j).

SEC. 604. LEAVE WITHOUT PAY FOR SUSPENDED ACADEMY CADETS AND MIDSHIPMEN.

(a) AUTHORITY.—Section 702 of title 10, United States Code, is amended—

(1) by designating the second sentence of subsection (b) as subsection (d);

(2) by redesignating subsection (b) as subsection (c); and

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

''(b) LEAVE WITHOUT PAY.—(1) Under regulations prescribed under subsection (d), the Superintendent of the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the United States Coast Guard Academy may order a cadet or midshipman of the Academy to be placed on leave involuntarily for any period during which the cadet or midshipman is suspended from duty at the Academy—

''(A) pending separation from the Academy;

''(B) pending return to the Academy to repeat an academic semester or year; or

''(C) for other good cause.

''(2) A cadet or midshipman placed on involuntary leave under paragraph (1) is not entitled to any pay under section 230(c) of title 37 for the period of the leave.

''(3) A return of a cadet or midshipman to a pay status at the Academy from an involuntary leave status under paragraph (1) does not restore any entitlement of the cadet or midshipman to pay for the period of the involuntary leave.''.

(b) SUBSECTION HEADINGS.—Such section, as amended by subsection (a), is further amended—

(1) in subsection (a), by inserting ''GRADUATION LEAVE.—'' after ''(a)'';

(2) in subsection (c), by inserting ''INAPPLICABLE LEAVE PROVISIONS.—'' after ''(c)''; and

(3) in subsection (d), by inserting ''REGULATIONS.—'' after ''(d)''.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. THREE-MONTH EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of title 37, United States Code, as redesignated by section 622, is amended by

striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking out ''October 1, 1999'' and inserting in lieu thereof ''January 1, 2000''.

SEC. 612. THREE-MONTH EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

SEC. 613. THREE-MONTH EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out ''September 30, 1999,'' and inserting in lieu thereof ''December 31, 1999,''.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(c) ENLISTMENT BONUSES FOR MEMBERS WITH CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(d) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(e) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(f) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of title 37, United States Code, is amended by striking out ''October 1, 1999'' and inserting in lieu thereof ''October 1, 1998, and the 15-month period beginning on that date and ending on December 31, 1999''.

SEC. 614. ELIGIBILITY OF RESERVES FOR SELECTIVE REENLISTMENT BONUS WHEN REENLISTING OR EXTENDING TO PERFORM ACTIVE GUARD AND RESERVE DUTY.

Section 308(a)(1)(D) of title 37, United States Code, is amended by inserting after ''a regular component of the service concerned'' the following: '', or in a reserve component of the service concerned in the case of a member reenlisting or extending to perform active Guard and Reserve duty (as defined in section 101(d)(6) of title 10),''.

SEC. 615. REPEAL OF TEN-PERCENT LIMITATION ON PAYMENTS OF SELECTIVE REENLISTMENT BONUSES IN EXCESS OF $20,000.

Section 308(b) of title 37, United States Code, is amended—

(1) by striking out paragraph (2); and

(2) in paragraph (1), by striking out ''(1)''.

SEC. 616. INCREASE OF MAXIMUM AMOUNT AUTHORIZED FOR ARMY ENLISTMENT BONUS.

Section 308f(a) of title 37, United States Code, is amended by striking out ''$4,000'' and inserting in lieu thereof ''$6,000''.

SEC. 617. EDUCATION LOAN REPAYMENT PROGRAM FOR HEALTH PROFESSIONS OFFICERS SERVING IN SELECTED RESERVE.

(a) ELIGIBLE PERSONS.—Subsection (b)(2) of section 16302 of title 10, United States Code, is amended by inserting '', or is enrolled in a program of education leading to professional qualifications,'' after ''possesses professional qualifications''.

(b) INCREASED BENEFITS.—Subsection (c) of such section is amended—

(1) in paragraph (2), by striking out ''$3,000'' and inserting in lieu thereof ''$20,000''; and

(2) in paragraph (3), by striking out ''$20,000'' and inserting in lieu thereof ''$50,000''.

SEC. 618. INCREASE IN AMOUNT OF BASIC EDUCATIONAL ASSISTANCE UNDER ALL-VOLUNTEER FORCE PROGRAM FOR PERSONNEL WITH CRITICALLY SHORT SKILLS OR SPECIALTIES.

Section 3015(d) of title 38, United States Code, is amended by striking out ''$700'' and inserting in lieu thereof ''$950''.

SEC. 619. RELATIONSHIP OF ENTITLEMENTS TO ENLISTMENT BONUSES AND BENEFITS UNDER THE ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM.

(a) ENTITLEMENTS NOT EXCLUSIVE.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following:

''§ 3019A. Relationship to entitlement to certain enlistment bonuses

''The entitlement of an individual to benefits under this chapter is not affected by receipt by that individual of an enlistment bonus under section 308a or 308f of title 37.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3019 the following:

''3019A. Relationship to entitlement to certain enlistment bonuses.''.

(b) REPEAL OF RELATED LIMITATION.—Section 8013(a) of Public Law 105–56 (111 Stat. 1222) is amended—

(1) by striking out ''of this Act—'' and all that follows through ''nor shall any amounts'' and inserting in lieu thereof ''of this Act enlists in the armed services for a period of active duty of less that three years, nor shall any amounts''; and

(2) in the first proviso, by striking out ''in the case of a member covered by clause (1),''.

SEC. 620. HARDSHIP DUTY PAY.

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

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

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

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

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

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

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

''305. Special pay: hardship duty pay.''.

SEC. 620A. INCREASED HAZARDOUS DUTY PAY FOR AERIAL FLIGHT CREWMEMBERS IN PAY GRADES E–4 TO E–9.

(a) RATES.—The table in section 301(b) of title 37, United States Code, is amended by striking out the items relating to pay grades E–4, E–5, E–6, E–7, E–8, and E–9, and inserting in lieu thereof the following:

''E–9 240
E–8 240
E–7 240
E–6 215
E–5 90
E–4 165''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect on October 1, 1998, and shall apply with respect to months beginning on or after that date.

SEC. 620B. DIVING DUTY SPECIAL PAY FOR DIVERS HAVING DIVING DUTY AS A NONPRIMARY DUTY.

(a) ELIGIBILITY FOR MAINTAINING PROFICIENCY.—Section 304(a)(3) of title 37, United States Code, is amended to read as follows:

''(3) either—

''(A) actually performs diving duty while serving in an assignment for which diving is a primary duty; or

''(B) meets the requirements to maintain proficiency as described in paragraph (2) while serving in an assignment that includes diving duty other than as a primary duty.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1998, and shall apply with respect to months beginning on or after that date.

SEC. 620C. RETENTION INCENTIVES INITIATIVE FOR CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTIES.

(a) REQUIREMENT FOR NEW INCENTIVES.—The Secretary of Defense shall establish and provide for members of the Armed Forces qualified in critically short military occupational specialties a series of new incentives that the Secretary considers potentially effective for increasing the rates at which those members are retained in the Armed Forces for service in such specialties.

(b) CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTIES.—For the purposes of this section, a military occupational specialty is a critically short military occupational specialty for an armed force if the number of members retained in that armed force in fiscal year 1998 for service in that specialty is less than 50 percent of the number of members of that armed force that were projected to be retained in that armed force for service in the specialty by the Secretary of the military department concerned as of October 1, 1997.

(c) INCENTIVES.—It is the sense of Congress that, among the new incentives established and provided under this section, the Secretary of Defense should include the following incentives:

(1) Family support and leave allowances.

(2) Increased special reenlistment or retention bonuses.

(3) Repayment of educational loans.

(4) Priority of selection for assignment to preferred permanent duty station or for extension at permanent duty station.

(5) Modified leave policies.

(6) Special consideration for Government housing or additional housing allowances.

(d) RELATIONSHIP TO OTHER INCENTIVES.—Incentives provided under this section are in addition to any special pay or other benefit that is authorized under any other provision of law.

(e) REPORTS.—(1) Not later than December 1, 1998, the Secretary of Defense shall submit to the congressional defense committees a report that identifies, for each of the Armed Forces, the critically short military occupational specialties to which incentives under this section are to apply.

(2) Not later than April 15, 1999, the Secretary of Defense shall submit to the congressional defense committees a report that specifies, for each of the Armed Forces, the incentives that are to be provided under this section.

Subtitle C—Travel and Transportation Allowances

SEC. 621. TRAVEL AND TRANSPORTATION FOR REST AND RECUPERATION IN CONNECTION WITH CONTINGENCY OPERATIONS AND OTHER DUTY.

Section 411c of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(B) by inserting ''IN GENERAL.—(1)'' after ''(a)'';

(2) in subsection (b), by striking out ''(b) The transportation authorized by this section'' and inserting in lieu thereof ''(2) The transportation authorized by paragraph (1)''; and

(3) by adding at the end the following:

''(b) CONTINGENCY OPERATIONS AND OTHER SPECIAL SITUATIONS.—(1) Under uniform regulations prescribed by the Secretaries concerned, a member of the armed forces serving a tour of duty at a duty station, and under conditions, described in paragraph (2) may be paid for or provided transportation to a location described in subsection (a)(1) as part of a program of rest and recuperation specifically authorized for members of the armed forces serving under those conditions at that duty station by the Secretary concerned in advance of the commencement of the member's travel.

''(2) Paragraph (1) applies to a member of the armed forces serving at a duty station outside the United States if—

''(A) the member is participating in a contingency operation at or from that duty station; or

''(B) the payment for or provision of transportation would be in the best interests of members of the armed forces and the United States because of unusual conditions at the duty station, as determined by the Secretary concerned.

''(3) Transportation may not be paid for or provided to a member under this subsection for travel that begins—

''(A) more than 24 months after the commencement of the tour of duty for which the transportation is authorized; or

''(B) after the tour of duty ends.

''(4) The transportation authorized by this subsection is limited to one round-trip during any tour of at least 6, but less than 24, consecutive months.

''(5) Transportation paid for or provided to a member under this subsection may not be counted as transportation for which the member is eligible under subsection (a).''.

SEC. 622. PAYMENT FOR TEMPORARY STORAGE OF BAGGAGE OF DEPENDENT STUDENT NOT TAKEN ON ANNUAL TRIP TO OVERSEAS DUTY STATION OF SPONSOR.

Section 430(b) of title 37, United States Code, is amended by striking out the second sentence and inserting in lieu thereof the following: ''The allowance authorized by this section may be prescribed by the Secretaries concerned as transportation in kind or reimbursement therefor, including an amount for the temporary storage of any baggage not taken with the child on the annual trip if determined advantageous to the Government.''.

SEC. 623. COMMERCIAL TRAVEL OF RESERVES AT FEDERAL SUPPLY SCHEDULE RATES FOR ATTENDANCE AT INACTIVE DUTY TRAINING ASSEMBLIES.

(a) AUTHORITY.—Chapter 1217 of title 10, United States Code is amended by adding at the end the following:

''§ 12603. Commercial travel at Federal supply schedule rates for attendance at inactive duty training assemblies

''(a) FEDERAL SUPPLY SCHEDULE TRAVEL.—Commercial travel under Federal supply schedules is authorized for the travel of a Reserve to the location of inactive duty training to be performed by the Reserve or from that location upon completion of the training.

''(b) REGULATIONS.—The Secretary of Defense shall prescribe in regulations the requirements, conditions, and restrictions for travel under the authority of subsection (a) that the Secretary considers appropriate. The regulations shall include policies and procedures for preventing abuses of the travel authority.

''(c) REIMBURSEMENT NOT AUTHORIZED.—A Reserve is not entitled to Government reimbursement for the cost of travel authorized under subsection (a).

''(d) TREATMENT OF TRANSPORTATION AS USE BY MILITARY DEPARTMENTS.—For the purposes of section 201(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)), travel authorized under subsection (a) shall be treated as transportation for the use of a military department.''.

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

''12603. Commercial travel at Federal supply schedule rates for attendance at inactive duty training assemblies.''.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

SEC. 631. PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

(a) PAID UP AT 30 YEARS OF SERVICE AND AGE 70.—Section 1452 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j) COVERAGE PAID UP AT 30 YEARS AND ATTAINMENT OF AGE 70.—(1) Coverage of a survivor of a member under the Plan shall be considered paid up as of the end of the later of—

''(A) the 360th month in which the member's retired pay has been reduced under this section; or

''(B) the month in which the member attains 70 years of age.

''(2) The retired pay of a member shall not be reduced under this section to provide coverage of a survivor under the Plan after the month when the coverage is considered paid up under paragraph (1).''.

(b) EFFECTIVE DATE.—Section 1452(j) of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 2003.

SEC. 632. COURT-REQUIRED SURVIVOR BENEFIT PLAN COVERAGE EFFECTUATED THROUGH ELECTIONS AND DEEMED ELECTIONS.

(a) ELIMINATION OF DISPARITY IN EFFECTIVE DATE PROVISIONS.—Section 1448(b)(3) of title 10, United States Code, is amended—

(1) in subparagraph (C)—

(A) by striking out the second sentence; and

(B) by striking out ''EFFECTIVE DATE,'' in the heading; and

(2) by adding at the end the following:

''(E) EFFECTIVE DATE.—An election under this paragraph—

''(i) in the case of a person required (as described in section 1450(f)(3)(B) of this title) to make the election, is effective as of the first day of the first month which begins after the date of the court order or filing that requires the election; and

''(ii) in all other cases, is effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.''.

(b) CONFORMITY BY CROSS REFERENCE.—Section 1450(f)(3)(D) of such title is amended by striking out ''the first day of the first month which begins after the date of the court order or filing involved'' and inserting in lieu thereof ''the day referred to in section 1448(b)(3)(E)(i) of this title''.

SEC. 633. RECOVERY, CARE, AND DISPOSITION OF REMAINS OF MEDICALLY RETIRED MEMBER WHO DIES DURING HOSPITALIZATION THAT BEGINS WHILE ON ACTIVE DUTY.

(a) IN GENERAL.—Section 1481(a)(7) of title 10, United States Code, is amended to read as follows:

''(7) A person who—

''(A) dies as a retired member of an armed force under the Secretary's jurisdiction during a continuous hospitalization of the member as a patient in a United States hospital that began while the member was on active duty for a period of more than 30 days; or

''(B) is not covered by subparagraph (A) and, while in a retired status by reason of eligibility to retire under chapter 61 of this title, dies during a continuous hospitalization of the person that began while the person was on active duty as a Regular of an armed force, or a member of an armed force without component, under the Secretary's jurisdiction.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of the enactment of this Act and applies with respect to deaths occurring on or after that date.

SEC. 634. SURVIVOR BENEFIT PLAN OPEN ENROLLMENT PERIOD.

(a) PERSONS NOT CURRENTLY PARTICIPATING IN SURVIVOR BENEFIT PLAN.—

(1) ELECTION OF SBP COVERAGE.—An eligible retired or former member may elect to participate in the Survivor Benefit Plan during the open enrollment period specified in subsection (d).

(2) ELECTION OF SUPPLEMENTAL ANNUITY COVERAGE.—An eligible retired or former member who elects under paragraph (1) to participate in the Survivor Benefit Plan may also elect during the open enrollment period to participate in the Supplemental Survivor Benefit Plan.

(3) ELIGIBLE RETIRED OR FORMER MEMBER.—For purposes of paragraphs (1) and (2), an eligible retired or former member is a member or former member of the uniformed services who on the day before the first day of the open enrollment period is not a participant in the Survivor Benefit Plan and—

(A) is entitled to retired pay; or

(B) would be entitled to retired pay under chapter 1223 of title 10, United States Code (or chapter 67 of such title as in effect before October 5, 1994), but for the fact that such member or former member is under 60 years of age.

(4) STATUS UNDER SBP OF PERSONS MAKING ELECTIONS.—

(A) STANDARD ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(A) shall be treated for all purposes as providing a standard annuity under the Survivor Benefit Plan.

(B) RESERVE-COMPONENT ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(B) shall be treated for all purposes as providing a reserve-component annuity under the Survivor Benefit Plan.

(b) MANNER OF MAKING ELECTIONS.—

(1) IN GENERAL.—An election under this section must be made in writing, signed by the person making the election, and received by the Secretary concerned before the end of the open enrollment period. Except as provided in paragraph (2), any such election shall be made subject to the same conditions, and with the same opportunities for designation of beneficiaries and specification of base amount, that apply under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be. A person making an election under subsection (a) to provide a reserve-component annuity shall make a designation described in section 1448(e) of title 10, United States Code.

(2) ELECTION MUST BE VOLUNTARY.—An election under this section is not effective unless the person making the election declares the election to be voluntary. An election to participate in the Survivor Benefit Plan under this section may not be required by any court. An election to participate or not to participate in the Survivor Benefit Plan is not subject to the concurrence of a spouse or former spouse of the person.

(c) EFFECTIVE DATE FOR ELECTIONS.—Any such election shall be effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

(d) OPEN ENROLLMENT PERIOD DEFINED.—The open enrollment period is the one-year period beginning on March 1, 1999.

(e) EFFECT OF DEATH OF PERSON MAKING ELECTION WITHIN TWO YEARS OF MAKING ELECTION.—If a person making an election under this section dies before the end of the two-year period beginning on the effective date of the election, the election is void and the amount of any reduction in retired pay of the person that is attributable to the election shall be paid in a lump sum to the person who would have been the deceased person's beneficiary under the voided election if the deceased person had died after the end of such two-year period.

(f) APPLICABILITY OF CERTAIN PROVISIONS OF LAW.—The provisions of sections 1449, 1453, and 1454 of title 10, United States Code, are applicable to a person making an election, and to an election, under this section in the same manner as if the election were made under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be.

(g) PREMIUMS FOR OPEN ENROLLMENT ELECTION.—

(1) PREMIUMS TO BE CHARGED.—The Secretary of Defense shall prescribe in regulations premiums which a person electing under this section shall be required to pay for participating in the Survivor Benefit Plan pursuant to the election. The total amount of the premiums to be paid by a person under the regulations shall be equal to the sum of—

(A) the total amount by which the retired pay of the person would have been reduced before the effective date of the election if the person had elected to participate in the Survivor Benefit Plan (for the same base amount specified in the election) at the first opportunity that was afforded the member to participate under chapter 73 of title 10, United States Code;

(B) interest on the amounts by which the retired pay of the person would have been so reduced, computed from the dates on which the retired pay would have been so reduced at such rate or rates and according to such methodology as the Secretary of Defense determines reasonable; and

(C) any additional amount that the Secretary determines necessary to protect the actuarial soundness of the Department of Defense Military Retirement Fund against any increased risk for the fund that is associated with the election.

(2) PREMIUMS TO BE CREDITED TO RETIREMENT FUND.—Premiums paid under the regulations shall be credited to the Department of Defense Military Retirement Fund.

(h) DEFINITIONS.—In this section:

(1) The term ''Survivor Benefit Plan'' means the program established under subchapter II of chapter 73 of title 10, United States Code.

(2) The term ''Supplemental Survivor Benefit Plan'' means the program established under subchapter III of chapter 73 of title 10, United States Code.

(3) The term ''retired pay'' includes retainer pay paid under section 6330 of title 10, United States Code.

(4) The terms ''uniformed services'' and ''Secretary concerned'' have the meanings given those terms in section 101 of title 37, United States Code.

(5) The term ''Department of Defense Military Retirement Fund'' means the Department of Defense Military Retirement Fund established under section 1461(a) of title 10, United States Code.

SEC. 635. ELIGIBILITY FOR PAYMENTS OF CERTAIN SURVIVORS OF CAPTURED AND INTERNED VIETNAMESE OPERATIVES WHO WERE UNMARRIED AND CHILDLESS AT DEATH.

Section 657(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2585) is amended by adding at the end the following:

''(3) In the case of a decedent who had not been married at the time of death—

''(A) to the surviving parents; or

''(B) if there are no surviving parents, to the surviving siblings by blood of the decedent, in equal shares.''.

SEC. 636. CLARIFICATION OF RECIPIENT OF PAYMENTS TO PERSONS CAPTURED OR INTERNED BY NORTH VIETNAM.

Section 657(f)(1) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2585) is amended by striking out ''The actual disbursement'' and inserting in lieu thereof ''Notwithstanding any agreement (including a power of attorney) to the contrary, the actual disbursement''.

SEC. 637. PRESENTATION OF UNITED STATES FLAG TO MEMBERS OF THE ARMED FORCES.

(a) ARMY.—(1) Chapter 353 of title 10, United States Code, is amended by inserting after the table of sections the following:

''§ 3681. Presentation of flag upon retirement at end of active duty service

''(a) REQUIREMENT.—The Secretary of the Army shall present a United States flag to a member of any component of the Army upon the release of the member from active duty for retirement.

''(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for a presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or section 6141 or 8681 of this title.

''(c) NO COST TO RECIPIENT.—The presentation of a flag under his section shall be at no cost to the recipient.''.

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 3684 the following:

''3681. Presentation of flag upon retirement at end of active duty service.''.

(b) NAVY AND MARINE CORPS.—(1) Chapter 561 of title 10, United States Code, is amended by inserting after the table of sections the following:

''§ 6141. Presentation of flag upon retirement at end of active duty service

''(a) REQUIREMENT.—The Secretary of the Navy shall present a United States flag to a member of any component of the Navy or Marine Corps upon the release of the member from active duty for retirement or for transfer to the Fleet Reserve or the Fleet Marine Corps Reserve.

''(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for a presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or section 3681 or 8681 of this title.

''(c) NO COST TO RECIPIENT.—The presentation of a flag under his section shall be at no cost to the recipient.''.

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 6151 the following:

''6141. Presentation of flag upon retirement at end of active duty service.''.

(c) AIR FORCE.—(1) Chapter 853 of title 10, United States Code, is amended by inserting after the table of sections the following:

''§ 8681. Presentation of flag upon retirement at end of active duty service

''(a) REQUIREMENT.—The Secretary of the Air Force shall present a United States flag to a member of any component of the Air Force upon the release of the member from active duty for retirement.

''(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for a presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or section 3681 or 6141 of this title.

''(c) NO COST TO RECIPIENT.—The presentation of a flag under his section shall be at no cost to the recipient.''.

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 8684 the following:

''8681. Presentation of flag upon retirement at end of active duty service.''.

(d) REQUIREMENT FOR ADVANCE APPROPRIATIONS.—The Secretary of a military department may present flags under authority provided the Secretary in section 3681, 6141, or 8681 title 10, United States Code (as added by this section), only to the extent that funds for such presentations are appropriated for that purpose in advance.

(e) EFFECTIVE DATE.—Sections 3681, 6141, and 8681 of title 10, United States Code (as added by this section shall take effect on October 1, 1998, and shall apply with respect to releases described in those sections on or after that date.

SEC. 638. ELIMINATION OF BACKLOG OF UNPAID RETIRED PAY.

(a) REQUIREMENT.—The Secretary of the Army shall take such actions as are necessary to eliminate, by December 31, 1998, the backlog of unpaid retired pay for members and former members of the Army (including members and former members of the Army Reserve and the Army National Guard).

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the backlog of unpaid retired pay. The report shall include the following:

(1) The actions taken under subsection (a).

(2) The extent of the remaining backlog.

(3) A discussion of any additional actions that are necessary to ensure that retired pay is paid in a timely manner.

(c) FUNDING.—Of the amount authorized to be appropriated under section 421, $1,700,000 shall be available for carrying out this section.

Subtitle E—Other Matters

SEC. 641. DEFINITION OF POSSESSIONS OF THE UNITED STATES FOR PAY AND ALLOWANCES PURPOSES.

Section 101(2) of title 37, United States Code, is amended by striking out ''the Canal Zone,''.

SEC. 642. FEDERAL EMPLOYEES' COMPENSATION COVERAGE FOR STUDENTS PARTICIPATING IN CERTAIN OFFICER CANDIDATE PROGRAMS.

(a) PERIODS OF COVERAGE.—Subsection (a)(2) of section 8140 of title 5, United States Code, is amended to read as follows:

''(2) during the period of the member's attendance at training or a practice cruise under chapter 103 of title 10, beginning when the authorized travel to the training or practice cruise begins and ending when authorized travel from the training or practice cruise ends.''.

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

''(b) For the purpose of this section, an injury, disability, death, or illness of a member referred to in subsection (a) may be considered as incurred or contracted in line of duty only if the injury, disability, or death is incurred, or the illness is contracted, by the member during a period described in that subsection. Subject to review by the Secretary of Labor, the Secretary of the military department concerned (under regulations prescribed by that Secretary), shall determine whether an injury, disability, or death was incurred, or an illness was contracted, by a member in line of duty.''.

(c) CLARIFICATION OF CASUALTIES COVERED.—Subsection (a) of such section, as amended by subsection (a) of this section, is further amended by inserting '', or an illness contracted,'' after ''death incurred'' in the matter preceding paragraph (1).

(d) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act and apply with respect to injuries, illnesses, disabilities, and deaths incurred or contracted on or after that date.

SEC. 643. AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE FOR EDUCATION OF CERTAIN DEFENSE DEPENDENTS OVERSEAS.

Section 1407(b) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(b)) is amended—

(1) by striking out ''(b) Under such circumstances as he may by regulation prescribe, the Secretary of Defense'' and inserting in lieu thereof ''(b) TUITION AND ASSISTANCE WHEN SCHOOLS UNAVAILABLE.—(1) Under such circumstances as the Secretary of Defense may prescribe in regulations, the Secretary''; and

(2) by adding at the end the following:

''(2)(A) The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service of the Navy, may provide financial assistance to sponsors of dependents in overseas areas where schools operated by the Secretary of Defense under subsection (a) are not reasonably available in order to assist the sponsors to defray the costs incurred by the sponsors for the attendance of the dependents at schools in such areas other than schools operated by the Secretary of Defense.

''(B) The Secretary of Defense and the Secretary of Transportation shall each prescribe regulations relating to the availability of financial assistance under subparagraph (A). Such regulations shall, to the maximum extent practicable, be consistent with Department of State regulations relating to the availability of financial assistance for the education of dependents of Department of State personnel overseas.''.

SEC. 644. VOTING RIGHTS OF MILITARY PERSONNEL.

(a) GUARANTEE OF RESIDENCY.—Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

''SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become resident in or a resident of any other State.

''(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.''.

(b) STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.—(1) Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(A) by inserting ''(a) ELECTIONS FOR FEDERAL OFFICES.—'' before ''Each State shall—''; and

(B) by adding at the end the following:

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

''(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.''.

(2) The heading of title I of such Act is amended by striking out "**FOR FEDERAL OFFICE**''.

TITLE VII—HEALTH CARE

SEC. 701. DEPENDENTS' DENTAL PROGRAM.

(a) INFLATION-INDEXED PREMIUM.—(1) Section 1076a(b)(2) of title 10, United States Code, is amended—

(A) by inserting ''(A)'' after ''(2)''; and

(B) by adding at the end the following:

''(B) Effective as of January 1 of each year, the amount of the premium required under subparagraph (A) shall be increased by the percent equal to the lesser of—

''(i) the percent by which the rates of basic pay of members of the uniformed services are increased on such date; or

''(ii) the sum of one-half percent and the percent computed under section 5303(a) of title 5 for the increase in rates of basic pay for statutory pay systems for pay periods beginning on or after such date.''.

(2) The amendment made by subparagraph (B) of paragraph (1) shall take effect on January 1, 1999, and shall apply to months after 1998 as if such subparagraph had been in effect since December 31, 1993.

(b) OFFER OF PLAN UNDER TRICARE.—(1) Section 1097 of such title is amended by adding at the end the following:

''(f) DEPENDENTS' DENTAL PLAN.—A basic dental benefits plan established for eligible dependents under section 1076a of this title may be offered under the TRICARE program.''.

(2) Subsection (e) of such section is amended by adding at the end the following: ''Charges for a basic dental benefits plan offered under the TRICARE program pursuant to subsection (f) shall be those provided for under section 1076a of this title.''.

SEC. 702. EXTENSION OF AUTHORITY FOR USE OF PERSONAL SERVICES CONTRACTS FOR PROVISION OF HEALTH CARE AT MILITARY ENTRANCE PROCESSING STATIONS AND ELSEWHERE OUTSIDE MEDICAL TREATMENT FACILITIES.

Section 1091(a)(2) of title 10, United States Code, is amended in the second sentence by striking out ''the end of the one-year period beginning on the date of the enactment of this paragraph'' and inserting in lieu thereof ''June 30, 1999''.

SEC. 703. TRICARE PRIME AUTOMATIC ENROLLMENTS AND RETIREE PAYMENT OPTIONS.

(a) PROCEDURES.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1097 the following new section:

''§ 1097a. TRICARE Prime: automatic enrollments; payment options

''(a) AUTOMATIC ENROLLMENT OF CERTAIN DEPENDENTS.—Each dependent of a member of the uniformed services in grade E4 or below who is entitled to medical and dental care under section 1076(a)(2)(A) of this title and resides in the catchment area of a facility of a uniformed service offering TRICARE Prime shall be automatically enrolled in TRICARE Prime at the facility. The Secretary concerned shall provide written notice of the enrollment to the member. The enrollment of a dependent of the member may be terminated by the member or the dependent at any time.

''(b) AUTOMATIC RENEWAL OF ENROLLMENTS OF COVERED BENEFICIARIES.—(1) An enrollment of a covered beneficiary in TRICARE Prime shall be automatically renewed upon the expiration of the enrollment unless the renewal is declined.

''(2) Not later than 15 days before the expiration date for an enrollment of a covered beneficiary in TRICARE Prime, the Secretary concerned shall—

''(A) transmit a written notification of the pending expiration and renewal of enrollment to the covered beneficiary or, in the case of a dependent of a member of the uniformed services, to the member; and

''(B) afford the beneficiary or member, as the case may be, an opportunity to decline the renewal of enrollment.

''(c) PAYMENT OPTIONS FOR RETIREES.—A member or former member of the uniformed services eligible for medical care and dental care under section 1074(b) of this title may elect to have any fee payable by the member or former member for an enrollment in TRICARE Prime withheld from the member's retired pay, retainer pay, or equivalent pay, as the case may be, or to be paid from a financial institution through electronic transfers of funds. The fee shall be paid in accordance with the election.

''(d) REGULATIONS.—The administering Secretaries shall prescribe regulations, including procedures, for carrying out this section.

''(e) DEFINITIONS.—In this section:

''(1) The term 'TRICARE Prime' means the managed care option of the TRICARE program.

''(2) The term 'catchment area', with respect to a facility of a uniformed service, means the service area of the facility, as designated under regulations prescribed by the administering Secretaries.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1097 the following new item:

1097a. TRICARE Prime: automatic enrollments; payment options.''.

(b) DEADLINE FOR IMPLEMENTATION.—The regulations required under subsection (d) of section 1097a of title 10, United States Code (as added by subsection (a)), shall be prescribed to take effect not later than January

1, 1999. The section shall be applied under TRICARE Prime on and after the date on which the regulations take effect.

SEC. 704. LIMITED CONTINUED CHAMPUS COVERAGE FOR PERSONS UNAWARE OF A LOSS OF CHAMPUS COVERAGE RESULTING FROM ELIGIBILITY FOR MEDICARE.

(a) CONTINUATION OF ELIGIBILITY.—The eligibility of a person described in subsection (b) for care under CHAMPUS may be continued under regulations prescribed by the administering Secretaries if it is determined under the regulations that the continuation of the eligibility is appropriate in order to ensure that the person has adequate access to health care.

(b) ELIGIBLE PERSONS.—Subsection (a) applies to a person who—

(1) has been eligible for health care under CHAMPUS;

(2) loses eligibility for health care under CHAMPUS solely by reason of paragraph (1) of section 1086(d), United States Code;

(3) is unaware of the loss of eligibility; and

(4) satisfies the conditions set forth in subparagraphs (A) and (B) of paragraph (2) of such section 1086(d) at the time health care is provided under CHAMPUS pursuant to a continuation of eligibility in accordance with this section.

(c) PERIOD OF CONTINUED ELIGIBILITY.—A continuation of eligibility under this section shall apply with regard to health care provided on or after October 1, 1998, and before July 1, 1999.

(d) DEFINITIONS.—In this section:

(1) The term ''administering Secretaries'' has the meaning given such term in paragraph (3) of section 1072 of title 10, United States Code.

(2) The term ''CHAMPUS'' means the Civilian Health and Medical Program of the Uniformed Services, as defined in paragraph (4) of such section.

SEC. 705. ENHANCED DEPARTMENT OF DEFENSE ORGAN AND TISSUE DONOR PROGRAM.

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

(1) Organ and tissue transplantation is one of the most remarkable medical success stories in the history of medicine.

(2) Each year, the number of people waiting for organ or tissue transplantation increases. It is estimated that there are approximately 39,000 patients, ranging in age from babies to those in retirement, awaiting transplants of kidneys, hearts, livers, and other solid organs.

(3) The Department of Defense has made significant progress in increasing the awareness of the importance of organ and tissue donations among members of the Armed Forces.

(4) The inclusion of organ and tissue donor elections in the Defense Enrollment Eligibility Reporting System (DEERS) central database through the Real-time Automated Personnel Identification System (RAPIDS) represents a major step in ensuring that organ and tissue donor elections are a matter of record and are accessible in a timely manner.

(b) RESPONSIBILITIES OF THE SECRETARY OF DEFENSE.—The Secretary of Defense shall ensure that the advanced systems developed for recording Armed Forces members' personal data and information (such as the SMARTCARD, MEDITAG, and Personal Information Carrier) include the capability to record organ and tissue donation elections.

(c) RESPONSIBILITIES OF THE SECRETARIES OF THE MILITARY DEPARTMENTS.—The Secretaries of the military departments shall ensure that—

(1) appropriate information about organ and tissue donation is provided to each recruit and officer candidate of the Armed Forces during initial training;

(2) members of the Armed Forces are given recurring, specific opportunities to elect to be organ or tissue donors during service in the Armed Forces and upon retirement; and

(3) members of the Armed Forces electing to be organ or tissue donors are encouraged to advise their next of kin concerning the donation decision and any subsequent change of that decision.

(d) RESPONSIBILITIES OF THE SURGEONS GENERAL OF THE MILITARY DEPARTMENT.—The Surgeons General of the Armed Forces shall ensure that—

(1) appropriate training is provided to enlisted and officer medical personnel to facilitate the effective operation of organ and tissue donation activities under garrison conditions and, to the extent possible, under operational conditions; and

(2) medical logistical activities can, to the extent possible without jeopardizing operational requirements, support an effective organ and tissue donation program.

(e) REPORT.—Not later than September 1, 1999, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the status of the implementation of this section.

SEC. 706. JOINT DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS REVIEWS RELATING TO INTERDEPARTMENTAL COOPERATION IN THE DELIVERY OF MEDICAL CARE.

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

(1) The military health care system of the Department of Defense and the Veterans Health Administration of the Department of Veterans Affairs are national institutions that collectively manage more than 1,500 hospitals, clinics, and health care facilities worldwide to provide services to more than 11,000,000 beneficiaries.

(2) In the post-Cold War era, these institutions are in a profound transition that involves challenging opportunities.

(3) During the period from 1988 to 1998, the number of military medical personnel has declined by 15 percent and the number of military hospitals has been reduced by one-third.

(4) During the two years since 1996, the Department of Veterans Affairs has revitalized its structure by decentralizing authority into 22 Veterans Integrated Service Networks.

(5) In the face of increasing costs of medical care, increased demands for health care services, and increasing budgetary constraints, the Department of Defense and the Department of Veterans Affairs have embarked on a variety of dynamic and innovative cooperative programs ranging from shared services to joint venture operations of medical facilities.

(6) In 1984, there was a combined total of 102 Department of Veterans Affairs and Department of Defense facilities with sharing agreements. By 1997, that number had grown to 420. During the six years from fiscal year 1992 through fiscal year 1997, shared services increased from slightly over 3,000 services to more than 6,000 services ranging from major medical and surgical services, laundry, blood, and laboratory services to unusual speciality care services.

(7) The Department of Defense and the Department of Veterans Affairs are conducting four health care joint ventures in New Mexico, Nevada, Texas, Oklahoma, and are planning to conduct four more such ventures in Alaska, Florida, Hawaii, and California.

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

(1) the Department of Defense and the Department of Veterans Affairs are to be commended for the cooperation between the two departments in the delivery of medical care, of which the cooperation involved in the establishment and operation of the Department of Defense and the Department of Veterans Affairs Executive Council is a praiseworthy example;

(2) the two departments are encouraged to continue to explore new opportunities to enhance the availability and delivery of medical care to beneficiaries by further enhancing the cooperative efforts of the departments; and

(3) enhanced cooperation is encouraged for—

(A) the general areas of access to quality medical care, identification and elimination of impediments to enhanced cooperation, and joint research and program development; and

(B) the specific areas in which there is significant potential to achieve progress in cooperation in a short term, including computerization of patient records systems, participation of the Department of Veterans Affairs in the TRICARE program, pharmaceutical programs, and joint physical examinations.

(c) JOINT SURVEY OF POPULATIONS SERVED.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a survey of their respective medical care beneficiary populations to identify, by category of beneficiary (defined as the Secretaries consider appropriate), the expectations of, requirements for, and behavior patterns of the beneficiaries with respect to medical care. The two Secretaries shall develop the protocol for the survey jointly, but shall obtain the services of an entity independent of the Department of Defense and the Department of Veterans Affairs for carrying out the survey.

(2) The survey shall include the following:

(A) Demographic characteristics, economic characteristics, and geographic location of beneficiary populations with regard to catchment or service areas.

(B) The types and frequency of care required by veterans, retirees, and dependents within catchment or service areas of Department of Defense and Veterans Affairs medical facilities and outside those areas.

(C) The numbers of, characteristics of, and types of medical care needed by the veterans, retirees, and dependents who, though eligible for medical care in Department of Defense or Department of Veterans Affairs treatment facilities or other federally funded medical programs, choose not to seek medical care from those facilities or under those programs, and the reasons for that choice.

(D) The obstacles or disincentives for seeking medical care from such facilities or under such programs that veterans, retirees, and dependents perceive.

(E) Any other matters that the Secretary of Defense and the Secretary of Veterans Affairs consider appropriate for the survey.

(3) The Secretary of Defense and the Secretary of Veterans Affairs shall submit a report on the results of the survey to the appropriate committees of Congress. The report shall contain the matters described in paragraph (2) and any proposals for legislation that the Secretaries recommend for enhancing Department of Defense and Department of Veterans Affairs cooperative efforts with respect to the delivery of medical care.

(d) REVIEW OF LAW AND POLICIES.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a review to identify impediments to cooperation between the Department of Defense and the Department of Veterans Affairs regarding the delivery of medical care. The matters reviewed shall include the following:

(A) All laws, policies, and regulations, and any attitudes of beneficiaries of the health care systems of the two departments, that have the effect of preventing the establishment, or limiting the effectiveness, of cooperative health care programs of the departments.

(B) The requirements and practices involved in the credentialling and licensure of health care providers.

(C) The perceptions of beneficiaries in a variety of categories (defined as the Secretaries consider appropriate) regarding the various Federal health care systems available for their use.

(2) The Secretaries shall jointly submit a report on the results of the review to the appropriate committees of Congress. The report shall include any proposals for legislation that the Secretaries recommend for eliminating or reducing impediments to interdepartmental cooperation that are identified during the review.

(e) PARTICIPATION IN TRICARE.—(1) The Secretary of Defense shall review the TRICARE program to identify opportunities for increased participation by the Department of Veterans Affairs in that program. The ongoing collaboration between Department of Defense officials and Department of Veterans Affairs officials regarding increasing the participation shall be included among the matters reviewed.

(2) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a semiannual report on the status of the review and on efforts to increase the participation of the Department of Veterans Affairs in the TRICARE program. No report is required under this paragraph after the submission of a semiannual report in which the Secretaries declare that the Department of Veterans Affairs is participating in the TRICARE program to the extent that can reasonably be expected to be attained.

(f) PHARMACEUTICAL BENEFITS AND PROGRAMS.—(1) The Federal Pharmaceutical Steering Committee shall—

(A) undertake a comprehensive examination of existing pharmaceutical benefits and programs for beneficiaries of Federal medical care programs, including matters relating to the purchasing, distribution, and dispensing of pharmaceuticals and the management of mail order pharmaceuticals programs; and

(B) review the existing methods for contracting for and distributing medical supplies and services.

(2) The committee shall submit a report on the results of the examination to the appropriate committees of Congress.

(g) STANDARDIZATION OF PHYSICAL EXAMINATIONS FOR DISABILITY.—The Secretary of Defense and the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report on the status of the efforts of the Department of Defense and the Department of Veterans Affairs to standardize physical examinations administered by the two departments for the purpose of determining or rating disabilities.

(h) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—For the purposes of this section, the appropriate committees of Congress are as follows:

(1) The Committee on Armed Services and the Committee on Veterans' Affairs of the Senate.

(2) The Committee on National Security and the Committee on Veterans' Affairs of the House of Representatives.

(i) DEADLINES FOR SUBMISSION OF REPORTS.—(1) The report required by subsection (c)(3) shall be submitted not later than January 1, 2000.

(2) The report required by subsection (d)(2) shall be submitted not later than March 1, 1999.

(3) The semiannual report required by subsection (e)(2) shall be submitted not later than March 1 and September 1 of each year.

(4) The report on the examination required under subsection (f) shall be submitted not later than 60 days after the completion of the examination.

(5) The report required by subsection (g) shall be submitted not later than March 1, 1999.

SEC. 707. DEMONSTRATION PROJECTS TO PROVIDE HEALTH CARE TO CERTAIN MEDICARE-ELIGIBLE BENEFICIARIES OF THE MILITARY HEALTH CARE SYSTEM.

(a) IN GENERAL.—(1) The Secretary of Defense shall, after consultation with the other administering Secretaries, carry out three demonstration projects (described in subsections (d), (e), and (f)) in order to assess the feasibility and advisability of providing certain medical care coverage to the medicare-eligible individuals described in subsection (b).

(2) The Secretary shall commence the demonstration projects not later than January 1, 2000, and shall terminate the demonstration projects not later than December 31, 2003.

(3) The aggregate costs incurred by the Secretary under the demonstration projects in any year may not exceed $60,000,000.

(b) ELIGIBLE INDIVIDUALS.—An individual eligible to participate in a demonstration project under subsection (a) is a member or former member of the uniformed services described in section 1074(b) of title 10, United States Code, a dependent of the member described in section 1076(a)(2)(B) or 1076(b) of that title, or a dependent of a member of the uniformed services who died while on active duty for a period of more than 30 days, who—

(1) is 65 years of age or older;

(2) is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.);

(3) is enrolled in the supplemental medical insurance program under part B of such title XVIII (42 U.S.C. 1395j et seq.); and

(4) resides in an area of the demonstration project selected by the Secretary under subsection (c).

(c) AREAS OF DEMONSTRATION PROJECTS.—(1) Subject to paragraph (3), the Secretary shall carry out each demonstration project under this section in two separate areas selected by the Secretary.

(2) Of the two areas selected for each demonstration project—

(A) one shall be an area outside the catchment area of a military medical treatment facility in which—

(i) no eligible organization has a contract in effect under section 1876 of the Social Security Act (42 U.S.C. 1395mm) and no Medicare+Choice organization has a contract in effect under part C of title XVIII of that Act (42 U.S.C. 1395w–21); or

(ii) the aggregate number of enrollees with an eligible organization with a contract in effect under section 1876 of that Act or with a Medicare+Choice organization with a contract in effect under part C of title XVIII of that Act is less than 2.5 percent of the total number of individuals in the area who are entitled to hospital insurance benefits under part A of title XVIII of that Act; and

(B) one shall be an area outside the catchment area of a military medical treatment facility in which—

(i) at least one eligible organization has a contract in effect under section 1876 of that Act or one Medicare+Choice organization has a contract in effect under part C of title XVIII of that Act; and

(ii) the aggregate number of enrollees with an eligible organization with a contract in effect under section 1876 of that Act or with a Medicare+Choice organization with a contract in effect under part C of title XVIII of that Act exceeds 10 percent of the total number of individuals in the area who are entitled to hospital insurance benefits under part A of title XVIII of that Act.

(3) The Secretary may not carry out a demonstration project under this section in any area in which the Secretary is carrying out any other medical care demonstration project unless the Secretary determines that the conduct of such other medical care demonstration project will not interfere with the conduct or evaluation of the demonstration project under this section.

(d) FEHBP AS SUPPLEMENT TO MEDICARE DEMONSTRATION.—(1)(A) Under one of the demonstration projects under this section, the Secretary shall permit eligible individuals described in subsection (b) who reside in the areas of the demonstration project selected under subsection (c) to enroll in the health benefits plans offered through the Federal Employees Health Benefits program under chapter 89 of title 5, United States Code.

(B) The Secretary shall carry out the demonstration project under this subsection under an agreement with the Office of Personnel Management.

(2)(A) An eligible individual described in paragraph (1) shall not be required to satisfy any eligibility criteria specified in chapter 89 of title 5, United States Code, as a condition for enrollment in the health benefits plans offered through the Federal Employee Health Benefits program under the demonstration project under this subsection.

(B) Each eligible individual who enrolls in a health benefits plan under the demonstration project shall be required to remain enrolled in the supplemental medical insurance program under part B of title XVIII of the Social Security Act while participating in the demonstration project.

(3)(A) The authority responsible for approving retired or retainer pay or equivalent pay in the case of a member or former member shall manage the participation of the members or former members who enroll in health benefits plans offered through the Federal Employee Health Benefits program pursuant to paragraph (1).

(B) Such authority shall distribute program information to eligible individuals, process enrollment applications, forward all required contributions to the Employees Health Benefits Fund established under section 8909 of title 5, United States Code, in a timely manner, assist in the reconciliation of enrollment records with health plans, and prepare such reports as the Office of Personnel Management may require in its administration of chapter 89 of such title.

(4)(A) The Office of Personnel Management shall require health benefits plans under chapter 89 of title 5, United States Code, that participate in the demonstration project to maintain a separate risk pool for purposes of establishing premium rates for eligible individuals who enroll in such plans in accordance with this subsection.

(B) The Office shall determine total subscription charges for self only or for family coverage for eligible individuals who enroll in a health benefits plan under chapter 89 of such title in accordance with this subsection, which shall include premium charges paid to the plan and amounts described in section 8906(c) of title 5, United States Code, for administrative expenses and contingency reserves.

(5) The Secretary shall be responsible for the Government contribution for an eligible individual who enrolls in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with this subsection, except that the amount of the contribution may not exceed the amount of the

Government contribution which would be payable if such individual were an employee enrolled in the same health benefits plan and level of benefits.

(6) The cancellation by a eligible individual of coverage under the Federal Employee Health Benefits program shall be irrevocable during the term of the demonstration project under this subsection.

(e) TRICARE AS SUPPLEMENT TO MEDICARE DEMONSTRATION.—(1) Under one of the demonstration projects under this section, the Secretary shall permit eligible individuals described in subsection (b) who reside in each area of the demonstration project selected under subsection (c) to enroll in the TRICARE program. The demonstration project under this subsection shall be known as the ''TRICARE Senior Supplement''.

(2) Payment for care and services received by eligible individuals who enroll in the TRICARE program under the demonstration project shall be made as follows:

(A) First, under title XVIII of the Social Security Act, but only the extent that payment for such care and services is provided for under that title.

(B) Second, under the TRICARE program, but only to the extent that payment for such care and services is provided under that program and is not provided for under subparagraph (A).

(C) Third, by the eligible individual concerned, but only to the extent that payment for such care and services is not provided for under subparagraphs (B) and (C).

(3)(A) The Secretary shall require each eligible individual who enrolls in the TRICARE program under the demonstration project to pay an enrollment fee. The Secretary may provide for payment of the enrollment fee on a periodic basis.

(B) The amount of the enrollment fee of an eligible individual under subparagraph (A) in any year may not exceed an amount equal to 75 percent of the total subscription charges in that year for self-only or family, fee-for-service coverage under the health benefits plan under the Federal Employees Health Benefits program under chapter 89 of title 5, United States Code, that is most similar in coverage to the TRICARE program.

(f) TRICARE MAIL ORDER PHARMACY BENEFIT SUPPLEMENT TO MEDICARE DEMONSTRATION.—(1) Under one of the demonstration projects under this section, the Secretary shall permit eligible individuals described in subsection (b) who reside in each area of the demonstration project selected under subsection (c) to participate in the mail order pharmacy benefit available under the TRICARE program.

(2) The Secretary may collect from eligible individuals who participate in the mail order pharmacy benefit under the demonstration project any premiums, deductibles, copayments, or other charges that the Secretary would otherwise collect from individuals similar to such eligible individuals for participation in the benefit.

(g) INDEPENDENT EVALUATION.—(1) The Secretary shall provide for an evaluation of the demonstration projects conducted under this section by an appropriate person or entity that is independent of the Department of Defense.

(2) The evaluation shall include the following:

(A) An analysis of the costs of each demonstration project to the United States and to the eligible individuals who enroll or participate in such demonstration project.

(B) An assessment of the extent to which each demonstration project satisfied the requirements of such eligible individuals for the health care services available under such demonstration project.

(C) An assessment of the effect, if any, of each demonstration project on military medical readiness.

(D) A description of the rate of the enrollment or participation in each demonstration project of the individuals who were eligible to enroll or participate in such demonstration project.

(E) An assessment of which demonstration project provides the most suitable model for a program to provide adequate health care services to the population of individuals consisting of the eligible individuals.

(F) An evaluation of any other matters that the Secretary considers appropriate.

(3) The Comptroller General shall review the evaluation conducted under paragraph (1). In carrying out the review, the Comptroller General shall—

(A) assess the validity of the processes used in the evaluation; and

(B) assess the validity of any findings under the evaluation.

(4)(A) The Secretary shall submit a report on the results of the evaluation under paragraph (1), together with the evaluation, to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives not later than December 31, 2003.

(B) The Comptroller General shall submit a report on the results of the review under paragraph (3) to the committees referred to in subparagraph (A) not later than February 15, 2004.

(h) ADDITIONAL REQUIREMENTS RELATING TO FEHBP DEMONSTRATION PROJECT.—(1) Notwithstanding subsection (a)(2), the Secretary shall commence the demonstration project under subsection (d) on July 1, 1999.

(2) Notwithstanding subsection (c), the Secretary shall carry out the demonstration project under subsection (d) in four separate areas, of which—

(A) two shall meet the requirements of subsection (c)(1)(A); and

(B) two others shall meet the requirements of subsection (c)(1)(B).

(3)(A) Notwithstanding subsection (f), the Secretary shall provide for an annual evaluation of the demonstration project under subsection (d) that meets the requirements of subsection (f)(2).

(B) The Comptroller shall review each evaluation provided for under subparagraph (A).

(C) Not later than September 15 in each of 2000 through 2004, the Secretary shall submit a report on the results of the evaluation under subparagraph (A) during such year, together with the evaluation, to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(D) Not later than December 31 in each of 2000 through 2004, the Comptroller General shall submit a report on the results of the review under subparagraph (B) during such year to the committees referred to in subparagraph (C).

(i) DEFINITIONS.—In this section:

(1) The term ''administering Secretaries'' has the meaning given that term in section 1072(3) of title 10, United States Code.

(2) The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

(j) COMPETITION FOR SERVICES.—The program under this section will allow retail to compete for services in delivery of pharmacy benefits without increasing costs to the Government or the beneficiaries.

SEC. 708. PROFESSIONAL QUALIFICATIONS OF PHYSICIANS PROVIDING MILITARY HEALTH CARE.

(a) REQUIREMENT FOR UNRESTRICTED LICENSE.—Section 1094(a)(1) of title 10, United States Code, is amended by adding at the end the following: ''In the case of a physician, the physician may not provide health care as a physician under this chapter unless the current license is an unrestricted license that is not subject to limitation on the scope of practice ordinarily granted to other physicians for a similar specialty by the jurisdiction that granted the license.''.

(b) SATISFACTION OF CONTINUING MEDICAL EDUCATION REQUIREMENTS.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1094 the following new section:

''§ 1094a. Continuing medical education requirements: system for monitoring physician compliance

''The Secretary of Defense shall establish a mechanism for ensuring that each person under the jurisdiction of the Secretary of a military department who provides health care under this chapter as a physician satisfies the continuing medical education requirements applicable to the physician.''.

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

''1094a. Continuing medical education requirements: system for monitoring physician compliance.''.

(c) EFFECTIVE DATES.—(1) The amendment made by subsection (a) shall take effect on October 1, 1998.

(2) The system required by section 1094a of title 10, United States Code (as added by subsection (b)), shall take effect on the date that is three years after the date of the enactment of this Act.

SEC. 709. ASSESSMENT OF ESTABLISHMENT OF INDEPENDENT ENTITY TO EVALUATE POST-CONFLICT ILLNESSES AMONG MEMBERS OF THE ARMED FORCES AND HEALTH CARE PROVIDED BY THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS BEFORE AND AFTER DEPLOYMENT OF SUCH MEMBERS.

(a) AGREEMENT FOR ASSESSMENT.—The Secretary of Defense shall seek to enter into an agreement with the National Academy of Sciences, or other appropriate independent organization, under which agreement the Academy shall carry out the assessment referred to in subsection (b).

(b) ASSESSMENT.—(1) Under the agreement, the Academy shall assess the need for and feasibility of establishing an independent entity to—

(A) evaluate and monitor interagency coordination on issues relating to the post-deployment health concerns of members of the Armed Forces, including coordination relating to outreach and risk communication, recordkeeping, research, utilization of new technologies, international cooperation and research, health surveillance, and other health-related activities;

(B) evaluate the health care (including preventive care and responsive care) provided to members of the Armed Forces both before and after their deployment on military operations;

(C) monitor and direct government efforts to evaluate the health of members of the Armed Forces upon their return from deployment on military operations for purposes of ensuring the rapid identification of any trends in diseases or injuries among such members as a result of such operations;

(D) provide and direct the provision of ongoing training of health care personnel of the Department of Defense and the Department of Veterans Affairs in the evaluation and treatment of post-deployment diseases and health conditions, including nonspecific and unexplained illnesses; and

(E) make recommendations to the Department of Defense and the Department of Veterans Affairs regarding improvements in the

provision of health care referred to in subparagraph (B), including improvements in the monitoring and treatment of members referred to in that subparagraph.

(2) The assessment shall cover the health care provided by the Department of Defense and, where applicable, by the Department of Veterans Affairs.

(c) REPORT.—(1) The agreement shall require the Academy to submit to the committees referred to in paragraph (3) a report on the results of the assessment under this section not later than one year after the date of enactment of this Act.

(2) The report shall include the following:

(A) The recommendation of the Academy as to the need for and feasibility of establishing an independent entity as described in subsection (b) and a justification of such recommendation.

(B) If the Academy recommends that an entity be established, the recommendations of the Academy as to—

(i) the organizational placement of the entity;

(ii) the personnel and other resources to be allocated to the entity;

(iii) the scope and nature of the activities and responsibilities of the entity; and

(iv) mechanisms for ensuring that any recommendations of the entity are carried out by the Department of Defense and the Department of Veterans Affairs.

(3) The report shall be submitted to the following:

(A) The Committee on Armed Services and the Committee on Veterans' Affairs of the Senate.

(B) The Committee on National Security and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 710. LYME DISEASE.

Of the amounts authorized to be appropriated by this Act for Defense Health Programs, $3,000,000 shall be available for research and surveillance activities relating to Lyme disease and other tick-borne diseases.

SEC. 711. ACCESSIBILITY TO CARE UNDER TRICARE.

(a) REHABILITATIVE SERVICES FOR HEAD INJURIES.—The Secretary of Defense shall revise the TRICARE policy manual to clarify that rehabilitative services are available to a patient for a head injury when the treating physician certifies that such services would be beneficial for the patient and there is potential for the patient to recover from the injury.

(b) REVIEW OF ADEQUACY OF PROVIDER NETWORK.—The Secretary of Defense shall review the administration of the TRICARE Prime health plans to determine whether, for the region covered by each such plan, there is a sufficient number, distribution, and variety of qualified participating health care providers to ensure that all covered health care services, including specialty services, are available and accessible in a timely manner to all persons covered by the plan. If the Secretary determines during the review that, in the region, there is an inadequate network of providers to provide the covered benefits in proximity to the permanent duty stations of covered members of the uniformed services in the region, or in proximity to the residences of other persons covered by the plan in the region, the Secretary shall take such actions as are necessary to ensure that the TRICARE Prime plan network of providers in the region is adequate to provide for all covered benefits to be available and accessible in a timely manner to all persons covered by the plan.

SEC. 712. HEALTH BENEFITS FOR ABUSED DEPENDENTS OF MEMBERS OF THE ARMED FORCES.

Paragraph (1) of section 1076(e) of title 10, United States Code, is amended to read as follows:

''(1) The administering Secretary shall furnish an abused dependent of a former member of a uniformed service described in paragraph (4), during that period that the abused dependent is in receipt of transitional compensation under section 1059 of this title, with medical and dental care, including mental health services, in facilities of the uniformed services in accordance with the same eligibility and benefits as were applicable for that abused dependent during the period of active service of the former member.''.

SEC. 713. PROCESS FOR WAIVING INFORMED CONSENT REQUIREMENT FOR ADMINISTRATION OF CERTAIN DRUGS TO MEMBERS OF ARMED FORCES.

(a) LIMITATION AND WAIVER.—(1) Section 1107 of title 10, United States Code, is amended—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following new subsection (f):

''(f) LIMITATION AND WAIVER.—(1) An investigational new drug or a drug unapproved for its applied use may not be administered to a member of the armed forces pursuant to a request or requirement referred to in subsection (a) unless—

''(A) the member provides prior consent to receive the drug in accordance with the requirements imposed under the regulations required under paragraph (4) of section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)); or

''(B) the Secretary obtains—

''(i) under such section a waiver of such requirements; and

''(ii) a written statement that the President concurs in the determination of the Secretary required under paragraph (2) and with the Secretary's request for the waiver.

''(2) The Secretary of Defense may request a waiver referred to in paragraph (1)(B) in the case of any request or requirement to administer a drug under this section if the Secretary determines that obtaining consent is not feasible, is contrary to the best interests of the members involved, or is not in the best interests of national security. Only the Secretary may exercise the authority to make the request for the Department of Defense, and the Secretary may not delegate that authority.

''(3) The Secretary shall submit to the chairman and ranking minority member of each congressional defense committee a notification of each waiver granted pursuant to a request of the Secretary under paragraph (2), together with the concurrence of the President under paragraph (1)(B) that relates to the waiver and the justification for the request or requirement under subsection (a) for a member to receive the drug covered by the waiver.

''(4) In this subsection, the term 'congressional defense committee' means each of the following:

''(A) The Committee on Armed Services and the Committee on Appropriations of the Senate.

''(B) The Committee on National Security and the Committee on Appropriations of the House of Representatives.''.

(2) The requirements for a concurrence of the President and a notification of committees of Congress that are set forth in section 1107(f) of title 10, United States Code (as added by paragraph (1)(B)) shall apply with respect to—

(A) each waiver of the requirement for prior consent imposed under the regulations required under paragraph (4) of section 505(i) of the Federal Food, Drug, and Cosmetic Act (or under any antecedent provision of law or regulations) that—

(i) has been granted under that section (or antecedent provision of law or regulations) before the date of the enactment of this Act; and

(ii) is applied after that date; and

(B) each waiver of such requirement that is granted on or after that date.

(b) TIME AND FORM OF NOTICE.—(1) Subsection (b) of such section is amended by striking out '', if practicable'' and all that follows through ''first administered to the member''.

(2) Subsection (c) of such section is amended by striking out ''unless the Secretary of Defense determines'' and all that follows through ''alternative method''.

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

SEC. 801. PARA-ARAMID FIBERS AND YARNS.

(a) AUTHORIZED SOURCES.—Chapter 141 of title 10, United States Code is amended by adding at the end the following:

''§ 2410n. Foreign manufactured para-aramid fibers and yarns: procurement

''(a) AUTHORITY.—The Secretary of Defense may procure articles containing para-aramid fibers and yarns manufactured in a foreign country referred to in subsection (b).

''(b) FOREIGN COUNTRIES COVERED.—The authority under subsection (a) applies with respect to a foreign country that—

''(1) is a party to a defense memorandum of understanding entered into under section 2531 of this title; and

''(2) permits United States firms that manufacture para-aramid fibers and yarns to compete with foreign firms for the sale of para-aramid fibers and yarns in that country, as determined by the Secretary of Defense.

''(c) APPLICABILITY TO SUBCONTRACTS.—The authority under subsection (a) applies with respect to subcontracts under Department of Defense contracts as well as to such contracts.

''(d) DEFINITIONS.—In this section, the terms 'United States firm' and 'foreign firm' have the meanings given such terms in section 2532(d) of this title.''.

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

''2410n. Foreign manufactured para-aramid fibers and yarns: procurement.''.

SEC. 802. PROCUREMENT OF TRAVEL SERVICES FOR OFFICIAL AND UNOFFICIAL TRAVEL UNDER ONE CONTRACT.

(a) AUTHORITY.—Chapter 147 of title 10, United States Code, is amended by inserting after section 2490a the following new section:

''§ 2490b. Travel services: procurement for official and unofficial travel under one contract

''(a) AUTHORITY.—The head of an agency may enter into a contract for travel-related services that provides for the contractor to furnish services for both official travel and unofficial travel.

''(b) CREDITS, DISCOUNTS, COMMISSIONS, FEES.—(1) A contract entered into under this section may provide for credits, discounts, or commissions or other fees to accrue to the Department of Defense. The accrual and amounts of credits, discounts, or commissions or other fees may be determined on the basis of the volume (measured in the number or total amount of transactions or otherwise) of the travel-related sales that are made by the contractor under the contract.

''(2) The evaluation factors applicable to offers for a contract under this section may include a factor that relates to the estimated aggregate value of any credits, discounts, commissions, or other fees that would accrue to the Department of Defense for the travel-related sales made under the contract.

''(3) Commissions or fees received by the Department of Defense as a result of travel-related sales made under a contract entered into under this section shall be distributed as follows:

''(A) For amounts relating to sales for official travel, credit to appropriations available for official travel for the fiscal year in which the amounts were charged.

''(B) For amounts relating to sales for unofficial travel, deposit in nonappropriated fund accounts available for morale, welfare, and recreation programs.

''(c) DEFINITIONS.—In this section:

''(1) The term 'head of an agency' has the meaning given that term in section 2302(1) of this title.

''(2) The term 'official travel' means travel at the expense of the Federal Government.

''(3) The term 'unofficial travel' means personal travel or other travel that is not paid for or reimbursed by the Federal Government out of appropriated funds.

''(d) INAPPLICABILITY TO COAST GUARD AND NASA.—This section does not apply to the Coast Guard when it is not operating as a service in the Navy, nor to the National Aeronautics and Space Administration.''.

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

''2490b. Travel services: procurement for official and unofficial travel under one contract.''.

SEC. 803. LIMITATION ON USE OF PRICE PREFERENCE UPON ATTAINMENT OF CONTRACT GOAL FOR SMALL AND DISADVANTAGED BUSINESSES.

Section 2323(e)(3) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(3)'';

(2) by inserting '', except as provided in (B),'' after ''the head of an agency may'' in the first sentence; and

(3) by adding at the end the following:

''(B) The head of an agency may not exercise the authority under subparagraph (A) to enter into a contract for a price exceeding fair market cost in the fiscal year following a fiscal year in which the Department of Defense attained the 5 percent goal required by subsection (a).''.

SEC. 804. DISTRIBUTION OF ASSISTANCE UNDER THE PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM.

(a) CORRECTION OF DESCRIPTION OF GEOGRAPHIC UNIT.—Section 2413(c) of title 10, United States Code, is amended by striking out ''region'' and inserting in lieu thereof ''district''.

(b) ALLOCATION OF FUNDS.—(1) Section 2415 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 142 of such title is amended by striking the item relating to section 2415.

SEC. 805. DEFENSE COMMERCIAL PRICING MANAGEMENT IMPROVEMENT.

(a) SHORT TITLE.—This section may be cited as the ''Defense Commercial Pricing Management Improvement Act of 1998''.

(b) COMMERCIAL ITEMS EXEMPT FROM COST OR PRICING DATA CERTIFICATION REQUIREMENTS.—For the purposes of this section, the term ''exempt item'' means a commercial item that is exempt under subsection (b)(1)(B) of section 2306a of title 10, United States Code, or subsection (b)(1)(B) of section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b), from the requirements for submission of certified cost or pricing data under that section.

(c) COMMERCIAL PRICING REGULATIONS.—(1) The Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act shall be revised to clarify the procedures and methods to be used for determining the reasonableness of prices of exempt items.

(2) The regulations shall, at a minimum, provide specific guidance on—

(A) the appropriate application and precedence of such price analysis tools as catalog-based pricing, market-based pricing, historical pricing, parametric pricing, and value analysis;

(B) the circumstances under which contracting officers should require offerors of exempt items to provide—

(i) uncertified cost or pricing data; or

(ii) information on prices at which the offeror has previously sold the same or similar items;

(C) the role and responsibility of Department of Defense support organizations, such as the Defense Contract Audit Agency, in procedures for determining price reasonableness; and

(D) the meaning and appropriate application of the term ''purposes other than governmental purposes'' in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

(3) This subsection shall cease to be effective one year after the date on which final regulations prescribed pursuant to paragraph (1) take effect.

(d) UNIFIED MANAGEMENT OF PROCUREMENT OF EXEMPT COMMERCIAL ITEMS.—The Secretary of Defense shall develop and implement procedures to ensure that, to the maximum extent that is practicable and consistent with the efficient operation of the Department of Defense, a single item manager or contracting officer is responsible for negotiating and entering into all contracts for the procurement of exempt items from a single contractor.

(e) COMMERCIAL PRICE TREND ANALYSIS.—(1) The Secretary of Defense shall develop and implement procedures that, to the maximum extent that is practicable and consistent with the efficient operation of the Department of Defense, provide for the collection and analysis of information on price trends for categories of exempt items described in paragraph (2).

(2) A category of exempt items referred to in paragraph (1) consists of exempt items—

(A) that are in a single Federal Supply Group or Federal Supply Class, are provided by a single contractor, or are otherwise logically grouped for the purpose of analyzing information on price trends; and

(B) for which there is a potential for the price paid to be significantly higher (on a percentage basis) than the prices previously paid in procurements of the same or similar items for the Department of Defense, as determined by the head of the procuring Department of Defense agency or the Secretary of the procuring military department on the basis of criteria prescribed by the Secretary of Defense.

(3) The head of a Department of Defense agency or the Secretary of a military department shall take appropriate action to address any unreasonable escalation in prices being paid for items procured by that agency or military department as identified in an analysis conducted pursuant to paragraph (1).

(4)(A) Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Technology shall submit to the congressional defense committees a report describing the procedures prescribed under paragraph (1), including a description of the criteria established for the selection of categories of exempt items for price trend analysis.

(B) Not later than April 1 of each of fiscal years 2000, 2001, and 2002, the Under Secretary of Defense for Acquisition and Technology shall submit to the congressional defense committees a report on the analyses of price trends that were conducted for categories of exempt items during the preceding fiscal year under the procedures prescribed pursuant to paragraph (1). The report shall include a description of the actions taken to identify and address any unreasonable price escalation for the categories of items.

(f) SECRETARY OF DEFENSE TO ACT THROUGH UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY.—The Secretary of Defense shall act through the Under Secretary of Defense for Acquisition and Technology to carry out subsections (d) and (e).

SEC. 806. DEPARTMENT OF DEFENSE PURCHASES THROUGH OTHER AGENCIES.

(a) EXTENSION OF REGULATIONS.—Not later than three months after the date of the enactment of this Act, the Secretary of Defense shall revise the regulations issued pursuant to section 844 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1720; 31 U.S.C. 1535 note) to cover all purchases of goods and services by the Department of Defense under contracts entered into or administered by any other agency pursuant to the authority of section 2304a of title 10, United States Code, or section 303H of the Federal Property and Administrative Services Act (41 U.S.C. 253h).

(b) TERMINATION.—This section shall cease to be effective 1 year after the date on which final regulations prescribed pursuant to subsection (a) take effect.

SEC. 807. SUPERVISION OF DEFENSE ACQUISITION UNIVERSITY STRUCTURE BY UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY.

Section 1702 of title 10, United States Code, is amended by adding at the end the following: ''The Under Secretary shall prescribe policies and requirements for the educational programs of the defense acquisition university structure established under section 1746 of this title.''.

SEC. 808. REPEAL OF REQUIREMENT FOR DIRECTOR OF ACQUISITION EDUCATION, TRAINING, AND CAREER DEVELOPMENT TO BE WITHIN THE OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY.

Section 1703 of title 10, United States Code, is amended by striking out ''within the office of the Under Secretary''.

SEC. 809. ELIGIBILITY OF INVOLUNTARILY DOWNGRADED EMPLOYEE FOR MEMBERSHIP IN AN ACQUISITION CORPS.

Section 1732(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) Paragraph (1) of subsection (b) shall not apply to an employee who—

''(A) having previously served in a position within a grade referred to in subparagraph (A) of that paragraph, is currently serving in the same position within a grade below GS–13, or in another position within that grade, by reason of a reduction in force or the closure or realignment of a military installation, or for any other reason other by reason of an adverse personnel action for cause; and

''(B) except as provided in paragraphs (1) and (2), satisfies the educational, experience, and other requirements prescribed under paragraphs (2), (3), and (4) of that subsection.''.

SEC. 810. PILOT PROGRAMS FOR TESTING PROGRAM MANAGER PERFORMANCE OF PRODUCT SUPPORT OVERSIGHT RESPONSIBILITIES FOR LIFE CYCLE OF ACQUISITION PROGRAMS.

(a) DESIGNATION OF PILOT PROGRAMS.—The Secretary of Defense, acting through the

Secretaries of the military departments, shall designate 10 acquisition programs of the military departments as pilot programs on program manager responsibility for product support.

(b) RESPONSIBILITIES OF PROGRAM MANAGERS.—The program manager for each acquisition program designated as a pilot program under this section shall have the responsibility for ensuring that the product support functions for the program are properly carried out over the entire life cycle of the program.

(c) REPORT.—Not later than February 1, 1999, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot programs. The report shall contain the following:

(1) A description of the acquisition programs designated as pilot programs under subsection (a).

(2) For each such acquisition program, the specific management actions taken to ensure that the program manager has the responsibility for oversight of the performance of the product support functions.

(3) Any proposed change to law, policy, regulation, or organization that the Secretary considers desirable, and determines feasible to implement, for ensuring that the program managers are fully responsible under the pilot programs for the performance of all such responsibilities.

SEC. 811. SCOPE OF PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.

Section 2371(i)(2)(A) of title 10, United States Code, is amended by striking out ''cooperative agreement that includes a clause described in subsection (d)'' and inserting in lieu thereof ''cooperative agreement for performance of basic, applied, or advanced research authorized by section 2358 of this title''.

SEC. 812. PLAN FOR RAPID TRANSITION FROM COMPLETION OF SMALL BUSINESS INNOVATION RESEARCH INTO DEFENSE ACQUISITION PROGRAMS.

(a) PLAN REQUIRED.—Not later than February 1, 1999, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for facilitating the rapid transition into Department of Defense acquisition programs of successful first phase and second phase activities under the Small Business Innovation Research program under section 9 of the Small Business Act (15 U.S.C. 638).

(b) CONDITIONS.—The plan submitted under subsection (a) shall—

(1) be consistent with the Small Business Innovation Research program and with recent acquisition reforms that are applicable to the Department of Defense; and

(2) provide—

(A) a high priority for funding the projects under the Small Business Innovation Research program that are likely to be successful under a third phase agreement entered into pursuant to section 9(r) of the Small Business Act (15 U.S.C. 638(r)); and

(B) for favorable consideration, in the acquisition planning process, for funding projects under the Small Business Innovation Research program that are subject to a third phase agreement described in subparagraph (A).

SEC. 813. SENIOR EXECUTIVES COVERED BY LIMITATION ON ALLOWABILITY OF COMPENSATION FOR CERTAIN CONTRACTOR PERSONNEL.

(a) DEFENSE CONTRACTS.—Section 2324(l)(5) of title 10, United States Code, is amended to read as follows:

''(5) The term 'senior executive', with respect to a contractor, means the five most highly compensated employees in management positions at each home office and segment of the contractor.''.

(b) NON-DEFENSE CONTRACTS.—Section 306(m)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(m)(2)) is amended to read as follows:

''(2) The term 'senior executive', with respect to a contractor, means the five most highly compensated employees in management positions at each home office and segment of the contractor.''.

(c) CONFORMING AMENDMENT.—Section 39(c)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 435(c)(2)) is amended to read as follows:

''(2) The term 'senior executive', with respect to a contractor, means the five most highly compensated employees in management positions at each home office and segment of the contractor.''.

SEC. 814. SEPARATE DETERMINATIONS OF EXCEPTIONAL WAIVERS OF TRUTH IN NEGOTIATION REQUIREMENTS FOR PRIME CONTRACTS AND SUBCONTRACTS.

(a) DEFENSE PROCUREMENTS.—Section 2306a(a)(5) of title 10, United States Code, is amended to read as follows:

''(5) A waiver of requirements for submission of certified cost or pricing data that is granted under subsection (b)(1)(C) in the case of a contract or subcontract does not waive the requirement under paragraph (1)(C) for submission of cost or pricing data in the case of subcontracts under that contract or subcontract unless the head of the agency concerned determines that the requirement under that paragraph should be waived in the case of such subcontracts and justifies in writing the reasons for the determination.''.

(b) NON-DEFENSE PROCUREMENTS.—Section 304A(a)(5) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(a)(5)) is amended to read as follows:

''(5) A waiver of requirements for submission of certified cost or pricing data that is granted under subsection (b)(1)(C) in the case of a contract or subcontract does not waive the requirement under paragraph (1)(C) for submission of cost or pricing data in the case of subcontracts under that contract or subcontract unless the head of the executive agency concerned determines that the requirement under that paragraph should be waived in the case of such subcontracts and justifies in writing the reasons for the determination.''.

SEC. 815. FIVE-YEAR AUTHORITY FOR SECRETARY OF THE NAVY TO EXCHANGE CERTAIN ITEMS.

(a) BARTER AUTHORITY.—The Secretary of the Navy may enter into a barter agreement to exchange trucks and other tactical vehicles for the repair and remanufacture of ribbon bridges for the Marine Corps in accordance with section 201(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(c)), except that the requirement for items exchanged under that section to be similar items shall not apply to the authority under this subsection.

(b) PERIOD OF AUTHORITY.—The authority to enter into agreements under subsection (a) and to make exchanges under any such agreement is effective during the 5-year period beginning on October 1, 1998, and ending at the end of September 30, 2003.

SEC. 816. CLARIFICATION OF RESPONSIBILITY FOR SUBMISSION OF INFORMATION ON PRICES PREVIOUSLY CHARGED FOR PROPERTY OR SERVICES OFFERED.

(a) ARMED SERVICES PROCUREMENTS.—Section 2306a(d)(1) of title 10, United States Code is amended—

(1) by striking out ''the data submitted shall'' in the second sentence and inserting in lieu thereof the following: ''the contracting officer shall require that the data submitted''; and

(2) by adding at the end the following: ''Submission of data required of an offeror under the preceding sentence in the case of a contract or subcontract shall be a condition for the eligibility of the offeror to enter into the contract or subcontract.''.

(b) CIVILIAN AGENCY PROCUREMENTS.—Section 304A(d)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(d)(1)), is amended—

(1) by striking out ''the data submitted shall'' in the second sentence and inserting in lieu thereof the following: ''the contracting officer shall require that the data submitted''; and

(2) by adding at the end the following: ''Submission of data required of an offeror under the preceding sentence in the case of a contract or subcontract shall be a condition for the eligibility of the offeror to enter into the contract or subcontract.''.

(c) CRITERIA FOR CERTAIN DETERMINATIONS.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to include criteria for contracting officers to apply for determining the specific price information that an offeror should be required to submit under section 2306(d) of title 10, United States Code, or section 304A(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(d)).

SEC. 817. DENIAL OF QUALIFICATION OF A SMALL DISADVANTAGED BUSINESS SUPPLIER.

(a) No later than December 1, 1998, the Secretary shall submit to the Congress a report recommending alternative means through which a refiner that qualifies as a small disadvantaged business and that delivers fuel by barge to Defense Energy Supply Point-Anchorage under a contract with the Defense Energy Supply Center can—

(1) fulfill its contractual obligations,

(2) maintain its status as a small disadvantaged business, and

(3) receive the small disadvantaged business premium for the total amount of fuel under the contract,

when ice conditions in Cook Inlet threaten physical delivery of such fuel.

(b) Any inability by such refiner to satisfy its contractual obligations to the Defense Energy Supply Center for the delivery of fuel to Defense Energy Supply Point-Anchorage may not be used as a basis for the denial of such refiner's small disadvantaged business status or small disadvantaged business premium for the total amount of fuel under the contract, where such inability is a result of ice conditions, as determined by the United States Coast Guard, in Cook Inlet through February 1999, and if the Secretary of Defense determines that such inability will result in an inequity to the refiner.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. REDUCTION IN NUMBER OF ASSISTANT SECRETARY OF DEFENSE POSITIONS.

(a) NINE POSITIONS.—Section 138(a) of title 10, United States Code, is amended by striking out ''ten'' and insert in lieu thereof ''nine''.

(b) CONFORMING AMENDMENT.—The item relating to the Assistant Secretaries of Defense in section 5315 of title 5, United States Code, is amended to read as follows:

''Assistant Secretaries of Defense (9).''.

SEC. 902. RENAMING OF POSITION OF ASSISTANT SECRETARY OF DEFENSE FOR COMMAND, CONTROL, COMMUNICATIONS, AND INTELLIGENCE.

Section 138(b)(3) of title 10, United States Code is amended to read as follows:

''(3) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for

Space and Information Superiority. The Assistant Secretary—

''(A) shall have as his principal duty the overall supervision of the functions of the Department of Defense that relate to space, intelligence, information security, information operations, command, control, communications, computers, surveillance, reconnaissance, and electromagnetic spectrum; and

''(B) shall be the Chief Information Officer of the Department of Defense.''.

SEC. 903. AUTHORITY TO EXPAND THE NATIONAL DEFENSE UNIVERSITY.

Section 2165(b) of title 10, United States Code, is amended by adding at the end the following:

''(7) Any other educational institution of the Department of Defense that the Secretary considers appropriate and designates as an institution of the university.''.

SEC. 904. REDUCTION IN DEPARTMENT OF DEFENSE HEADQUARTERS STAFF.

(a) REDUCTION REQUIRED.—(1) The Secretary of Defense shall reduce the number of Federal Government employees and members of the Armed Forces on the headquarters staffs of Department of Defense organizations in accordance with this section. The Secretary shall achieve the required reductions not later than September 30, 2003.

(2) The total number of Federal Government employees and members of the Armed Forces on the headquarters staffs of all organizations within a category of organizations described in paragraph (4) shall be reduced below the baseline number for the category by the percentage specified for the category in that paragraph. In the administration of this section, the number of employees employed on a basis other than a full time basis shall be converted to, and expressed as, the equivalent number of full time employees.

(3) For the purposes of this subsection, the baseline number for the organizations in a category is the total number of Federal Government employees and members of the Armed Forces on the headquarters staffs of those organizations on October 1, 1996.

(4) The categories of organizations, and the percentages applicable under paragraph (1) to the organizations in such categories, are as follows:

(A) The Office of the Secretary of Defense and associated activities, a reduction of 33 percent.

(B) Defense agencies, a reduction of 21 percent.

(C) Department of Defense field activities and other operating organizations reporting to the Office of the Secretary of Defense, a reduction of 36 percent.

(D) The Joint Staff and associated activities, a reduction of 29 percent.

(E) The headquarters of the combatant commands and associated activities, a reduction of 7 percent.

(F) Other headquarters elements (including the headquarters of the military departments and their major commands) and associated activities, a reduction of 29 percent.

(b) LIMITED RELIEF FROM PROHIBITION ON MANAGING BY END-STRENGTH.—(1) The Secretary may waive the requirements and restrictions of section 129 of title 10, United States Code, for an organization or activity covered by subsection (a) to the extent that the Secretary determines necessary to achieve the personnel reductions required by that subsection.

(2) Not later than 30 days after exercising the waiver authority under paragraph (1) in the case of an organization or activity, the Secretary shall notify the congressional defense committees of the scope and duration of the waiver and the reasons for granting the waiver.

(c) MANAGEMENT BY BUDGET.—(1) The Secretary shall waive the requirement under subsection (a) to reduce the number of personnel on the headquarters staff of an organization or activity if the Secretary determines that the budget authority available for the organization or activity for fiscal year 2003 has been reduced below the budget authority available for the organization or activity for fiscal year 1996 by at least the percentage equal to one-fifth of the percentage specified in subsection (a)(4) for the category of the organization or activity.

(2) In this subsection, the term ''budget authority'' has the meaning given that term in section 3(2)(A) of the Congressional Budget Act of 1974 (2 U.S.C. 622(2)(A)).

(d) JOINT AND DEFENSE-WIDE ACTIVITIES.—If the Secretary consolidates functions in a Department of Defense-wide or joint organization or activity described in subparagraph (A), (B), (C), (D), or (E) of subsection (a)(4) in order to meet the requirement for reduction in the personnel of the other headquarters (including the headquarters of the military departments and their major commands) referred to in subparagraph (F) of such subsection, the Secretary may apply to that organization or activity, instead of the percentage that would otherwise apply under such subsection, a lesser percentage that is appropriate to reflect the increased responsibilities of the organization or activity.

(e) REPORT.—Not later than March 1, 1999, the Secretary of Defense shall submit to the congressional defense committees a report containing a plan to implement the personnel reductions required by this section.

(f) CATEGORIES DEFINED.—In this section:

(1) The term ''Office of the Secretary of Defense and associated activities'' means the following organizations and activities:

(A) The Office of the Secretary of Defense, as defined in section 131 of title 10, United States Code.

(B) The defense support activities that perform technical and analytical support for the Office of the Secretary of Defense.

(2) The term ''defense agencies'' means the following organizations and activities:

(A) The Ballistic Missile Defense Organization.

(B) The Defense Advanced Research Projects Agency.

(C) The Defense Commissary Agency.

(D) The Defense Contract Audit Agency.

(E) The Defense Finance and Accounting Services.

(F) The Defense Information Systems Agency.

(G) The Defense Legal Services Agency.

(H) The Defense Logistics Agency.

(I) The Defense Security Assistance Agency.

(J) The Defense Security Service.

(K) The Defense Special Weapons Agency.

(L) The On-Site Inspection Agency.

(M) The Treaty Compliance and Threat Reduction Agency.

(3) The term ''Department of Defense field activities and other operating organizations reporting to the Office of the Secretary of Defense'' means the following organizations and activities:

(A) The American Forces Information Service.

(B) The TRICARE Support Office.

(C) The Office of Economic Adjustment.

(D) The Department of Defense Education Activity.

(E) Washington Headquarters Services.

(F) The Department of Defense Human Resources Activity.

(G) The Defense Prisoner of War/Missing Personnel Office.

(H) The Defense Medical Programs Activity.

(I) The Defense Technology Security Administration.

(J) The C4I Support Activity.

(K) The Plans and Program Analysis Support Center.

(L) The Defense Airborne Reconnaissance Office.

(M) The Defense Acquisition University.

(N) The Director of Military Support.

(O) The Defense Technical Information Center.

(P) The National Defense University.

(4) The term ''Joint Staff and associated activities'' means the following organizations and activities:

(A) The Joint Staff referred to in section 155 of title 10, United States Code.

(B) Department of Defense activities that are controlled by the Chairman of the Joint Chiefs of Staff and report directly to the Joint Staff.

(5) The term ''headquarters of the combatant commands'' means the headquarters of the combatant commands, as defined in section 161(c)(3) of title 10, United States Code.

(6) The term ''other headquarters elements (including the headquarters of the military departments and their major commands)'' means the following organizations and activities:

(A) The military department headquarters listed and defined in Department of Defense Directive 5100.73, ''Department of Defense Management Headquarters and Headquarters Support Activities'', as in effect on November 12, 1996.

(B) Other military headquarters elements defined in such directive that are not otherwise covered by paragraphs (1), (2), (3), (4), and (5).

(g) REPEAL OF SUPERSEDED PROVISIONS.—(1) Sections 130a and 194 of title 10, United States Code, are repealed.

(2)(A) The table of sections at the beginning of chapter 3 of such title is amended by striking out the item relating to section 130a.

(B) The table of sections at the beginning of chapter 8 of such title is amended by striking out the item relating to section 194.

SEC. 905. PERMANENT REQUIREMENT FOR QUADRENNIAL DEFENSE REVIEW.

(a) REVIEW REQUIRED.—Chapter 2 of title 10, United States Code, is amended by inserting after section 116 the following:

''§ 117. Quadrennial defense review

''(a) REVIEW REQUIRED.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall conduct in each year in which a President is inaugurated a comprehensive examination of the defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies with a view toward determining and expressing the defense strategy of the United States and establishing a revised defense plan for the ensuing 10 years and a revised defense plan for the ensuing 20 years.

''(b) CONSIDERATION OF REPORTS OF NATIONAL DEFENSE PANEL.—In conducting the review, the Secretary shall take into consideration the reports of the National Defense Panel submitted under section 181(d) of this title.

''(c) REPORT TO CONGRESS.—The Secretary shall submit a report on each review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives not later than September 30 of the year in which the review is conducted. The report shall include the following:

''(1) The results of the review, including a comprehensive discussion of the defense strategy of the United States and the force structure best suited to implement that strategy.

''(2) The threats examined for purposes of the review and the scenarios developed in the examination of such threats.

''(3) The assumptions used in the review, including assumptions relating to the cooperation of allies and mission-sharing, levels of acceptable risk, warning times, and intensity and duration of conflict.

''(4) The effect on the force structure of preparations for and participation in peace operations and military operations other than war.

''(5) The effect on the force structure of the utilization by the Armed Forces of technologies anticipated to be available for the ensuing 10 years and technologies anticipated to be available for the ensuing 20 years, including precision guided munitions, stealth, night vision, digitization, and communications, and the changes in doctrine and operational concepts that would result from the utilization of such technologies.

''(6) The manpower and sustainment policies required under the defense strategy to support engagement in conflicts lasting more than 120 days.

''(7) The anticipated roles and missions of the reserve components in the defense strategy and the strength, capabilities, and equipment necessary to assure that the reserve components can capably discharge those roles and missions.

''(8) The appropriate ratio of combat forces to support forces (commonly referred to as the ''tooth-to-tail'' ratio) under the defense strategy, including, in particular, the appropriate number and size of headquarter units and Defense Agencies for that purpose.

''(9) The air-lift and sea-lift capabilities required to support the defense strategy.

''(10) The forward presence, pre-positioning, and other anticipatory deployments necessary under the defense strategy for conflict deterrence and adequate military response to anticipated conflicts.

''(11) The extent to which resources must be shifted among two or more theaters under the defense strategy in the event of conflict in such theaters.

''(12) The advisability of revisions to the Unified Command Plan as a result of the defense strategy.

''(13) Any other matter the Secretary considers appropriate.''.

(b) NATIONAL DEFENSE PANEL.—Chapter 7 of such title is amended by adding at the end the following:

''§ 181. National Defense Panel

''(a) ESTABLISHMENT.—Not later than January 1 of each year immediately preceding a year in which a President is to be inaugurated, the Secretary of Defense shall establish a nonpartisan, independent panel to be known as the National Defense Panel. The Panel shall have the duties set forth in this section.

''(b) MEMBERSHIP.—The Panel shall be composed of a chairman and eight other individuals appointed by the Secretary, in consultation with the chairman and ranking member of the Committee on Armed Services of the Senate and the chairman and ranking member of the Committee on National Security of the House of Representatives, from among individuals in the private sector who are recognized experts in matters relating to the national security of the United States.

''(c) DUTIES.—The Panel shall—

''(1) conduct and submit to the Secretary of Defense and to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a comprehensive assessment of the defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies with a view toward recommending a defense strategy of the United States and a revised defense plan for the ensuing 10 years and a revised defense plan for the ensuing 20 years; and

''(2) identify issues that the Panel recommends for assessment during the next review to be conducted under section 117 of this title.

''(d) REPORT.—(1) The Panel, in the year that it is conducting an assessment under subsection (c), shall submit to the Secretary of Defense and to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives two reports on its activities and the findings and recommendations of the Panel, including any recommendations for legislation that the Panel considers appropriate, as follows:

''(A) An interim report not later than July 1 of the year.

''(B) A final report not later than December 1 of the year.

''(2) Not later than December 15 of the year in which the Secretary receive a final report under paragraph (1)(B), the Secretary shall submit to the committees referred to in subsection (b) a copy of the report together with the Secretary's comments on the report.

''(e) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from the Department of Defense and any of its components and from any other Federal department and agency such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

''(f) PERSONNEL MATTERS.—(1) Each member of the Panel shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5 for each day (including travel time) during which the member is engaged in the performance of the duties of the Panel.

''(2) The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of services for the Panel.

''(3)(A) The chairman of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director and a staff if the Panel determines that an executive director and staff are necessary in order for the Panel to perform its duties effectively. The employment of an executive director shall be subject to confirmation by the Panel.

''(B) The chairman may fix the compensation of the executive director without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

''(4) Any Federal Government employee may be detailed to the Panel without reimbursement of the employee's agency, and such detail shall be without interruption or loss of civil service status or privilege. The Secretary shall ensure that sufficient personnel are detailed to the Panel to enable the Panel to carry out its duties effectively.

''(5) To the maximum extent practicable, the members and employees of the Panel shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Panel, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

''(g) ADMINISTRATIVE PROVISIONS.—(1) The Panel may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(2) The Secretary shall furnish the Panel any administrative and support services requested by the Panel.

''(3) The Panel may accept, use, and dispose of gifts or donations of services or property.

''(h) PAYMENT OF PANEL EXPENSES.—The compensation, travel expenses, and per diem allowances of members and employees of the Panel shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the Panel shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.

''(i) TERMINATION.—The Panel shall terminate at the end of the year following the year in which the Panel submits its final report under subsection (d)(1)(B). For the period that begins 90 days after the date of submittal of the report, the activities and staff of the panel shall be reduced to a level that the Secretary of Defense considers sufficient to continue the availability of the panel for consultation with the Secretary of Defense and with the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.''.

(c) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 2 of title 10, United States Code, is amended by inserting after the item relating to section 116 the following:

''117. Quadrennial defense review.''.

(2) The table of sections at the beginning of chapter 7 of such title is amended by adding at the end the following:

''181. National Defense Panel.''.

(d) CONTINUATION OF 1997 NATIONAL DEFENSE PANEL.—Section 924(j) of the Military Force Structure Review Act of 1996 (subtitle B of title IX of Public Law 104–201; 110 Stat. 2626; 10 U.S.C. 111 note) is amended to read as follows:

''(j) TERMINATION.—The Panel shall continue until the first National Defense Panel is established under section 181(a) of title 10, United States Code, and shall then terminate. The activities and staff of the panel shall be reduced to a level that the Secretary of Defense considers sufficient to continue the availability of the panel for consultation with the Secretary of Defense and with the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.''.

SEC. 906. MANAGEMENT REFORM FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

(a) REQUIREMENTS FOR ANALYSIS AND PLAN.—(1) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Technology, shall analyze the structures and processes of the Department of Defense for management of its laboratories and test and evaluation centers and, taking into consideration the analysis, develop a plan for improving the management of the laboratories and centers. The plan shall include the reorganizations and reforms that the Secretary considers appropriate.

(2) The analysis shall include the following:

(A) Opportunities to achieve efficiency and reduce duplication of efforts by consolidating responsibilities for research, development, test, and evaluation, by area or function, in a military department as a lead agency or executive agent.

(B) Reforms of the management processes of Department of Defense laboratories and test and evaluation centers that would reduce costs and increase efficiency in the conduct of research, development, test, and evaluation.

(C) Opportunities for Department of Defense laboratories and test and evaluation centers to enter into partnership arrangements with laboratories in industry, academia, and other Federal agencies that demonstrate leadership, initiative, and innovation in research, development, test, and evaluation.

(D) The benefits of consolidating test ranges and test facilities under one management structure.

(E) Personnel demonstration projects and pilot projects that are being carried out to address the challenges for and constraints on recruitment and retention of scientists and engineers.

(F) The extent to which there is disseminated within the Department of Defense laboratories and test and evaluation centers information regarding initiatives that have successfully improved efficiency through reform of management processes and other means.

(G) Any cost savings that can be derived directly from reorganization of management structures.

(H) Options for reinvesting any such cost savings in the Department of Defense laboratories and test and evaluation centers.

(3) The Secretary shall submit the plan required under paragraph (1) to the congressional defense committees not later than 180 days after the date of the enactment of this Act.

(b) COST-BASED MANAGEMENT INFORMATION SYSTEM.—(1) The Secretary of Defense shall develop a plan, including a schedule, for establishing a cost-based management information system for Department of Defense laboratories and test and evaluation centers. The system shall provide for accurately identifying and comparing the costs of operating each laboratory and each center.

(2) In preparing the plan, the Secretary shall assess the feasibility and desirability of establishing a common methodology for assessing costs. The Secretary shall consider the use of a revolving fund as one potential methodology.

(3) The Secretary shall submit the plan required under paragraph (1) to the congressional defense committees not later than 90 days after the date of the enactment of this Act.

SEC. 907. RESTRUCTURING OF ADMINISTRATION OF FISHER HOUSES.

(a) ADMINISTRATION AS NONAPPROPRIATED FUND INSTRUMENTALITY.—(1) Chapter 147 of title 10, United States Code, is amended by adding at the end the following:

''§ 2490b. Fisher Houses: administration as nonappropriated fund instrumentality

''(a) FISHER HOUSES AND SUITES.—(1) For the purposes of this section, a Fisher House is a housing facility that—

''(A) is located in proximity to a health care facility of the Army, the Air Force, or the Navy;

''(B) is available for residential use on a temporary basis by patients of that health care facility, members of the families of such patients, and others providing the equivalent of familial support for such patients; and

''(C) has been constructed and donated by—

''(i) the Zachary and Elizabeth M. Fisher Armed Services Foundation; or

''(ii) another source, if the Secretary designates the housing facility as a Fisher House.

''(2) For the purposes of this section, a Fisher Suite is one or more rooms that meet the requirements of subparagraph (A) and (B) of paragraph (1), are constructed, altered, or repaired and donated by a source described in subparagraph (C) of that paragraph, and are designated by the Secretary concerned as a Fisher Suite.

''(b) NONAPPROPRIATED FUND INSTRUMENTALITY.—The Secretary of a military department shall administer all Fisher Houses and Fisher Suites associated with health care facilities of that military department as a nonappropriated fund instrumentality of the United States.

''(c) GOVERNANCE.—The Secretary shall establish a system for the governance of the nonappropriated fund instrumentality.

''(d) CENTRAL FUND.—The Secretary shall establish a single fund as the source of funding for the operation, maintenance, and improvement of all Fisher Houses and Fisher Suites of the nonappropriated fund instrumentality.

''(e) ACCEPTANCE OF CONTRIBUTIONS AND FEES.—The Secretary of a military department may accept money, property, and services donated for the support of a Fisher House or Fisher Suite, and may impose fees relating to the use of the Fisher Houses and Fisher Suites. All monetary donations, and the proceeds of the disposal of any other donated property, accepted by the Secretary under this subsection shall be credited to the fund established under subsection (d) for the Fisher Houses and Fisher Suites of that military department and shall be available for all Fisher Houses and Fisher Suites of that military department.

''(f) ANNUAL REPORT.—Not later than January 15 of each year, the Secretary of each military department shall submit a report on Fisher House operations to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall include, at a minimum, the following:

''(1) The amount in the fund established by the Secretary for the Fisher Houses and Fisher Suites under subsection (d), as of October 1 of the previous year.

''(2) The operation of the fund during the fiscal year ending on the day before that date, including—

''(A) all gifts, fees, and interest credited to the fund; and

''(B) the disbursements from the fund.

''(3) The budget for the operation of the Fisher Houses and Fisher Suites for the fiscal year in which the report is submitted.''.

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

''2490b. Fisher Houses: administration as nonappropriated fund instrumentality.''.

(b) FUNDING TRANSITION.—(1) Not later than 90 days after the date of the enactment of this Act the Secretary of each military department shall—

(A) establish the fund required under section 2490b(d) of title 10, United States Code (as added by subsection (a)); and

(B) close the Fisher House trust fund for that department and transfer the amounts in the closed fund to the newly established fund.

(2) Of the amounts appropriated for the Navy pursuant to section 301, the Secretary of the Navy shall transfer to the fund established by the Secretary under section 2490b(d) of title 10, United States Code (as added by subsection (a)) such amount as the Secretary considers appropriate for establishing in the fund a corpus sufficient for operating Fisher Houses and Fisher Suites of the Navy.

(3) Of the amounts appropriated for the Air Force pursuant to section 301, the Secretary of the Air Force shall transfer to the fund established by the Secretary under section 2490b(d) of title 10, United States Code (as added by subsection (a)) such amount as the Secretary considers appropriate for establishing in the fund a corpus sufficient for operating Fisher Houses and Fisher Suites of the Air Force.

(4) The Secretary of each military department, upon completing the actions required of the Secretary under the preceding paragraphs of this subsection, shall submit to Congress a report containing—

(A) the Secretary's certification that those actions have been completed; and

(B) a statement of the amount deposited in the newly established fund.

(5) Amounts transferred to a fund established under section 2490b(d) of title 10, United States Code (as added by subsection (a)), shall be available without fiscal year limitation for the purposes for which the fund is established and shall be administered as nonappropriated funds.

(c) CONFORMING REPEALS.—(1) Section 2221 of title 10, United States Code, and the item relating to that section in the table of sections at the beginning of chapter 131 of such title, are repealed.

(2) Section 1321(a) of title 31, United States Code, is amended by striking out paragraphs (92), (93), and (94).

(3) The amendments made by paragraphs (1) and (2) shall take effect 90 days after the date of the enactment of this Act.

SEC. 908. REDESIGNATION OF DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING AS DIRECTOR OF DEFENSE TECHNOLOGY AND COUNTERPROLIFERATION AND TRANSFER OF RESPONSIBILITIES.

(a) REDESIGNATION.—Subsection (a) of section 137 of title 10, United States Code, is amended by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(b) DUTIES.—Subsection (b) of such section 137 is amended to read as follows:

''(b) The Director of Defense Technology and Counterproliferation shall—

''(1) except as otherwise prescribed by the Secretary of Defense, perform such duties relating to research and engineering as the Under Secretary of Defense for Acquisition and Technology may prescribe;

''(2) advise the Secretary of Defense on matters relating to nuclear energy and nuclear weapons;

''(3) serve as the Staff Director of the Joint Nuclear Weapons Council under section 179 of this title; and

''(4) perform such other duties as the Secretary of Defense may prescribe.''.

(c) ABOLISHMENT OF POSITION OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS.—Section 142 of such title is repealed.

(d) CONFORMING AMENDMENTS.—(1) Title 5, United States Code, is amended as follows:

(A) In section 5315, by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof the following:

''Director of Defense Technology and Counterproliferation''.

(B) In section 5316, by striking out ''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, Department of Defense.''.

(2) Title 10, United States Code, is amended as follows:

(A) In section 131(b), by striking out paragraph (6) and inserting in lieu thereof the following:

''(6) Director of Defense Technology and Counterproliferation.''.

(B) In section 138(d), by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(C) In section 179(c)(2), by striking out ''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(D) In section 2350a(g)(3), by striking out ''Deputy Director, Defense Research and Engineering (Test and Evaluation)'' and inserting in lieu thereof ''Under Secretary of Defense for Acquisition and Technology''.

(E) In section 2617(a), by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(F) In section 2902(b), by striking out paragraph (1) and inserting in lieu thereof the following:

''(1) The Director of Defense Technology and Counterproliferation.''.

(3) Section 257(a) of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 2358 note) is amended by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(4) The National Defense Authorization Act for Fiscal Year 1994 is amended as follows:

(A) In section 802(a) (10 U.S.C. 2358 note), by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(B) In section 1605(a)(5), (22 U.S.C. 2751 note) by striking out ''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(e) CLERICAL AMENDMENTS.—(1) The section heading of section 137 of title 10, United States Code, is amended to read as follows:

''§ 137. Director of Defense Technology and Counterproliferation''.

(2) The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended—

(A) by striking out the item relating to section 137 and inserting in lieu thereof the following:

''137. Director of Defense Technology and Counterproliferation.'';

and

(B) by striking out the item relating to section 142.

SEC. 909. CENTER FOR HEMISPHERIC DEFENSE STUDIES.

(a) FUNDING FOR CENTER FOR HEMISPHERIC DEFENSE STUDIES.—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following:

''§ 2166. National Defense University: funding of component institution

''Funds available for the payment of personnel expenses under the Latin American cooperation authority set forth in section 1050 of this title are also available for the costs of the operation of the Center for Hemispheric Defense Studies.''.

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

''2166. National Defense University: funding of component institution.''.

(b) CONFORMING AMENDMENT.—Section 1050 of title 10, United States Code, is amended by inserting ''Secretary of Defense or the'' before ''Secretary of a military department''.

SEC. 910. MILITARY AVIATION ACCIDENT INVESTIGATIONS.

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

(1) In February 1996, the Government Accounting Office released a report highlighting a 75 percent reduction in aviation Class A mishaps, a 70 percent reduction in aviation mishap fatalities and a 65 percent reduction in Class A mishap rates from 1975–1995 (Military Aircraft Safety—Significant Improvements since 1975).

(2) In February 1998, the Government Accounting Office completed a follow-up review of military aircraft safety, noting that the military experienced fewer serious aviation mishaps in fiscal years 1996 and 1997 than in previous fiscal years (Military Aircraft Safety: Serious Accidents Remain at Historically Low Levels).

(3) The report required by section 1046 of the National Defense Authorization Act for fiscal year 1998 (Public Law 105–85; 111 Stat. 1888) concluded, ''DoD found no evidence that changing existing investigation processes to more closely resemble those of the NTSB would help DoD to find more answers more quickly, or accurately''.

(4) The Department of Defense must further improve its aviation safety by fully examining all options for improving or replacing its current aviation accident investigation processes.

(5) The inter-service working group formed as a result of that report has contributed to progress in military aviation accident investigations by identifying ways to improve family assistance, as has the formal policy direction coordinated by the Office of the Secretary of Defense.

(6) Such progress includes the issuance of Air Force Instruction 90–701 entitled ''Assistance to Families of Persons Involved in Air Force Aviation Mishaps'', that attempts to meet the need for a more timely flow of relevant information to families, a family liaison officer, and the establishment of the Air Force Office of Family Assistance. However, formal policy directions and Air Force instructions have not adequately addressed the failure to provide primary next of kin of members of the Armed Forces involved in military aviation accidents with interim reports regarding the course of investigations into such accidents, and the Department of Defense must improve its procedures for informing the families of the persons involved in military aviation mishaps.

(7) The report referred to in paragraph (3) concluded that the Department would ''benefit from the disappearance of the misperception that the privileged portion of the safety investigation exists to hide unfavorable information''.

(8) That report further specified that ''[e]ach Military Department has procedures in place to place to provide redacted copies of the final [privileged] safety report to the families. However, families must formally request a copy of the final safety investigation report''.

(9) Current efforts to improve family notification would be enhanced by the issuance by the Secretary of Defense of uniform regulations to improve the timeliness and reliability of information provided to the primary next of kin of persons involved in military aviation accidents during and following both the legal investigation and safety investigation phases of such investigations.

(b) EVALUATION OF DEPARTMENT OF DEFENSE AVIATION ACCIDENT INVESTIGATION PROCEDURES.—(1) The Secretary of Defense shall establish a task force to—

(A) review the procedures employed by the Department of Defense to conduct military aviation accident investigations; and

(B) identify mechanisms for improving such investigations and the military aviation accident investigation process.

(2) The Secretary shall appoint to the task force the following:

(A) An appropriate number of members of the Armed Forces, including both members of the regular components and the reserve components, who have experience relating to military aviation or investigations into military aviation accidents.

(B) An appropriate number of former members of the Armed Forces who have such experience.

(C) With the concurrence of the member concerned, a member of the National Transportation Safety Board.

(3)(A) The task force shall submit to Congress an interim report and a final report on its activities under this subsection. The interim report shall be submitted on December 1, 1998, and the final report shall be submitted on March 31, 1999.

(B) Each report under subparagraph (A) shall include the following:

(i) An assessment of the advisability of conducting all military aviation accident investigations through an entity that is independent of the military departments.

(ii) An assessment of the effectiveness of the current military aviation accident investigation process in identifying the cause of military aviation accidents and correcting problems so identified in a timely manner.

(iii) An assessment whether or not the procedures for sharing the results of military aviation accident investigations among the military departments should be improved.

(iv) An assessment of the advisability of centralized training and instruction for military aircraft investigators.

(v) An assessment of any costs or cost avoidances that would result from the elimination of any overlap in military aviation accident investigation activities conducted under the current so-called ''two-track'' investigation process.

(vi) Any improvements or modifications in the current military aviation accident investigation process that the task force considers appropriate to reduce the potential for aviation accidents and increase public confidence in the process.

(c) UNIFORM REGULATIONS FOR RELEASE OF INTERIM SAFETY INVESTIGATION REPORTS.—(1)(A) Not later than May 1, 1999, the Secretary of Defense shall prescribe regulations that provide for the release to the family members of persons involved in military aviation accidents, and to members of the public, of reports referred to in paragraph (2).

(B) The regulations shall apply uniformly to each military department.

(2) A report under paragraph (1) is a report on the findings of any ongoing privileged safety investigation into an accident referred to in that paragraph. Such report shall be in a redacted form or other form appropriate to preserve witness confidentiality and to minimize the effects of the release of information in such report on national security.

(3) Reports under paragraph (1) shall be made available—

(A) in the case of family members, at least once every 30 days or upon the development of a new or significantly changed finding during the course of the investigation concerned; and

(B) in the case of members of the public, on request.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1999 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORIZATION OF EMERGENCY APPROPRIATIONS FOR FISCAL YEAR 1999.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 1999 for incremental costs of operations of the Armed Forces in and around Bosnia and Herzegovina in the total amount of $1,858,600,000, as follows:

(1) For military personnel, in addition to the amounts authorized to be appropriated in title IV of this Act:

(A) For the Army, $297,700,000.

(B) For the Navy, $9,700,000.

(C) For the Marine Corps, $2,700,000.

(D) For the Air Force, $33,900,000.

(E) For the Naval Reserve, $2,200,000.

(2) For operation and maintenance for the Overseas Contingency Operations Transfer Fund, in addition to the total amount authorized to be appropriated for that fund in section 301(a)(25) of this Act, $1,512,400,000.

(b) TRANSFER AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in subsection (a)(2) for fiscal year 1999 to any of the authorizations for that fiscal year in section 301. Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred. The transfer authority under this subsection is in addition to any other transfer authority provided in this Act.

(c) DESIGNATION AS EMERGENCY.—Funds authorized to be appropriated in accordance with subsection (a) are designated as emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 1003. AUTHORIZATION OF PRIOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1998.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 1998 in the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105–174).

SEC. 1004. PARTNERSHIP FOR PEACE INFORMATION SYSTEM MANAGEMENT.

Funds authorized to be appropriated under titles II and III of this Act shall be available for Partnership for Peace information management systems as follows:

(1) Of the amount authorized to be appropriated under section 201(4) for Defense-wide activities, $2,000,000.

(2) Of the amount authorized to be appropriated under section 301 for Defense-wide activities, $3,000,000.

SEC. 1005. REDUCTIONS IN FISCAL YEAR 1998 AUTHORIZATIONS OF APPROPRIATIONS FOR DIVISION A AND DIVISION B AND INCREASES IN CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.

(a) TOTAL REDUCTION.—Notwithstanding any other provision in this division, amounts authorized to be appropriated under other provisions of this division are reduced in accordance with subsection (b) by the total amount of $421,900,000 in order to reflect savings resulting from revised economic assumptions.

(b) DISTRIBUTION OF REDUCTION.—

(1) PROCUREMENT.—Amounts authorized to be appropriated for procurement under title I are reduced as follows:

(A) ARMY.—For the Army:

(i) AIRCRAFT.—For aircraft under section 101(1), by $4,000,000.

(ii) MISSILES.—For missiles under section 101(2), by $4,000,000.

(iii) WEAPONS AND TRACKED COMBAT VEHICLES.—For weapons and tracked combat vehicles under section 101(3), by $4,000,000.

(iv) AMMUNITION.—For ammunition under section 101(4), by $3,000,000.

(v) OTHER PROCUREMENT.—For other procurement under section 101(5), by $9,000,000.

(B) NAVY AND MARINE CORPS.—For the Navy, Marine Corps, or both the Navy and Marine Corps:

(i) AIRCRAFT.—For aircraft under section 102(a)(1), by $22,000,000.

(ii) WEAPONS.—For weapons, including missiles and torpedoes, under section 102(a)(2), by $4,000,000.

(iii) SHIPBUILDING AND CONVERSION.—For shipbuilding and conversion under section 102(a)(3), by $18,000,000.

(iv) OTHER PROCUREMENT.—For other procurement under section 102(a)(4), by $12,000,000.

(v) MARINE CORPS PROCUREMENT.—For procurement for the Marine Corps under section 102(b), by $2,000,000.

(vi) AMMUNITION.—For ammunition under section 102(c), by $1,000,000.

(C) AIR FORCE.—For the Air Force:

(i) AIRCRAFT.—For aircraft under section 103(1), by $23,000,000.

(ii) MISSILES.—For missiles under section 103(2), by $7,000,000.

(iii) AMMUNITION.—For ammunition under section 103(3), by $1,000,000.

(iv) OTHER PROCUREMENT.—For other procurement under section 103(4), by $17,500,000.

(D) DEFENSE-WIDE ACTIVITIES.—For the Department of Defense for Defense-wide activities under section 104, by $5,800,000.

(E) CHEMICAL DEMILITARIZATION PROGRAM.—For the destruction of lethal chemical agents and munitions and of chemical warfare material under section 107, by $3,000,000.

(2) RDT&E.—Amounts authorized to be appropriated for research, development, test, and evaluation under title II are reduced as follows:

(A) ARMY.—For the Army under section 201(1), by $10,000,000.

(B) NAVY.—For the Navy under section 201(2), by $20,000,000.

(C) AIR FORCE.—For the Air Force under section 201(3), by $39,000,000.

(D) DEFENSE-WIDE ACTIVITIES.—For Defense-wide activities under section 201(4), by $26,700,000.

(3) OPERATION AND MAINTENANCE.—Amounts authorized to be appropriated for operation and maintenance under title III are reduced as follows:

(A) ARMY.—For the Army under section 301(a)(1), by $24,000,000.

(B) NAVY.—For the Navy under section 301(a)(2), by $32,000,000.

(C) MARINE CORPS.—For the Marine Corps under section 301(a)(3), by $4,000,000.

(D) AIR FORCE.—For the Air Force under section 301(a)(4), by $31,000,000.

(E) DEFENSE-WIDE ACTIVITIES.—For Defense-wide activities under section 301(a)(6), by $17,600,000.

(F) ARMY RESERVE.—For the Army Reserve under section 301(a)(7), by $2,000,000.

(G) NAVAL RESERVE.—For the Naval Reserve under section 301(a)(8), by $2,000,000.

(H) AIR FORCE RESERVE.—For the Air Force Reserve under section 301(a)(10), by $2,000,000.

(I) ARMY NATIONAL GUARD.—For the Army National Guard under section 301(a)(11), by $4,000,000.

(J) AIR NATIONAL GUARD.—For the Air National Guard under section 301(a)(12), by $4,000,000.

(K) ENVIRONMENTAL RESTORATION, ARMY.—For Environmental Restoration, Army under section 301(a)(15), by $1,000,000.

(L) ENVIRONMENTAL RESTORATION, NAVY.—For Environmental Restoration, Navy under section 301(a)(16), by $1,000,000.

(M) ENVIRONMENTAL RESTORATION, AIR FORCE.—For Environmental Restoration, Air Force under section 301(a)(17), by $1,000,000.

(N) ENVIRONMENTAL RESTORATION, DEFENSE-WIDE.—For Environmental Restoration, Defense-wide under section 301(a)(18), by $1,000,000.

(O) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—For Drug Interdiction and Counter-drug Activities, Defense-wide under section 301(a)(21), by $2,000,000.

(P) MEDICAL PROGRAMS, DEFENSE.—For Medical Programs, Defense under section 301(a)(23), by $36,000,000.

(4) MILITARY CONSTRUCTION, ARMY.—Amounts authorized to be appropriated for military construction, Army, under title XXI by section 2104(a) are reduced by $5,000,000, of which $3,000,000 shall be a reduction of support of military family housing under section 2104(a)(5)(B).

(5) MILITARY CONSTRUCTION, NAVY.—Amounts authorized to be appropriated for military construction, Navy, under title XXII by section 2204(a) are reduced by $5,000,000, of which—

(A) $1,000,000 shall be a reduction of construction and acquisition of military family housing under section 2204(a)(5)(A); and

(B) $3,000,000 shall be a reduction of support of military family housing under section 2204(a)(5)(B).

(6) MILITARY CONSTRUCTION, AIR FORCE.—Amounts authorized to be appropriated for military construction, Air Force, under title XXIII by section 2304(a) are reduced by $4,000,000, of which—

(A) $1,000,000 shall be a reduction of construction and acquisition of military family housing under section 2304(a)(5)(A); and

(B) $2,000,000 shall be a reduction of support of military family housing under section 2304(a)(5)(B).

(7) MILITARY CONSTRUCTION, DEFENSE AGENCIES.—Amounts authorized to be appropriated for military construction, Defense Agencies, under title XXIV by section 2404(a) are reduced by $6,300,000, of which $5,000,000 shall be a reduction of defense base closure and realignment under section 2404(a)(10), of which—

(A) $1,000,000 shall be a reduction of defense base closure and realignment, Army;

(B) $2,000,000 shall be a reduction of defense base closure and realignment, Navy; and

(C) $2,000,000 shall be a reduction of defense base closure and realignment, Air Force.

(8) NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM.—Amounts authorized to be appropriated for contributions to the North Atlantic Treaty Organization Security Investment program under title XXV by section 2502 are reduced by $1,000,000.

(c) PROPORTIONATE REDUCTIONS WITHIN ACCOUNTS.—The amount provided for each budget activity, budget activity group, budget subactivity group, program, project, or activity under an authorization of appropriations reduced by subsection (b) is hereby reduced by the percentage computed by dividing the total amount of that authorization of appropriations (before the reduction) into the amount by which that total amount is so reduced.

(d) INCREASE IN CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.—

(1) OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD.—The amount authorized to be appropriated by section 301(a)(11), as reduced by subsection (b)(3)(I), is increased by $120,000,000.

(2) OTHER DEFENSE PROGRAMS, DEPARTMENT OF ENERGY.—The amount authorized to be appropriated by section 3103 is increased by $20,000,000, which amount shall be available for verification and control technology under paragraph (1)(C) of that section.

SEC. 1006. AMOUNT AUTHORIZED FOR CONTRIBUTIONS FOR NATO COMMON-FUNDED BUDGETS.

(a) TOTAL AMOUNT.—Contributions are authorized to be made in fiscal year 1999 for the common-funded budgets of NATO, out of funds available for the Department of Defense for that purpose, in the total amount that is equal to the sum of (1) the amounts of the unexpended balances, as of the end of fiscal year 1998, of funds appropriated for fiscal years before fiscal year 1999 for payments for such budgets, (2) the amount authorized to be appropriated under section 301(a)(1) that is available for contributions for the NATO common-funded military budget under section 314, (3) the amount authorized to be appropriated under section 201(1) that is available for contribution for the NATO common-funded civil budget under section 219, and (4) the total amount of the contributions authorized to be made under section 2501.

(b) DEFINITION.—In this section, the term ''common-funded budgets of NATO'' means the Military Budget, the Security Investment Program, and the Civil Budget of NATO (and any successor or additional account or program of NATO).

Subtitle B—Naval Vessels

SEC. 1011. IOWA CLASS BATTLESHIP RETURNED TO NAVAL VESSEL REGISTER.

The U.S.S. Iowa shall be listed, and maintained, on the Naval Vessel Register under section 1011 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 421) instead of the U.S.S. New Jersey, which shall be stricken from the register. The preceding sentence does not affect the continued effectiveness of subsection (d) of such section.

SEC. 1012. LONG-TERM CHARTER OF THREE VESSELS IN SUPPORT OF SUBMARINE RESCUE, ESCORT, AND TOWING.

(a) AUTHORITY.—The Secretary of the Navy may to enter into one or more long-term charters in accordance with section 2401 of title 10, United States Code, for three vessels to support the rescue, escort, and towing of submarines.

(b) VESSELS.—The vessels that may be chartered under subsection (a) are as follows:

(1) The Carolyn Chouest (United States official number D102057).

(2) The Kellie Chouest (United States official number D1038519).

(3) The Dolores Chouest (United States official number D600288).

(c) CHARTER PERIOD.—The period for which a vessel is chartered under subsection (a) may not extend beyond October 1, 2004.

(d) FUNDING.—The funds used for charters entered into under subsection (a) shall be funds authorized to be appropriated under section 301(a)(2).

SEC. 1013. TRANSFERS OF CERTAIN NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) AUTHORITY.—

(1) ARGENTINA.—The Secretary of the Navy is authorized to transfer to the Government of Argentina on a grant basis the tank landing ship Newport (LST 1179).

(2) BRAZIL.—The Secretary of the Navy is authorized to transfer vessels to the Government of Brazil as follows:

(A) On a sale basis, the Newport class tank landing ships Cayuga (LST 1186) and Peoria (LST 1183).

(B) On a combined lease-sale basis, the Cimarron class oiler Merrimack (AO 179).

(3) CHILE.—The Secretary of the Navy is authorized to transfer vessels to the Government of Chile on a sale basis as follows:

(A) The Newport class tank landing ship San Bernardino (LST 1189).

(B) The auxiliary repair dry dock Waterford (ARD 5).

(4) GREECE.—The Secretary of the Navy is authorized to transfer vessels to the Government of Greece as follows:

(A) On a sale basis, the following vessels:

(i) The Oak Ridge class medium dry dock Alamogordo (ARDM 2).

(ii) The Knox class frigates Vreeland (FF 1068) and Trippe (FF 1075).

(B) On a combined lease-sale basis, the Kidd class guided missile destroyers Kidd (DDG 993), Callaghan (DDG 994), Scott (DDG 995) and Chandler (DDG 996).

(C) On a grant basis, the following vessels:

(i) The Knox class frigate Hepburn (FF 1055).

(ii) The Adams class guided missile destroyers Strauss (DDG 16), Semmes (DDG 18), and Waddell (DDG 24).

(5) MEXICO.—The Secretary of the Navy is authorized to transfer to the Government of Mexico on a sale basis the auxiliary repair dry dock San Onofre (ARD 30) and the Knox class frigate Pharris (FF 1094).

(6) PHILIPPINES.—The Secretary of the Navy is authorized to transfer to the Government of the Philippines on a sale basis the Stalwart class ocean surveillance ship Triumph (T-AGOS 4).

(7) PORTUGAL.—The Secretary of the Navy is authorized to transfer to the Government of Portugal on a grant basis the Stalwart class ocean surveillance ship Assurance (T-AGOS 5).

(8) SPAIN.—The Secretary of the Navy is authorized to transfer to the Government of Spain on a sale basis the Newport class tank landing ships Harlan County (LST 1196) and Barnstable County (LST 1197).

(9) TAIWAN.—The Secretary of the Navy is authorized to transfer vessels to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) on a sale basis as follows:

(A) The Knox class frigates Peary (FF 1073), Joseph Hewes (FF 1078), Cook (FF 1083), Brewton (FF 1086), Kirk (FF 1087) and Barbey (FF 1088).

(B) The Newport class tank landing ships Manitowoc (LST 1180) and Sumter (LST 1181).

(C) The floating dry dock Competent (AFDM 6).

(D) The Anchorage class dock landing ship Pensacola (LSD 38).

(10) TURKEY.—The Secretary of the Navy is authorized to transfer vessels to the Government of Turkey as follows:

(A) On a sale basis, the following vessels:

(i) The Oliver Hazard Perry class guided missile frigates Mahlon S. Tisdale (FFG 27), Reid (FFG 30) and Duncan (FFG 10).

(ii) The Knox class frigates Reasoner (FF 1063), Fanning (FF 1076), Bowen (FF 1079), McCandless (FF 1084), Donald Beary (FF 1085), Ainsworth (FF 1090), Thomas C. Hart (FF 1092), and Capodanno (FF 1093).

(B) On a grant basis, the Knox class frigates Paul (FF 1080), Miller (FF 1091), W.S. Simms (FF 1059).

(11) VENEZUELA.—The Secretary of the Navy is authorized to transfer to the Government of Venezuela on a sale basis the unnamed medium auxiliary floating dry dock AFDM 2.

(b) BASES OF TRANSFER.—

(1) GRANT.—A transfer of a naval vessel authorized to be made on a grant basis under subsection (a) shall be made under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(2) SALE.—A transfer of a naval vessel authorized to be made on a sale basis under subsection (a) shall be made under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(3) COMBINED LEASE-SALE.—(A) A transfer of a naval vessel authorized to be made on a combined lease-sale basis under subsection (a) shall be made under sections 61 and 21 of the Arms Export Control Act (22 U.S.C. 2796 and 2761, respectively) in accordance with this paragraph.

(B) For each naval vessel authorized by subsection (a) for transfer on a lease-sale basis, the Secretary of the Navy is authorized to transfer the vessel under the terms of a lease, with lease payments suspended for the term of the lease, if the country entering into the lease of the vessel simultaneously enters into a foreign military sales agreement for the transfer of title to the leased vessel. Delivery of title to the purchasing country shall not be made until the purchase price of the vessel has been paid in full. Upon delivery of title to the purchasing country, the lease shall terminate.

(C) If the purchasing country fails to make full payment of the purchase price by the date required under the sales agreement, the sales agreement shall be immediately terminated, the suspension of lease payments under the lease shall be vacated, and the United States shall retain all funds received on or before the date of the termination under the sales agreement, up to the amount of the lease payments due and payable under the lease and all other costs required by the lease to be paid to that date. No interest shall be payable to the recipient by the United States on any amounts that are paid to the United States by the recipient under the sales agreement and are not retained by the United States under the lease.

(c) REQUIREMENT FOR PROVISION IN ADVANCE IN AN APPROPRIATIONS ACT.—Authority to transfer vessels on a sale or combined lease-sale basis under subsection (a) shall be

effective only to the extent that authority to effectuate such transfers, together with appropriations to cover the associated cost (as defined in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a)), are provided in advance in an appropriations Act.

(d) NOTIFICATION OF CONGRESS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress, for each naval vessel that is to be transferred under this section before January 1, 1999, the notifications required under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) and section 525 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105–118; 111 Stat. 2413).

(e) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of the naval vessels authorized by subsection (a) to be transferred on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) shall not be counted for the purposes of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(f) COSTS OF TRANSFERS.—Any expense of the United States in connection with a transfer authorized by subsection (a) shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1)) in the case of a transfer authorized to be made on a grant basis under subsection (a)).

(g) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—The Secretary of the Navy shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(h) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

SEC. 1014. SENSE OF CONGRESS CONCERNING THE NAMING OF AN LPD–17 VESSEL.

It is the sense of Congress that, consistent with section 1018 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 425), the next unnamed vessel of the LPD–17 class of amphibious vessels should be named the U.S.S. Clifton B. Cates, in honor of Marine General Clifton B. Cates (1893–1970), a native of Tennessee whose distinguished career of service in the Marine Corps included combat service in World War I so heroic that he became the most decorated Marine Corps officer of World War I, included exemplary combat leadership from Guadalcanal to Tinian and Iwo Jima and beyond in the Pacific Theater during World War II, and culminated in Lieutenant General Cates being appointed the 19th Commandant of the Marine Corps, a position in which he led the Marine Corps' efficient and alacritous response to the invasion of the Republic of South Korea by Communist North Korea.

SEC. 1015. CONVEYANCE OF NDRF VESSEL EX-U.S.S. LORAIN COUNTY.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation may convey all right, title, and interest of the Federal Government in and to the vessel ex-U.S.S. LORAIN COUNTY (LST–1177) to the Ohio War Memorial, Inc., located in Sandusky, Ohio (in this section referred to as the ''recipient''), for use as a memorial to Ohio veterans.

(b) TERMS OF CONVEYANCE.—

(1) DELIVERY OF VESSEL.—In carrying out subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date; and

(C) at no cost to the Federal Government.

(2) REQUIRED CONDITIONS.—The Secretary may not convey a vessel under this section unless—

(A) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising before the date of the conveyance of from use of the vessel by the Government after that date; and

(B) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) OTHER UNNEEDED EQUIPMENT.—The Secretary may convey to the recipient of the vessel conveyed under this section any unneeded equipment from other vessels in the National Defense Reserve Fleet, for use to restore the vessel conveyed under this section to museum quality.

SEC. 1016. HOMEPORTING OF THE U.S.S. IOWA BATTLESHIP IN SAN FRANCISCO.

It is the sense of Congress that the U.S.S. Iowa should be homeported at the Port of San Francisco, California.

SEC. 1017. SHIP SCRAPPING PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of the Navy shall carry out a vessel scrapping pilot program within the United States during fiscal years 1999 and 2000. The scope of the program shall be that which the Secretary determines is sufficient to gather data on the cost of scrapping Government vessels domestically and to demonstrate cost effective technologies and techniques to scrap such vessels in a manner that is protective of worker safety and health and the environment.

(b) CONTRACT AWARD.—(1) The Secretary shall award a contract or contracts under subsection (a) to the offeror or offerors that the Secretary determines will provide the best value to the United States, taking into account such factors as the Secretary considers appropriate.

(2) In making a best value determination under this subsection, the Secretary shall give a greater weight to technical and performance-related factors than to cost and price-related factors.

(3) The Secretary shall give significant weight to the technical qualifications and past performance of the contractor and the major subcontractors or team members of the contractor in complying with applicable Federal, State, and local laws and regulations for environmental and worker protection. In accordance with the requirements of the Federal Acquisition Regulation, in the case of an offeror without a record of relevant past performance or for whom information on past performance is not available, the offeror may not be evaluated favorably or unfavorably on past performance.

(c) CONTRACT TERMS AND CONDITIONS.—The contract or contracts awarded by the Secretary pursuant to subsection (b) shall, at a minimum, provide for—

(1) the transfer of the vessel or vessels to the contractor or contractors;

(2) the sharing, by any appropriate contracting method, of the costs of scrapping the vessel or vessels between the Government and the contractor or contractors;

(3) a performance incentive for a successful record of environmental and worker protection; and

(4) Government access to contractor records in accordance with the requirements of section 2313 of title 10, United States Code.

(d) REPORTS.—(1) Not later than September 30, 1999, the Secretary of the Navy shall submit an interim report on the pilot program to the congressional defense committees. The report shall contain the following:

(A) The procedures used for the solicitation and award of a contract or contracts under the pilot program.

(B) The contract or contracts awarded under the pilot program.

(2) Not later than September 30, 2000, the Secretary of the Navy shall submit a final report on the pilot program to the congressional defense committees. The report shall contain the following:

(A) The results of the pilot program and the performance of the contractors under such program.

(B) The Secretary's procurement strategy for future ship scrapping activities.

Subtitle C—Miscellaneous Report Requirements and Repeals

SEC. 1021. REPEAL OF REPORTING REQUIREMENTS.

(a) REPORTS REQUIRED BY TITLE 10.—

(1) HEALTH AND MEDICAL CARE STUDIES AND DEMONSTRATIONS.—Section 1092(a) of title 10, United States Code, is amended by striking out paragraph (3).

(2) ANNUAL REPORT ON USE OF MONEY RENTALS FOR LEASES OF NON-EXCESS PROPERTY.—Section 2667(d) of title 10, United States Code, is amended—

(A) in paragraph (1)(A)(ii), by striking out ''paragraph (4) or (5)'' and inserting in lieu thereof ''paragraph (3) or (4)''.

(B) by striking out paragraph (3); and

(C) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(b) REPORT REQUIRED BY MILITARY CONSTRUCTION AUTHORIZATION ACT.—Section 2819 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2119; 10 U.S.C. 2391 note,), relating to the Commission on Alternative Utilization of Military Facilities, is amended—

(1) in subsection (a) by striking out ''(a) ESTABLISHMENT OF COMMISSION.—''; and

(2) by striking out subsections (b) and (c).

SEC. 1022. REPORT ON DEPARTMENT OF DEFENSE FINANCIAL MANAGEMENT IMPROVEMENT PLAN.

Not later than 60 days after the date on which the Secretary of Defense submits the first biennial financial management improvement plan required by section 2222 of title 10, United States Code, the Comptroller General shall submit to Congress an analysis of the plan. The analysis shall include a discussion of the content of the plan and the extent to which the plan—

(1) complies with the requirements of such section 2222; and

(2) is a workable plan for addressing the financial management problems of the Department of Defense.

SEC. 1023. FEASIBILITY STUDY OF PERFORMANCE OF DEPARTMENT OF DEFENSE FINANCE AND ACCOUNTING FUNCTIONS BY PRIVATE SECTOR SOURCES OR OTHER FEDERAL GOVERNMENT SOURCES.

(a) STUDY REQUIRED.—The Secretary of Defense shall carry out a study of the feasibility and advisability of selecting on a competitive basis the source or sources for performing the finance and accounting functions of the Department of Defense from among private sector sources, the Defense

Finance and Accounting Service of the Department of Defense, the military departments, and other Federal Government agencies.

(b) REPORT.—Not later than October 1, 1999, the Secretary shall submit a written report on the results of the study to Congress. The report shall include the following:

(1) A discussion of how the finance and accounting functions of the Department of Defense are performed, including the necessary operations, the operations actually performed, the personnel required for the operations, and the core competencies that are necessary for the performance of those functions.

(2) A comparison of the performance of the finance and accounting functions by the Defense Finance and Accounting Service with the performance of finance and accounting functions by the other sources referred to in subsection (a) that exemplify the best finance and accounting practices and results, together with a comparison of the costs of the performance of such functions by the Defense Finance and Accounting Service and the estimated costs of the performance of such functions by those other sources.

(3) The finance and accounting functions, if any, that are appropriate for performance by those other sources, together with a concept of operations that—

(A) specifies the mission;

(B) identifies the finance and accounting operations to be performed;

(C) describes the work force that is necessary to perform those operations;

(D) discusses where the operations are to be performed;

(E) describes how the operations are to be performed; and

(F) discusses the relationship between how the operations are to be performed and the mission.

(4) An analysis of how Department of Defense programs or processes would be affected by the performance of the finance and accounting functions of the Department of Defense by one or more of those other sources.

(5) The status of the efforts within the Department of Defense to consolidate and eliminate redundant finance and accounting systems and to better integrate the automated and manual systems of the department that provide input to financial management or accounting systems of the department.

(6) A description of a feasible and effective process for selecting, on a competitive basis, sources to perform the finance and accounting functions of the Department of Defense from among the sources referred to in subsection (a), including a discussion of the selection criteria considered appropriate.

(7) Any recommended policy for selecting sources to perform the finance and accounting functions of the Department of Defense on a competitive basis from among the sources referred to in subsection (a), together with such other recommendations that the Secretary considers appropriate.

(8) An analysis of the costs and benefits of the various policies and actions recommended.

(9) A discussion of any findings, analyses, and recommendations of the performance of the finance and accounting functions of the Department of Defense that have been made by the Task Force on Defense Reform appointed by the Secretary of Defense.

(c) MARKET RESEARCH.—In carrying out the study, the Secretary shall perform market research to determine whether the availability of responsible private sector sources of finance and accounting services is sufficient for there to be a reasonable expectation of meaningful competition for any contract for the procurement of finance and accounting services for the Department of Defense.

SEC. 1024. REORGANIZATION AND CONSOLIDATION OF OPERATING LOCATIONS OF THE DEFENSE FINANCE AND ACCOUNTING SERVICE.

(a) LIMITATION.—No operating location of the Defense Finance and Accounting Service may be closed before the date that is six months after the date on which the Secretary submits to Congress the plan required by subsection (b).

(b) PLAN REQUIRED.—The Secretary of Defense shall submit to Congress a strategic plan for improving the financial management operations at each of the operating locations of the Defense Finance and Accounting Service.

(c) CONTENT OF PLAN.—The plan shall include, at a minimum, the following:

(1) The workloads that it is necessary to perform at the operating locations each fiscal year.

(2) The capacity and number of operating locations that are necessary for performing the workloads.

(3) A discussion of the costs and benefits that could result from reorganizing the operating locations of the Defense Finance and Accounting Service on the basis of function performed, together with the Secretary's assessment of the feasibility of carrying out such a reorganization.

(d) SUBMITTAL OF PLAN.—The plan shall be submitted to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives not later than December 15, 1998.

SEC. 1025. REPORT ON INVENTORY AND CONTROL OF MILITARY EQUIPMENT.

(a) REPORT REQUIRED.—Not later than March 1, 1999, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the inventory and control of the military equipment of the Department of Defense as of the end of fiscal year 1998. The report shall address the inventories of each of the Army, Navy, Air Force, and Marine Corps separately.

(b) CONTENT.—The report shall include the following:

(1) For each item of military equipment in the inventory, stated by item nomenclature—

(A) the quantity of the item in the inventory as of the beginning of the fiscal year;

(B) the quantity of acquisitions of the item during the fiscal year;

(C) the quantity of disposals of the item during the fiscal year;

(D) the quantity of losses of the item during the performance of military missions during the fiscal year; and

(E) the quantity of the item in the inventory as of the end of the fiscal year.

(2) A reconciliation of the quantity of each item in the inventory as of the beginning of the fiscal year with the quantity of the item in the inventory as of the end of fiscal year.

(3) For each item of military equipment that cannot be reconciled—

(A) an explanation of why the quantities cannot be reconciled; and

(B) a discussion of the remedial actions planned to be taken, including target dates for accomplishing the remedial actions.

(4) Supporting schedules identifying the location of each item that are available to Congress or auditors of the Comptroller General upon request.

(c) MILITARY EQUIPMENT DEFINED.—For the purposes of this section, the term ''military equipment'' means all equipment that is used in support of military missions and is maintained on the visibility systems of the Army, Navy, Air Force, or Marine Corps.

(d) INSPECTOR GENERAL REVIEW.—Not later than June 1, 1999, the Inspector General of the Department of Defense shall review the report submitted to the committees under subsection (a) and shall submit to the committees any comments that the Inspector General considers appropriate.

SEC. 1026. REPORT ON CONTINUITY OF ESSENTIAL OPERATIONS AT RISK OF FAILURE BECAUSE OF COMPUTER SYSTEMS THAT ARE NOT YEAR 2000 COMPLIANT.

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

(1) Because of the way computers store and process dates, most computers will not function properly, or at all, after January 1, 2000, a problem that is commonly referred to as the year 2000 problem.

(2) The United States Government is currently conducting a massive program to identify and correct computer systems that suffer from the year 2000 problem.

(3) The cost to the Department of Defense of correcting this problem in its computer systems has been estimated to be more than $1,000,000,000.

(4) Other nations have failed to initiate aggressive action to identify and correct the year 2000 problem within their own computers.

(5) Unless other nations initiate aggressive actions to ensure the reliability and stability of certain communications and strategic systems, United States nationally security may be jeopardized.

(b) REPORT REQUIRED.—The Secretary of Defense and the Director of Central Intelligence shall jointly submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the plans of the Department of Defense and the intelligence community for ensuring the continuity of performance of essential operations that are at risk of failure because of computer systems and other information and support systems that are not year 2000 compliant.

(c) CONTENT.—The report shall contain, at a minimum, the following:

(1) A prioritization of mission critical systems to ensure that the most critical systems have the highest priority for efforts to reprogram computers to be year 2000 compliant.

(2) A discussion of the private and other public information and support systems relied on by the national security community, including the intelligence community, and the efforts under way to ensure that those systems are year 2000 compliant.

(3) The efforts under way to repair the underlying operating systems and infrastructure.

(4) The plans for comprehensive testing of Department of Defense systems, including simulated operational tests in mission areas.

(5) A comprehensive contingency plan, for the entire national security community, which provides for resolving emergencies resulting from a system that is not year 2000 compliant and includes provision for the creation of crisis action teams for use in resolving such emergencies.

(6) A discussion of the efforts undertaken to ensure the continued reliability of service on the systems used by the President and other leaders of the United States for communicating with the leaders of other nations.

(7) A discussion of the vulnerability of allied armed forces to failure systems that are not, or have critical components that are not, year 2000 compliant, together with an assessment of the potential problems for interoperability among the Armed Forces of

the United States and allied armed forces because of the potential for failure of such systems.

(8) An estimate of the total cost of making the computer systems and other information and support systems comprising the computer networks of the Department of Defense and the intelligence community year 2000 compliant.

(9) The countries that have critical computer-based systems any disruption of which, due to not being year 2000 compliant, would cause a significant potential national security risk to the United States.

(10) A discussion of the cooperative arrangements between the United States and other nations to assist those nations in identifying and correcting (to the extent necessary to meet national security interests of the United States) any problems in their communications and strategic systems, or other systems identified by the Secretary of Defense, that make the systems not year 2000 compliant.

(11) A discussion of the threat posed to the national security interests of the United States from any potential failure of strategic systems of foreign countries that are not year 2000 compliant.

(d) SUBMITTAL.—The report shall be submitted not later than March 31, 1999, in classified form and, as necessary, unclassified form.

(e) INTERNATIONAL COOPERATIVE ARRANGEMENTS.—The Secretary of Defense, with the concurrence of the Secretary of State may enter into a cooperative arrangement with a representative of any foreign government to provide for the United States to assist the foreign government in identifying and correcting (to the extent necessary to meet national security interests of the United States) any problems in communications, strategic, or other systems of that foreign government that make the systems not year 2000 compliant.

(f) YEAR 2000 COMPLIANT.—In this section, the term ''year 2000 compliant'', with respect to a computer system or any other information or support system, means that the programs of the system correctly recognize dates in years after 1999 as being dates after 1999 for the purposes of program functions for which the correct date is relevant to the performance of the functions.

SEC. 1027. REPORTS ON NAVAL SURFACE FIRE-SUPPORT CAPABILITIES.

(a) NAVY REPORT.—(1) Not later than March 31, 1999, the Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on battleship readiness for meeting requirements of the Armed Forces for naval surface fire support.

(2) The report shall contain the following:

(A) The reasons for the Secretary's failure to comply with the requirements of section 1011 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 421) until February 1998.

(B) The requirements for Air-Naval Gunfire Liaison Companies.

(C) The plans of the Navy for retaining and maintaining 16-inch ammunition for the main guns of battleships.

(D) The plans of the Navy for retaining the hammerhead crane essential for lifting battleship turrets.

(E) An estimate of the cost of reactivating Iowa-class battleships for listing on the Naval Vessel Register, restoring the vessels to seaworthiness with operational capabilities necessary to meet requirements for naval surface fire-support, and maintaining the battleships in that condition for continued listing on the register, together with an estimate of the time necessary to reactivate and restore the vessels to that condition.

(3) The Secretary shall act through the Director of Expeditionary Warfare Division (N85) of the Office of the Chief of Naval Operations in preparing the report.

(b) GAO REPORT.—(1) The Comptroller General shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the naval surface fire-support capabilities of the Navy.

(2) The report shall contain the following:

(A) An assessment of the extent of the compliance by the Secretary of the Navy with the requirements of section 1011 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 421).

(B) The plans of the Navy for executing the naval surface fire-support mission of the Navy.

(C) An assessment of the short-term costs and the long-term costs associated with the plans.

(D) An assessment of the short-term costs and the long-term costs associated with alternative methods for executing the naval surface fire-support mission of the Navy, including the alternative of reactivating two battleships.

SEC. 1028. REPORT ON ROLES IN DEPARTMENT OF DEFENSE AVIATION ACCIDENT INVESTIGATIONS.

(a) REPORT REQUIRED.—Not later than March 31, 1999, the Secretary of Defense shall submit to Congress a report on the roles of the Office of the Secretary of Defense and the Joint Staff in the investigation of Department of Defense aviation accidents.

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

(1) An assessment of whether the Office of the Secretary of Defense and the Joint Staff should have more direct involvement in the investigation of military aviation accidents.

(2) The advisability of the Office of the Secretary of Defense, the Joint Staff, or another Department of Defense entity independent of the military departments supervising the conduct of aviation accident investigations.

(3) An assessment of the minimum training and experience required for aviation accident investigation board presidents and board members.

SEC. 1029. STRATEGIC PLAN FOR EXPANDING DISTANCE LEARNING INITIATIVES.

(a) PLAN REQUIRED.—The Secretary of Defense shall develop a strategic plan for guiding and expanding distance learning initiatives within the Department of Defense. The plan shall provide for an expansion of such initiatives over five consecutive fiscal years beginning with fiscal year 2000.

(b) CONTENT OF PLAN.—The strategic plan shall, at a minimum, contain the following:

(1) A statement of measurable goals and objectives and outcome-related performance indicators (consistent with section 1115 of title 31, United States Code, relating to agency performance plans) for the development and execution of distance learning initiatives throughout the Department of Defense.

(2) A detailed description of how distance learning initiatives are to be developed and managed within the Department of Defense.

(3) An assessment of the estimated costs and the benefits associated with developing and maintaining an appropriate infrastructure for distance learning.

(4) A statement of planned expenditures for the investments necessary to build and maintain the infrastructure.

(5) A description of the mechanisms that are to be used to supervise the development and coordination of the distance learning initiatives of the Department of Defense.

(c) RELATIONSHIP TO EXISTING INITIATIVE.—In developing the strategic plan, the Secretary may take into account the ongoing collaborative effort among the Department of Defense, other Federal agencies, and private industry that is known as the Advanced Distribution Learning initiative. However, the Secretary shall ensure that the strategic plan is specifically focused on the training and education goals and objectives of the Department of Defense.

(d) SUBMISSION TO CONGRESS.—The Secretary of Defense shall submit the strategic plan to Congress not later than March 1, 1999.

SEC. 1030. REPORT ON INVOLVEMENT OF ARMED FORCES IN CONTINGENCY AND ONGOING OPERATIONS.

(a) REPORT REQUIRED.—Not later than January 31, 1999, the Secretary of Defense shall submit to the congressional defense committees a report on the involvement of the Armed Forces of the United States in major contingency operations and major ongoing operations since the end of the Persian Gulf War, including such operations as the involvement in the Stabilization Force in Bosnia and Herzegovina, Operation Southern Watch, and Operation Northern Watch. The report shall contain the following:

(1) A discussion of the effects of that involvement on retention and reenlistment of personnel in the Armed Forces.

(2) The extent to which the use of combat support and combat service support personnel and equipment of the Armed Forces in the operations has resulted in shortages of Armed Forces personnel and equipment in other regions of the world.

(3) The accounts from which funds have been drawn to pay for the operations and the specific programs for which the funds were available until diverted to pay for the operations.

(4) The vital interests of the United States that are involved in each operation or, if none, the interests of the United States that are involved in each operation and a characterization of those interests.

(5) What clear and distinct objectives guide the activities of United States forces in each operation.

(6) What the President has identified on the basis of those objectives as the date, or the set of conditions, that defines the end of each operation.

(b) FORM OF REPORT.—The report shall be submitted in unclassified form, but may also be submitted in a classified form if necessary.

(c) MAJOR OPERATION DEFINED.—For the purposes of this section, a contingency operation or an ongoing operation is a major contingency operation or a major ongoing operation, respectively, if the operation involves more than 500 members of the Armed Forces.

SEC. 1031. SUBMISSION OF REPORT ON OBJECTIVES OF A CONTINGENCY OPERATION WITH FIRST REQUEST FOR FUNDING THE OPERATION.

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

(1) On May 3, 1994, the President issued Presidential Decision Directive 25 declaring that American participation in United Nations and other peace operations would depend in part on whether the role of United States forces is tied to clear objectives and an endpoint for United States participation can be identified.

(2) Between that date and mid-1998, the President and other executive branch officials have obligated or requested appropriations of approximately $9,400,000,000 for military-related operations throughout Bosnia and Herzegovina without providing to Congress, in conjunction with the budget submission for any fiscal year, a strategic plan for such operations under the criteria set forth in that Presidential Decision Directive.

(3) Between November 27, 1995, and mid-1998 the President has established three deadlines, since elapsed, for the termination of United States military-related operations throughout Bosnia and Herzegovina.

(4) On December 17, 1997, the President announced that United States ground combat forces would remain in Bosnia and Herzegovina for an unknown period of time.

(5) Approximately 47,880 United States military personnel (excluding personnel serving in units assigned to the Republic of Korea) have participated in 14 international contingency operations between fiscal years 1991 and 1998.

(6) The 1998 posture statements of the Navy and Air Force included declarations that the pace of military operations over fiscal year 1997 adversely affected the readiness of non-deployed forces, personnel retention rates, and spare parts inventories of the Navy and Air Force.

(b) INFORMATION TO BE REPORTED WITH FUNDING REQUEST.—Section 113 of title 10, United States Code, is amended by adding at the end the following:

''(l) INFORMATION TO ACCOMPANY INITIAL FUNDING REQUEST FOR CONTINGENCY OPERATION.—Whenever the President submits to Congress a request for appropriations for costs associated with a contingency operation that involves, or likely will involve, the deployment of more than 500 members of the armed forces, the Secretary of Defense shall submit to Congress a report on the objectives of the operation. The report shall include a discussion of the following:

''(1) What clear and distinct objectives guide the activities of United States forces in the operation.

''(2) What the President has identified on the basis of those objectives as the date, or the set of conditions, that defines the end-point of the operation.''.

SEC. 1032. REPORTS ON THE DEVELOPMENT OF THE EUROPEAN SECURITY AND DEFENSE IDENTITY.

(a) REQUIREMENT FOR REPORTS.—The Secretary of Defense shall submit to the congressional defense committees in accordance with this section reports on the development of the European Security and Defense Identity (ESDI) within the NATO Alliance that would enable the Western European Union (WEU), with the consent of the NATO Alliance, to assume the political control and strategic direction of NATO assets and capabilities made available by the Alliance.

(b) REPORTS TO BE SUBMITTED.—The reports required to be submitted under subsection (a) are as follows:

(1) An initial report, submitted not later than December 15, 1998, that contains a discussion of the actions taken, and the plans for future actions, to build the European Security and Defense Identity, together with the matters required under subsection (c).

(2) A semiannual report on the progress made toward establishing the European Security and Defense Identity, submitted not later than March 15 and December 15 of each year after 1998.

(c) CONTENT OF REPORTS.—The Secretary shall include in each report under this section the following:

(1) A discussion of the arrangements between NATO and the Western European Union for the release, transfer, monitoring, return, and recall of NATO assets and capabilities.

(2) A discussion of the development of such planning and other capabilities by the Western European Union that are necessary to provide political control and strategic direction of NATO assets and capabilities.

(3) A discussion of the development of terms of reference for the Deputy Supreme Allied Commander, Europe, with respect to the European Security and Defense Identity.

(4) A discussion of the arrangements for the assignment or appointment of NATO officers to serve in two positions concurrently (commonly referred to as ''dual-hatting'').

(5) A discussion of the development of the Combined Joint Task Force (CJTF) concept, including lessons-learning from the NATO-led Stabilization Force in Bosnia.

(6) Identification within the NATO Alliance of the types of separable but not separate capabilities, assets, and support assets for Western European Union-led operations.

(7) Identification of separable but not separate headquarters, headquarters elements, and command positions for command and conduct of Western European Union-led operations.

(8) The conduct by NATO, at the request of and in coordination with the Western European Union, of military planning and exercises for illustrative missions.

(9) A discussion of the arrangements between NATO and the Western European Union for the sharing of information, including intelligence.

(10) Such other information as the Secretary considers useful for a complete understanding of the establishment of the European Security and Defense Identity within the NATO Alliance.

(d) TERMINATION OF SEMIANNUAL REPORTING REQUIREMENT.—No report is required under subsection (b)(2) after the Secretary submits under that subsection a report in which the Secretary states that the European Security and Defense Identity has been fully established.

SEC. 1033. REPORT ON REDUCTION OF INFRASTRUCTURE COSTS AT BROOKS AIR FORCE BASE, TEXAS.

(a) REQUIREMENT.—Not later than December 31, 1998, the Secretary of the Air Force shall, in consultation with the Secretary of Defense, submit to the congressional defense committees a report on means of reducing significantly the infrastructure costs at Brooks Air Force Base, Texas, while also maintaining or improving the support for Department of Defense missions and personnel provided through Brooks Air Force Base.

(b) ELEMENTS.—The report shall include the following:

(1) A description of any barriers (including barriers under law and through policy) to improved infrastructure management at Brooks Air Force Base.

(2) A description of means of reducing infrastructure management costs at Brooks Air Force Base through cost-sharing arrangements and more cost-effective utilization of property.

(3) A description of any potential public partnerships or public-private partnerships to enhance management and operations at Brooks Air Force Base.

(4) An assessment of any potential for expanding infrastructure management opportunities at Brooks Air Force Base as a result of initiative considered at the Base or at other installations.

(5) An analysis (including appropriate data) on current and projected costs of the ownership or lease of Brooks Air Force Base under a variety of ownership or leasing scenarios, including the savings that would accrue to the Air Force under such scenarios and a schedule for achieving such savings.

(6) Any recommendations relating to reducing the infrastructure costs at Brooks Air Force Base that the Secretary considers appropriate.

SEC. 1034. ANNUAL GAO REVIEW OF F/A–18E/F AIRCRAFT PROGRAM.

(a) REVIEW AND REPORT REQUIRED.—Not later than June 15 of each year, the Comptroller General shall review the F/A–18E/F aircraft program and submit to Congress a report on the results of the review. The Comptroller General shall also submit to Congress with each report a certification regarding whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(b) CONTENT OF REPORT.—The report submitted on the program each year shall include the following:

(1) The extent to which engineering and manufacturing development and operational test and evaluation under the program are meeting the goals established for engineering and manufacturing development and operational test and evaluation under the program, including the performance, cost, and schedule goals.

(2) The status of modifications expected to have a significant effect on the cost or performance of the F/A–18E/F aircraft.

(c) DURATION OF REQUIREMENT.—The Comptroller General shall submit the first report under this section not later than June 15, 1999. No report is required under this section after the full rate production contract is awarded under the program.

(d) REQUIREMENT TO SUPPORT ANNUAL GAO REVIEW.—The Secretary of Defense and the prime contractors under the F/A–18E/F aircraft program shall timely provide the Comptroller General with such information on the program, including information on program performance, as the Comptroller General considers necessary to carry out the responsibilities under this section.

SEC. 1035. REVIEW AND REPORT REGARDING THE DISTRIBUTION OF NATIONAL GUARD RESOURCES AMONG STATES.

(a) REQUIREMENT FOR REVIEW.—The Chief of the National Guard Bureau shall review the process used for allocating and distributing resources, including all categories of full-time manning, among the States for the National Guard of the States.

(b) PURPOSE OF REVIEW.—The purpose of the review is to determine whether the process provides for adequately funding the National Guard of the States that have within the National Guard no unit or few (15 or less) units categorized in readiness tiers I, II, and III.

(c) MATTERS REVIEWED.—The matters reviewed shall include the following:

(1) The factors considered for the process of determining the distribution of resources, including the weights assigned to the factors.

(2) The extent to which the process results in funding for the units of the States described in subsection (b) at the levels necessary to optimize the preparedness of the units to meet the mission requirements applicable to the units.

(3) The effects that funding at levels determined under the process will have on the National Guard of those States in the future, including the effects on all categories of full-time manning, and unit readiness, recruitment, and continued use of existing National Guard armories and other facilities.

(d) REPORT.—Not later than March 15, 1999, the Chief of the National Guard Bureau shall submit a report on the results of the review to the congressional defense committees.

SEC. 1036. REPORT ON THE PEACEFUL EMPLOYMENT OF FORMER SOVIET EXPERTS ON WEAPONS OF MASS DESTRUCTION.

(a) REPORT REQUIRED.—Not later than January 31, 1999, the Secretary of Defense shall submit to the congressional defense committees a report on the need for and the feasibility of programs, other than those involving the development or promotion of commercially viable proposals, to further United States nonproliferation objectives regarding former Soviet experts in ballistic missiles or weapons of mass destruction. The report shall contain an analysis of the following:

(1) The number of such former Soviet experts who are, or are likely to become within the coming decade, unemployed, underemployed, or unpaid and, therefore, at risk of accepting export orders, contracts, or job offers from countries developing weapons of mass destruction.

(2) The extent to which the development of nonthreatening, commercially viable products and services, with or without United States assistance, can reasonably be expected to employ such former experts.

(3) The extent to which projects that do not involve the development of commercially viable products or services could usefully employ additional such former experts.

(4) The likely cost and benefits of a 10-year program of United States or international assistance to projects of the sort discussed in paragraph (3).

(b) CONSULTATION REQUIREMENT.—The report shall be prepared in consultation with the Secretary of State, the Secretary of Energy, and such other officials as the Secretary of Defense considers appropriate.

Subtitle D—Other Matters

SEC. 1041. COOPERATIVE COUNTERPROLIFERATION PROGRAM.

(a) ASSISTANCE AUTHORIZED.—Subject to subsection (b), the Secretary of Defense may provide a foreign country or any of its instrumentalities with assistance that the Secretary determines necessary for destroying, removing, or obtaining from that country—

(1) weapons of mass destruction; or

(2) materials, equipment, or technology related to the delivery or development of weapons of mass destruction.

(b) CERTIFICATION REQUIRED.—(1) Not later than 15 days before providing assistance under subsection (a) regarding weapons, materials, equipment, or technology referred to in that subsection, the Secretary of Defense shall certify to the congressional defense committees that the weapons, materials, equipment, or technology meet each of the following requirements:

(A) The weapons, materials, equipment, or technology are at risk of being sold or otherwise transferred to a restricted foreign state or entity.

(B) The transfer of the weapons, materials, equipment, or technology would pose a significant threat to national security interests of the United States or would significantly advance a foreign country's weapon program that threatens national security interests of the United States.

(C) Other options for securing or otherwise preventing the transfer of the weapons, materials, equipment, or technology have been considered and rejected as ineffective or inadequate.

(2) The Secretary may waive the deadline for submitting a certification required under paragraph (1) in any case if the Secretary determines that compliance with the requirement would compromise national security objectives of the United States in that case. The Secretary shall promptly notify the Chairman and ranking minority members of the congressional defense committees regarding the waiver and submit the certification not later than 45 days after completing the action of providing the assistance in the case.

(3) No assistance may be provided under subsection (a) in any case unless the Secretary submits the certification required under paragraph (1) or a notification required under paragraph (2) in such case.

(c) ANNUAL REPORTS.—(1) Not later than January 30 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the activities carried out under this section. The first annual report shall be submitted not later than January 30, 2000.

(2) Each annual report shall set forth in separate sections for the previous year the following:

(A) The assistance provided under this section and the purposes for which provided.

(B) The sources of funds for the assistance provided.

(C) Any assistance provided for the Department of Defense under this section by any other department or agency of the Federal Government, together with the source or sources of that assistance.

(D) Any other information that the Secretary considers appropriate for informing the appropriate congressional committees about actions taken under this section.

(d) DEFINITIONS.—In this section:

(1) The term ''restricted foreign state or entity'', with respect to weapons, materials, equipment, or technology covered by a certification of the Secretary of Defense under subsection (b), means—

(A) any foreign country the government of which has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State determines under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371); or

(B) any foreign state or entity that the Secretary of Defense determines would constitute a military threat to the territory of the United States, national security interests of the United States, or allies of the United States, if that foreign state or entity were to possess the weapons, materials, equipment, or technology.

(2) The term ''weapon of mass destruction'' has the meaning given that term in section 1402 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1)).

SEC. 1042. EXTENSION OF COUNTERPROLIFERATION AUTHORITIES FOR SUPPORT OF UNITED NATIONS SPECIAL COMMISSION ON IRAQ.

Section 1505 of the Weapons of Mass Destruction Control Act of 1992 (title XV of Public Law 102–484; 22 U.S.C. 5859a) is amended—

(1) in subsection (d)(3), by striking out ''or $15,000,000 for fiscal year 1998'' and inserting in lieu thereof ''or $15,000,000 for each of fiscal years 1998 and 1999''; and

(2) in subsection (f), by striking out ''fiscal year 1998'' and inserting in lieu thereof ''fiscal year 1999''.

SEC. 1043. ONE-YEAR EXTENSION OF LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

Section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1948) is amended—

(1) by striking out ''during fiscal year 1998'' each place it appears and inserting in lieu thereof ''during any fiscal year''; and

(2) by adding at the end the following:

''(g) APPLICABILITY TO FISCAL YEARS 1998 and 1999.—This section applies to fiscal years 1998 and 1999.''.

SEC. 1044. DIRECT-LINE COMMUNICATION BETWEEN UNITED STATES AND RUSSIAN COMMANDERS OF STRATEGIC FORCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that a direct line of communication between the commanders in chief of the United States Strategic and Space Commands and the Commander of the Russian Strategic Rocket Forces could be a useful confidence-building tool.

(b) REPORT.—Not later than two months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and to the Committee on National Security of the House of Representatives a report on the feasibility of initiating discussions on direct-line communication described in subsection (a).

SEC. 1045. CHEMICAL WARFARE DEFENSE.

(a) REVIEW AND MODIFICATION OF POLICIES AND DOCTRINE.—The Secretary of Defense shall review the policies and doctrines of the Department of Defense on chemical warfare defense and modify the policies and doctrine as appropriate to achieve the objectives set forth in subsection (b).

(b) OBJECTIVES.—The objectives for the modification of policies and doctrines of the Department of Defense on chemical warfare defense are as follows:

(1) To provide for adequate protection of personnel from any low-level exposure to a chemical warfare agent that would endanger the health of exposed personnel because of the deleterious effects of—

(A) a single exposure to the agent;

(B) exposure to the agent concurrently with other dangerous exposures, such as exposures to—

(i) other potentially toxic substances in the environment, including pesticides, other insect and vermin control agents, and environmental pollutants;

(ii) low-grade nuclear and electromagnetic radiation present in the environment;

(iii) preventive medications (that are dangerous when taken concurrently with other dangerous exposures referred to in this paragraph); and

(iv) occupational hazards, including battlefield hazards; and

(C) repeated exposures to the agent, or some combination of one or more exposures to the agent and other dangerous exposures referred to in subparagraph (B), over time.

(2) To provide for—

(A) the prevention of and protection against, and the detection (including confirmation) of, exposures to a chemical warfare agent (whether intentional or inadvertent) at levels that, even if not sufficient to endanger health immediately, are greater than the level that is recognized under Department of Defense policies as being the maximum safe level of exposure to that agent for the general population; and

(B) the recording, reporting, coordinating, and retaining of information on possible exposures described in subparagraph (A), including the monitoring of the health effects of exposures on humans and animals, and the documenting and reporting of those health effects specifically by location.

(3) Provide solutions for the concerns and mission requirements that are specifically applicable for one or more of the Armed Forces in a protracted conflict when exposures to chemical agents could be complex, dynamic, and occurring over an extended period.

(c) RESEARCH PROGRAM.—The Secretary of Defense shall develop and carry out a plan to establish a research program for determining the effects of chronic and low-dose exposures to chemical warfare agents. The research shall be designed to yield results that can guide the Secretary in the evolution of policy and doctrine on low-level exposures to chemical warfare agents. The plan shall state the objectives and scope of the program and include a 5-year funding plan.

(d) REPORT.—Not later than May 1, 1999, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the review under subsection (a) and on the research program developed under subsection (c). The report shall include the following:

(1) Each modification of chemical warfare defense policy and doctrine resulting from the review.

(2) Any recommended legislation regarding chemical warfare defense.

(3) The plan for the research program.

SEC. 1046. ACCOUNTING TREATMENT OF ADVANCE PAYMENT OF PERSONNEL.

(a) TREATMENT.—Section 1006 of title 37, United States Code, is amended by adding at the end the following:

''(l) Notwithstanding any provision of chapter 15 of title 31, an amount paid a member under this section in advance of the fiscal year in which the member's entitlement to that amount accrues—

''(1) shall be treated as being obligated and expended in that fiscal year; and

''(2) may not be treated as reducing the unobligated balance of the appropriations available for military personnel, Reserve personnel, or National Guard personnel, as the case may be, for the fiscal year in which paid.''.

(b) APPLICABILITY.—Subsection (l) of section 1006 of title 37, United States Code (as added by subsection (a)), shall apply to advance payments made under such section in fiscal years beginning after September 30, 1997.

SEC. 1047. REINSTATEMENT OF DEFINITION OF FINANCIAL INSTITUTION IN AUTHORITIES FOR REIMBURSING DEFENSE PERSONNEL FOR GOVERNMENT ERRORS IN DIRECT DEPOSITS OF PAY.

(a) MEMBERS OF THE ARMED FORCES.—Section 1053(d)(1) of title 10, United States Code, is amended to read as follows:

''(1) The term 'financial institution' means a bank, savings and loan association or similar institution, or a credit union chartered by the United States Government or a State.''.

(b) CIVILIAN EMPLOYEES.—Section 1594(d)(1) of title 10, United States Code, is amended to read as follows:

''(1) The term 'financial institution' means a bank, savings and loan association or similar institution, or a credit union chartered by the United States Government or a State.''.

SEC. 1048. PILOT PROGRAM ON ALTERNATIVE NOTICE OF RECEIPT OF LEGAL PROCESS FOR GARNISHMENT OF FEDERAL PAY FOR CHILD SUPPORT AND ALIMONY.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall conduct a pilot program on alternative notice procedures for withholding or garnishment of pay for the payment of child support and alimony under section 459 of the Social Security Act (42 U.S.C. 659).

(b) PURPOSE.—The purpose of the pilot program is to test the efficacy of providing notice in accordance with subsection (c) to the person whose pay is to be withheld or garnisheed.

(c) NOTICE REQUIREMENTS.—Under the pilot program, if an agent designated under paragraph (1) of section 459(c) of the Social Security Act for members of the Armed Forces or employees of the Department of Defense receives notice or service of a court order, notice to withhold, or other legal process regarding a child support or alimony obligation of such a member or employee, the agent may omit from the notice that the agent sends to the member or employee under paragraph (2)(A) of that section the copy of the notice or service received by the agent. The agent shall include in the notice, which shall be in writing, the following:

(1) A description of the court order, notice to withhold, or other legal process.

(2) The identity of the court, administrative agency, or official that issued the order.

(3) The case number assigned by the court, administrative agency, or official.

(4) The amount of the obligation.

(5) The name of each person for whom the support or alimony is provided.

(6) The name, address, and telephone number of the person or office from which a copy of the notice or service may be obtained.

(d) PERIOD OF PILOT PROGRAM.—The Secretary shall commence the pilot program not later than 90 days after the date of the enactment of this Act. The pilot program shall terminate on September 30, 2000.

(e) REPORT.—Not later than April 1, 2001, the Secretary shall submit a report on the pilot program to Congress. The report shall contain the following:

(1) The number of notices that were issued in accordance with subsection (c) during the period of the pilot program.

(2) The number of persons who requested copies of the notice or service of the court order, notice of withholding, or other legal process involved.

(3) Any communication received by the Secretary or an agent referred to in subsection (c) complaining about not being furnished a copy of the notice or service of the court order, notice of withholding, or other legal process with the agent's notice.

SEC. 1049. COSTS PAYABLE TO THE DEPARTMENT OF DEFENSE AND OTHER FEDERAL AGENCIES FOR SERVICES PROVIDED TO THE DEFENSE COMMISSARY AGENCY.

(a) LIMITATION.—Section 2482(b)(1) of title 10, United States Code, is amended by adding at the end the following: ''However, the Defense Commissary Agency may not pay for any such service any amount that exceeds the price at which the service could be procured in full and open competition (as such term is defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6)).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to services provided or obtained on or after that date.

SEC. 1050. COLLECTION OF DISHONORED CHECKS PRESENTED AT COMMISSARY STORES.

Section 2486 of title 10, United States Code, is amended by adding at the end the following:

''(g) COLLECTION OF DISHONORED CHECKS.—(1) The Secretary of Defense may impose a charge for the collection of a check accepted at a commissary store that is not honored by the financial institution on which the check is drawn. The imposition and amounts of charges shall be consistent with practices of commercial grocery stores regarding dishonored checks.

''(2)(A) The following persons are liable to the United States for the amount of a check referred to in paragraph (1) that is returned unpaid to the United States, together with any charge imposed under that paragraph:

''(i) The person who presented the check.

''(ii) Any person whose status and relationship to the person who presented the check provide the basis for that person's eligibility to make purchases at a commissary store.

''(B) Any amount for which a person is liable under subparagraph (A) may be collected by deducting and withholding such amount from any amounts payable to that person by the United States.

''(3) Amounts collected as charges imposed under paragraph (1) shall be credited to the commissary trust revolving fund.

''(4) Appropriated funds may be used to pay any costs incurred in the collection of checks and charges referred to in paragraph (1). An appropriation account charged a cost under the preceding sentence shall be reimbursed the amount of that cost out of funds in the commissary trust revolving fund.

''(5) In this subsection, the term 'commissary trust revolving fund' means the trust revolving fund maintained by the Department of Defense for surcharge collections and proceeds of sales of commissary stores.''.

SEC. 1051. DEFENSE COMMISSARY AGENCY TELECOMMUNICATIONS.

(a) USE OF FTS 2000/2001.—The Secretary of Defense shall prescribe in regulations authority for the Defense Commissary Agency to meet its telecommunication requirements by obtaining telecommunication services and related items under the FTS 2000/2001 contract through a frame relay system procured for the agency.

(b) REPORT.—Upon the initiation of telecommunication service for the Defense Commissary Agency under the FTS 2000/2001 contract through the frame relay system, the Secretary of Defense shall submit to Congress a notification that the service has been initiated.

(c) DEFINITION.—In this section, the term ''FTS 2000/2001 contract'' means the contract for the provision of telecommunication services for the Federal Government that was entered into by the Defense Information Technology Contract Organization.

SEC. 1052. RESEARCH GRANTS COMPETITIVELY AWARDED TO SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—(1) Chapter 403 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 4358. Research grants: acceptance, application, and use

''(a) ACCEPTANCE OF COMPETITIVELY AWARDED GRANTS.—The Superintendent of the Academy may accept a research grant that is awarded on a competitive basis by a source referred to in subsection (b) for a research project that is to be carried out by a professor or instructor of the Academy for a scientific, literary, or educational purpose.

''(b) APPLICATION FOR GRANTS.—A professor or instructor of the Academy, together with the Superintendent, may apply for a research grant referred to in subsection (a) from any corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

''(c) ADMINISTRATION OF GRANT PROCEEDS.—The Superintendent shall establish a special account for administering the proceeds of a research grant accepted under subsection (a) and shall use the account for the administration of such proceeds in accordance with applicable regulations and the terms and conditions of the grant.

''(d) RELATED EXPENSES.—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Academy may be used to pay expenses incurred by the Academy in pursuit of an award of a research grant authorized to be accepted under subsection (a).

''(e) REGULATIONS.—The Secretary of the Army shall prescribe in regulations the requirements, restrictions, and conditions that the Secretary considers appropriate for the exercise and administration of the authority under this section.''.

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

''4358. Research grants: acceptance, application, and use.''.

(b) UNITED STATES NAVAL ACADEMY.—(1) Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 6977. Research grants: acceptance, application, and use

''(a) ACCEPTANCE OF COMPETITIVELY AWARDED GRANTS.—The Superintendent of the Academy may accept a research grant that is awarded on a competitive basis by a

source referred to in subsection (b) for a research project that is to be carried out by a professor or instructor of the Academy for a scientific, literary, or educational purpose.

''(b) APPLICATION FOR GRANTS.—A professor or instructor of the Academy, together with the Superintendent, may apply for a research grant referred to in subsection (a) from any corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

''(c) ADMINISTRATION OF GRANT PROCEEDS.—The Superintendent shall establish a special account for administering the proceeds of a research grant accepted under subsection (a) and shall use the account for the administration of such proceeds in accordance with applicable regulations and the terms and conditions of the grant.

''(d) RELATED EXPENSES.—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Academy may be used to pay expenses incurred by the Academy in pursuit of an award of a research grant authorized to be accepted under subsection (a).

''(e) REGULATIONS.—The Secretary of the Navy shall prescribe in regulations the requirements, restrictions, and conditions that the Secretary considers appropriate for the exercise and administration of the authority under this section.''.

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

''6977. Research grants: acceptance, application, and use.''.

(c) UNITED STATES AIR FORCE ACADEMY.—(1) Chapter 903 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9357. Research grants: acceptance, application, and use

''(a) ACCEPTANCE OF COMPETITIVELY AWARDED GRANTS.—The Superintendent of the Academy may accept a research grant that is awarded on a competitive basis by a source referred to in subsection (b) for a research project that is to be carried out by a professor or instructor of the Academy for a scientific, literary, or educational purpose.

''(b) APPLICATION FOR GRANTS.—A professor or instructor of the Academy, together with the Superintendent, may apply for a research grant referred to in subsection (a) from any corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

''(c) ADMINISTRATION OF GRANT PROCEEDS.—The Superintendent shall establish a special account for administering the proceeds of a research grant accepted under subsection (a) and shall use the account for the administration of such proceeds in accordance with applicable regulations and the terms and conditions of the grant.

''(d) RELATED EXPENSES.—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Academy may be used to pay expenses incurred by the Academy in pursuit of an award of a research grant authorized to be accepted under subsection (a).

''(e) REGULATIONS.—The Secretary of the Air Force shall prescribe in regulations the requirements, restrictions, and conditions that the Secretary considers appropriate for the exercise and administration of the authority under this section.''.

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

''9357. Research grants: acceptance, application, and use.''.

SEC. 1053. CLARIFICATION AND SIMPLIFICATION OF RESPONSIBILITIES OF INSPECTORS GENERAL REGARDING WHISTLEBLOWER PROTECTIONS.

(a) ROLES OF INSPECTORS GENERAL OF THE ARMED FORCES.—(1) Subsection (c) of section 1034 of title 10, United States Code, is amended—

(A) by striking out paragraph (1) and inserting in lieu thereof the following:

''(1) If a member of the armed forces submits to an Inspector General an allegation that a personnel action prohibited by subsection (b) has been taken (or threatened) against the member with respect to a communication described in paragraph (2), the Inspector General of the Department of Defense or the Inspector General of the armed force concerned shall take the action required under paragraph (3).''; and

(B) by striking out paragraph (3) and inserting in lieu thereof the following:

''(3) The Inspector General receiving an allegation as described in paragraph (1) shall expeditiously determine whether there is sufficient evidence to warrant an investigation of the allegation. Upon determining that an investigation is warranted, the Inspector General shall expeditiously investigate the allegation. In the case of an allegation received by the Inspector General of the Department of Defense, the Inspector General may delegate that duty to the Inspector General of the armed force concerned. Neither an initial determination nor an investigation is required under this paragraph in the case of an allegation made more than 60 days after the date on which the member becomes aware of the personnel action that is the subject of the allegation.

''(4) If an Inspector General within a military department receives an allegation covered by this subsection, that Inspector General shall promptly notify the Inspector General of the Department of Defense of the allegation in accordance with regulations prescribed under subsection (h).

''(5) The Inspector General of the Department of Defense, or the Inspector General of the Department of Transportation (in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy), shall ensure that the inspector general conducting the investigation of an allegation under this paragraph is outside the immediate chain of command of both the member submitting the allegation and the individual or individuals alleged to have taken the retaliatory action.''.

(2) Subsection (d) of such section is amended—

(A) by striking out ''the Inspector General shall conduct'' and inserting in lieu thereof ''an Inspector General shall conduct''; and

(B) by adding at the end the following: ''In the case of an allegation received by the Inspector General of the Department of Defense, the Inspector General may delegate that duty to the Inspector General of the armed force concerned.''.

(b) MISMANAGEMENT COVERED BY PROTECTED COMMUNICATIONS.—Subsection (c)(2)(B) of such section is amended by striking out ''Mismanagement'' and inserting in lieu thereof ''Gross mismanagement''.

(c) SIMPLIFIED REPORTING AND NOTICE REQUIREMENTS.—(1) Paragraph (1) of subsection (e) of such section is amended—

(A) by striking out ''the Inspector General shall submit a report on'' and inserting in lieu thereof ''the Inspector General conducting the investigation shall provide''; and

(B) inserting ''shall transmit a copy of the report on the results of the investigation to'' before ''the member of the armed forces''.

(2) Paragraph (2) of such subsection is amended by adding at the end the following: ''However, the copy need not include summaries of interviews conducted, nor any document acquired, during the course of the investigation. Such items shall be transmitted to the member if the member requests the items, whether before or after the copy of the report is transmitted to the member.''.

(3) Paragraph (3) of such subsection is amended by striking out ''90 days'' and inserting in lieu thereof ''120 days''.

(d) REPEAL OF POST-INVESTIGATION INTERVIEW REQUIREMENT.—Subsection (h) of such section is repealed.

(e) INSPECTOR GENERAL DEFINED.—Subsection (j)(2) of such section is amended—

(1) by redesignating subparagraph (B) as subparagraph (G) and, in that subparagraph, by striking out ''an officer'' and inserting in lieu thereof ''An officer'';

(2) by striking out subparagraph (A) and inserting in lieu thereof the following:

''(A) The Inspector General of the Department of Defense.

''(B) The Inspector General of the Department of Transportation, in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy.

''(C) The Inspector General of the Army, in the case of a member of the Army.

''(D) The Naval Inspector General, in the case of a member of the Navy.

''(E) The Inspector General of the Air Force, in the case of a member of the Air Force.

''(F) The Deputy Naval Inspector General for Marine Corps Matters, in the case of a member of the Marine Corps.''; and

(3) in the matter preceding subparagraph (A), by striking out ''means—'' and inserting in lieu thereof ''means the following:''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Subsections (i) and (j) of such section are redesignated as subsections (h) and (i), respectively.

(2) Subsection (b)(1)(B)(ii) of such section is amended by striking out ''subsection (j))'' and inserting in lieu thereof ''subsection (i)) or any other Inspector General appointed under the Inspector General Act of 1978''.

SEC. 1054. AMOUNTS RECOVERED FROM CLAIMS AGAINST THIRD PARTIES FOR LOSS OR DAMAGE TO PERSONAL PROPERTY SHIPPED OR STORED AT GOVERNMENT EXPENSE.

(a) IN GENERAL.—Chapter 163 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2739. Amounts recovered from claims against third parties for loss or damage to personal property shipped or stored at Government expense

''(a) CREDITING OF COLLECTIONS.—Amounts collected as described in subsection (b) by or for a military department in any fiscal year shall be credited to the appropriation that is available for that fiscal year for the military department for the payment of claims for loss or damage of personal property shipped or stored at Government expense. Amounts so credited shall be merged with the funds in the appropriation and shall be available for the same period and purposes as the funds with which merged.

''(b) COLLECTIONS COVERED.—An amount authorized for crediting in accordance with subsection (a) is any amount that a military department collects under sections 3711, 3716, 3717 and 3721 of title 31 from a third party for a loss or damage to personal property that occurred during shipment or storage of the property at Government expense and for which the Secretary of the military department paid the owner in settlement of a claim.''.

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

''2739. Amounts recovered from claims against third parties for loss or damage to personal property shipped or stored at government expense.''.

SEC. 1055. ELIGIBILITY FOR ATTENDANCE AT DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

(a) MILITARY DEPENDENTS.—Subsection (a) of section 2164 of title 10, United States Code, is amended—

(1) by designating the first sentence as paragraph (1);

(2) by designating the second sentence as paragraph (2); and

(3) by adding at the end of paragraph (2), as so designated, the following: ''The Secretary may also permit a dependent of a member of the armed forces to enroll in such a program if the dependent is residing in such a jurisdiction, whether on or off a military installation, while the member is assigned away from that jurisdiction on a remote or unaccompanied assignment under permanent change of station orders.''.

(b) EMPLOYEE DEPENDENTS.—Subsection (c)(2) of such section is amended by striking out subparagraph (B) and inserting in lieu thereof the following:

''(B) The Secretary may extend the enrollment of a dependent referred to in subparagraph (A) in the program for more than five consecutive school years if the Secretary determines that the dependent is eligible under paragraph (1), space is available in the program, and adequate arrangements are made for reimbursement of the Secretary for the costs to the Secretary of the educational services provided for the dependent. An extension shall be for only one school year, but the Secretary may authorize a successive extension each year for the next school year upon making the determinations required under the preceding sentence for that next school year.''.

(c) CUSTOMS SERVICE EMPLOYEE DEPENDENTS IN PUERTO RICO.—(1) Subsection (c) of such section is further amended by adding at the end the following:

''(4)(A) A dependent of a United States Customs Service employee who resides in Puerto Rico but not on a military installation may enroll in an educational program provided by the Secretary pursuant to subsection (a) in Puerto Rico.

''(B) Notwithstanding the limitation on duration of enrollment set forth in paragraph (2), a dependent described in subparagraph (A) who is enrolled in an education program described in that subparagraph may be removed from the program only for good cause (as determined by the Secretary). No requirement under that paragraph for reimbursement of the Secretary for the costs of educational services provided for the dependent shall apply with respect to the dependent.

''(C) In the event of the death in the line of duty of an employee described in subparagraph (A), a dependent of the employee may remain enrolled in an educational program described in that subparagraph until—

''(i) the end of the academic year in which the death occurs; or

''(ii) the dependent is removed for good cause (as so determined).''.

(2) The amendment made by paragraph (1) shall take effect on the date of enactment of this Act and apply to academic years beginning on or after that date.

SEC. 1056. FEES FOR PROVIDING HISTORICAL INFORMATION TO THE PUBLIC.

(a) ARMY.—(1) Chapter 437 of title 10, United States Code, is amended by adding at the end the following:

''§ 4595. Army Military History Institute: fee for providing historical information to the public

''(a) AUTHORITY.—Except as provided in subsection (b), the Secretary of the Army may charge a person a fee for providing the person with information requested by the person that is provided from the United States Army Military History Institute.

''(b) EXCEPTIONS.—A fee may not be charged under this section—

''(1) to a person for information that the person requests to carry out a duty as a member of the armed forces or an officer or employee of the United States; or

''(2) for a release of information under section 552 of title 5.

''(c) LIMITATION ON AMOUNT OF FEE.—The amount of the fee charged under this section for providing information may not exceed the cost of providing the information.

''(d) RETENTION OF FEES.—Amounts received under subsection (a) for providing information in any fiscal year shall be credited to the appropriation or appropriations charged the costs of providing information to the public from the United States Army Military History Institute during that fiscal year.

''(e) DEFINITIONS.—In this section:

''(1) The term 'United States Army Military History Institute' means the archive for historical records and materials of the Army that the Secretary of the Army designates as the primary archive for such records and materials.

''(2) The terms 'officer of the United States' and 'employee of the United States' have the meanings given those terms in sections 2104 and 2105, respectively, of title 5.''.

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

''4595. Army Military History Institute: fee for providing historical information to the public.''.

(b) NAVY.—(1) Chapter 649 of such title 10 is amended by adding at the end the following new section:

''§ 7582. Naval and Marine Corps Historical Centers: fee for providing historical information to the public

''(a) AUTHORITY.—Except as provided in subsection (b), the Secretary of the Navy may charge a person a fee for providing the person with information requested by the person that is provided from the United States Naval Historical Center or the Marine Corps Historical Center.

''(b) EXCEPTIONS.—A fee may not be charged under this section—

''(1) to a person for information that the person requests to carry out a duty as a member of the armed forces or an officer or employee of the United States; or

''(2) for a release of information under section 552 of title 5.

''(c) LIMITATION ON AMOUNT OF FEE.—The amount of the fee charged under this section for providing information may not exceed the cost of providing the information.

''(d) RETENTION OF FEES.—Amounts received under subsection (a) for providing information from the United States Naval Historical Center or the Marine Corps Historical Center in any fiscal year shall be credited to the appropriation or appropriations charged the costs of providing information to the public from that historical center during that fiscal year.

''(e) DEFINITIONS.—In this section:

''(1) The term 'United States Naval Historical Center' means the archive for historical records and materials of the Navy that the Secretary of the Navy designates as the primary archive for such records and materials.

''(2) The term 'Marine Corps Historical Center' means the archive for historical records and materials of the Marine Corps that the Secretary of the Navy designates as the primary archive for such records and materials.

''(3) The terms 'officer of the United States' and 'employee of the United States' have the meanings given those terms in sections 2104 and 2105, respectively, of title 5.''.

(2) The heading of such chapter is amended by striking out ''**RELATED**''.

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

''7582. Naval and Marine Corps Historical Centers: fee for providing historical information to the public.''.

(B) The item relating to such chapter in the tables of chapters at the beginning of subtitle C of title 10, United States Code, and the beginning of part IV of such subtitle is amended by striking out ''Related''.

(c) AIR FORCE.—(1) Chapter 937 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9594. Air Force Military History Institute: fee for providing historical information to the public

''(a) AUTHORITY.—Except as provided in subsection (b), the Secretary of the Air Force may charge a person a fee for providing the person with information requested by the person that is provided from the United States Air Force Military History Institute.

''(b) EXCEPTIONS.—A fee may not be charged under this section—

''(1) to a person for information that the person requests to carry out a duty as a member of the armed forces or an officer or employee of the United States; or

''(2) for a release of information under section 552 of title 5.

''(c) LIMITATION ON AMOUNT OF FEE.—The amount of the fee charged under this section for providing information may not exceed the cost of providing the information.

''(d) RETENTION OF FEES.—Amounts received under subsection (a) for providing information in any fiscal year shall be credited to the appropriation or appropriations charged the costs of providing information to the public from the United States Air Force Military History Institute during that fiscal year.

''(e) DEFINITIONS.—In this section:

''(1) The term 'United States Air Force Military History Institute' means the archive for historical records and materials of the Air Force that the Secretary of the Air Force designates as the primary archive for such records and materials.

''(2) The terms 'officer of the United States' and 'employee of the United States' have the meanings given those terms in sections 2104 and 2105, respectively, of title 5.''.

(2) The table of sections at the beginning of such chapter 937 is amended by adding at the end the following new item:

''9594. Air Force Military History Institute: fee for providing historical information to the public.''.

SEC. 1057. PERIODIC INSPECTION OF THE ARMED FORCES RETIREMENT HOME.

(a) INSPECTION BY INSPECTORS GENERAL OF THE ARMED FORCES.—Section 1518 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 418) is amended to read as follows:

''SEC. 1518. INSPECTION OF RETIREMENT HOME.

''(a) TRIENNIAL INSPECTION.—Every three years the Inspector General of an armed force shall inspect the Retirement Home, including the records of the Retirement Home.

''(b) ALTERNATING DUTY AMONG INSPECTORS GENERAL.—The duty to inspect the Retirement Home shall alternate among the Inspector General of the Army, the Naval Inspector General, and the Inspector General

of the Air Force on such schedule as the Secretary of Defense shall direct.

''(c) REPORTS.—Not later than 45 days after completing an inspection under subsection (a), the Inspector General carrying out the inspection shall submit to the Retirement Home Board, the Secretary of Defense, and Congress a report describing the results of the inspection and containing such recommendations as the Inspector General considers appropriate.''.

(b) FIRST INSPECTION.—The first inspection under section 1518 of the Armed Forces Retirement Home Act of 1991, as amended by subsection (a), shall be carried out during fiscal year 1999.

SEC. 1058. TRANSFER OF F–4 PHANTOM II AIRCRAFT TO FOUNDATION.

(a) AUTHORITY.—The Secretary of the Air Force may convey, without consideration to the Collings Foundation, Stow, Massachusetts (in this section referred to as the ''foundation''), all right, title, and interest of the United States in and to one surplus F–4 Phantom II aircraft. The conveyance shall be made by means of a conditional deed of gift.

(b) CONDITION OF AIRCRAFT.—The Secretary may not convey ownership of the aircraft under subsection (a) until the Secretary determines that the foundation has altered the aircraft in such manner as the Secretary determines necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing munitions or any other combat capability that it was designed to have. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) REVERTER UPON BREACH OF CONDITIONS.—The Secretary shall include in the instrument of conveyance of the aircraft—

(1) a condition that the foundation not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary of the Air Force;

(2) a condition that the operation and maintenance of the aircraft comply with all applicable limitations and maintenance requirements imposed by the Administrator of the Federal Aviation Administration; and

(3) a condition that if the Secretary of the Air Force determines at any time that the foundation has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, or has failed to comply with the condition set forth in paragraph (2), all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(d) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of an aircraft authorized by this section shall be made at no cost to the United States. Any costs associated with such conveyance, costs of determining compliance with subsection (b), and costs of operation and maintenance of the aircraft conveyed shall be borne by the foundation.

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

(f) CLARIFICATION OF LIABILITY.—Notwithstanding any other provision of law, upon the conveyance of ownership of the F–4 Phantom II aircraft to the foundation under subsection (a), the United States shall not be liable for any death, injury, loss, or damage that results from any use of that aircraft by any person other than the United States.

SEC. 1059. ACT CONSTITUTING PRESIDENTIAL APPROVAL OF VESSEL WAR RISK INSURANCE REQUESTED BY THE SECRETARY OF DEFENSE.

Section 1205(b) of the Merchant Marine Act of 1936 (46 U.S.C. App. 1285(b)) is amended by adding at the end the following: ''The signature of the President (or of an official designated by the President) on the agreement shall be treated as an expression of the approval required under section 1202(a) to provide the insurance.''.

SEC. 1060. COMMENDATION AND MEMORIALIZATION OF THE UNITED STATES NAVY ASIATIC FLEET.

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

(1) The United States established the Asiatic Fleet of the Navy in 1910 to protect American nationals, policies, and possessions in the Far East.

(2) The sailors and Marines of the Asiatic Fleet ensured the safety of United States citizens and foreign nationals, and provided humanitarian assistance, in that region during the Chinese civil war, the Yangtze Flood of 1931, and the outbreak of Sino-Japanese hostilities.

(3) In 1940, due to deteriorating political relations and increasing tensions between the United States and Japan, a reinforced Asiatic Fleet began concentrating on the defense of the Philippines and engaged in extensive training to ensure maximum operational readiness for any eventuality.

(4) Following the declaration of war against Japan, the warships, submarines, and aircraft of the Asiatic Fleet singly or in task forces courageously fought many naval battles against a superior Japanese armada.

(5) The Asiatic Fleet directly suffered the loss of 22 ships, 1,826 men killed or missing in action, and 518 men captured and imprisoned under the worst of conditions with many of them dying while held as prisoners of war.

(b) COMMENDATION.—Congress—

(1) commends the personnel who served in the Asiatic Fleet of the United States Navy during the period 1910 to 1942; and

(2) honors those who gave their lives in the line of duty while serving in the Asiatic Fleet.

(c) UNITED STATES NAVY ASIATIC FLEET MEMORIAL DAY.—The President is authorized and requested to issue a proclamation designating March 1, 1999 as ''United States Navy Asiatic Fleet Memorial Day'' and calling upon the people of the United States to observe United States Navy Asiatic Fleet Memorial Day with appropriate programs, ceremonies, and activities.

SEC. 1061. PROGRAM TO COMMEMORATE 50TH ANNIVERSARY OF THE KOREAN WAR.

(a) REFERENCE TO KOREAN WAR.—Section 1083 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1918; 10 U.S.C. 113 note) is amended—

(1) in the section heading, by striking out ''**KOREAN CONFLICT**'' and inserting in lieu thereof ''**KOREAN WAR**'';

(2) by striking out ''Korean conflict'' each place it appears and inserting in lieu thereof ''Korean War''; and

(3) in subsections (c) and (d)(1), by striking out ''Korean Conflict'' and inserting in lieu thereof ''Korean War''.

(b) LIMITATION ON EXPENDITURES.—Subsection (f) of such section is amended to read as follows:

''(f) LIMITATION ON EXPENDITURES.—The total amount expended for the commemorative program for fiscal years 1998 through 2004 by the Department of Defense 50th Anniversary of the Korean War Commemorative Committee established by the Secretary of Defense may not exceed $10,000,000.''.

SEC. 1062. DEPARTMENT OF DEFENSE USE OF FREQUENCY SPECTRUM.

(a) FINDING.—Congress finds that the report submitted to Congress by the Secretary of Defense on April 2, 1998, regarding the reallocation of the frequency spectrum used or dedicated to the Department of Defense and the intelligence community, does not include a discussion of the costs to the Department of Defense that are associated with past and potential future reallocations of the frequency spectrum, although such a discussion was to be included in the report as directed in connection with the enactment of the National Defense Authorization Act for Fiscal Year 1998.

(b) ADDITIONAL REPORT.—The Secretary of Defense shall, not later than October 31, 1998, submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report that discusses the costs referred to in subsection (a).

(c) RELOCATION OF FEDERAL FREQUENCIES.—Section 113(g)(1) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(1)) is amended—

(1) by striking out ''(1) IN GENERAL.—In order'' and inserting in lieu thereof the following:

''(1) IN GENERAL.—

''(A) AUTHORITY OF FEDERAL ENTITIES TO ACCEPT COMPENSATION.—In order'';

(2) in subparagraph (A), as so designated, by striking out the second, third, and fourth sentences and inserting in lieu thereof the following: ''Any such Federal entity which proposes to so relocate shall notify the NTIA, which in turn shall notify the Commission, before the auction concerned of the marginal costs anticipated to be associated with such relocation or with modifications necessary to accommodate prospective licensees. The Commission in turn shall notify potential bidders of the estimated relocation or modification costs based on the geographic area covered by the proposed licenses before the auction; and

(3) by adding at the end the following:

''(B) REQUIREMENT TO COMPENSATE FEDERAL ENTITIES.—Any person on whose behalf a Federal entity incurs costs under subparagraph (A) shall compensate the Federal entity in advance for such costs. Such compensation may take the form of a cash payment or in-kind compensation.

''(C) DISPOSITION OF PAYMENTS.—

''(i) PAYMENT BY ELECTRONIC FUNDS TRANSFER.—A person making a cash payment under this paragraph shall make the cash payment by depositing the amount of the payment by electronic funds transfer in the account of the Federal entity concerned in the Treasury of the United States or in another account as authorized by law.

''(ii) AVAILABILITY.—Subject to the provisions of authorization Acts and appropriations Acts, amounts deposited under this subparagraph shall be available to the Federal entity concerned to pay directly the costs of relocation under this paragraph, to repay or make advances to appropriations or funds which do or will initially bear all or part of such costs, or to refund excess sums when necessary.

''(D) APPLICATION TO CERTAIN OTHER RELOCATIONS.—The provisions of this paragraph also apply to any Federal entity that operates a Federal Government station assigned to used electromagnetic spectrum identified for reallocation under subsection (a) if before August 5, 1997, the Commission has not identified that spectrum for service or assigned licenses or otherwise authorized service for that spectrum.

''(E) IMPLEMENTATION PROCEDURES.—The NTIA and the Commission shall develop procedures for the implementation of this paragraph, which procedures shall include a process for resolving any differences that arise between the Federal Government and commercial licensees regarding estimates of relocation or modification costs under this paragraph.

''(F) INAPPLICABILITY TO CERTAIN RELOCATIONS.—With the exception of spectrum located at 1710–1755 Megahertz, the provisions of this paragraph shall not apply to Federal spectrum identified for reallocation in the first reallocation report submitted to the President and Congress under subsection (a).''.

(d) REPORTS ON COSTS OF RELOCATIONS.—The head of each department or agency of the Federal Government shall include in the annual budget submission of such department or agency to the Director of the Office of Management and Budget a report assessing the costs to be incurred by such department or agency as a result of any frequency relocations of such department or agency that are anticipated under section 113 of the National Telecommunications Information Administration Organization Act (47 U.S.C. 923) as of the date of such report.

SEC. 1063. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The item relating to section 484 in the table of sections at the beginning of chapter 23 is amended to read as follows:

''484. Annual report on aircraft inventory.''.

(2) Section 517(a) is amended by striking out ''Except as provided in section 307 of title 37, the'' and inserting in lieu thereof ''The''.

(3) The item relating to section 2302c in the table of sections at the beginning of chapter 137 is amended to read as follows:

''2302c. Implementation of electronic commerce capability.''.

(4) The table of subchapters at the beginning of chapter 148 is amended by striking out ''2491'' in the item relating to subchapter I and inserting in lieu thereof ''2500''.

(5) Section 7045(c) is amended by striking out ''the'' after ''are subject to''.

(6) Section 7572(b) is repealed.

(7) Section 12683(b)(2) is amended by striking out ''; or'' at the end and inserting in lieu thereof a period.

(b) PUBLIC LAW 105–85.—Effective as of November 18, 1997, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended as follows:

(1) Section 1006(a) (111 Stat. 1869) is amended by striking out ''or'' in the quoted matter and inserting in lieu thereof ''and''.

(2) Section 3133(b)(3) (111 Stat. 2036) is amended by striking out ''III'' and inserting in lieu thereof ''XIV''.

(c) OTHER ACTS.—

(1) Section 18(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)(1)) is amended by striking out the period at the end of subparagraph (A) and inserting in lieu thereof a semicolon.

(2) Section 3(c)(2) of Public Law 101–533 (22 U.S.C. 3142(c)(2)) is amended by striking out ''included in the most recent plan submitted to the Congress under section 2506 of title 10'' and inserting in lieu thereof ''identified in the most recent assessment prepared under section 2505 of title 10''.

(d) COORDINATION WITH OTHER AMENDMENTS.—For purposes of applying amendments made by provisions of this Act other than provisions of this section, this section shall be treated as having been enacted immediately before the other provisions of this Act.

SEC. 1064. EXTENSION AND REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.

(a) EXTENSION OF TERMINATION DATE.—Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking ''September 30, 1998'' and inserting ''September 30, 1999''.

(b) EXTENSION OF AUTHORIZATION.—Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking ''and 1998'' and inserting ''1998, and 1999''.

SEC. 1065. BUDGETING FOR CONTINUED PARTICIPATION OF UNITED STATES FORCES IN NATO OPERATIONS IN BOSNIA AND HERZEGOVINA.

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

(1) Funding levels in the Department of Defense budget have not been sufficient to pay for the deployment of United States ground combat forces in Bosnia and Herzegovina that began in fiscal year 1996.

(2) The Department of Defense has used funds from the operation and maintenance accounts of the Armed Forces to pay for the operations because the funding levels included in the defense budgets for fiscal years 1996 and 1997 have not been adequate to maintain operations in Bosnia and Herzegovina.

(3) Funds necessary to continue United States participation in the NATO operations in Bosnia and Herzegovina, and to replace operation and maintenance funds used for the operations, have been requested by the President as supplemental appropriations in fiscal years 1996 and 1997. The Department of Defense has also proposed to reprogram previously appropriated funds to make up the shortfall for continued United States operations in Bosnia and Herzegovina.

(4) In February 1998, the President certified to Congress that the continued presence of United States forces in Bosnia and Herzegovina after June 30, 1998, was necessary in order to meet national security interests of the United States.

(5) The discretionary spending limit established for the defense category for fiscal year 1998 in the Balanced Budget and Emergency Deficit Control Act of 1985 does not take into account the continued deployment of United States forces in Bosnia and Herzegovina after June 30, 1998. Therefore, the President requested emergency supplemental appropriations for the Bosnia and Herzegovina mission through September 30, 1998.

(6) Amounts for operations in Bosnia and Herzegovina were not included in the original budget proposed by the President for the Department of Defense for fiscal year 1999.

(7) The President requested $1,858,600,000 in emergency appropriations in his March 4, 1998 amendment to the fiscal year 1999 budget to cover the shortfall in funding in the fiscal year 1999 for the costs of extending the mission in Bosnia.

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

(1) the President should include in the budget for the Department of Defense that the President submits to Congress under section 1105(a) of title 31, United States Code, for each fiscal year sufficient amounts to pay for any proposed continuation of the participation of United States forces in NATO operations in Bosnia and Herzegovina for that fiscal year; and

(2) amounts included in the budget for that purpose should not be transferred from amounts that would otherwise be proposed in the budget of any of the Armed Forces in accordance with the future-years defense program related to that budget, or any other agency of the Executive Branch, but, instead, should be an overall increase in the budget for the Department of Defense.

SEC. 1066. NATO PARTICIPATION IN THE PERFORMANCE OF PUBLIC SECURITY FUNCTIONS OF CIVILIAN AUTHORITIES IN BOSNIA AND HERZEGOVINA.

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

(1) The North Atlantic Treaty Organization (NATO) has approved the creation of a multi-national specialized unit of gendarmes- or para-military police composed of European security forces to help promote public security in Bosnia and Herzegovina as a part of the post-June 1998 mission for the Stabilization Force (SFOR) authorized under the United Nations Security Council Resolution 1088 (December 12, 1996).

(2) On at least four occasions, beginning in July 1997, the Stabilization Force (SFOR) has been involved, pursuant to military annex 1(A) of the Dayton Agreement, in carrying out missions for the specific purpose of detaining war criminals, and on at least one of those occasions United States forces were directly involved in carrying out the mission.

(b) SENSE OF CONGRESS.—It is the sense of Congress that United States forces should not serve as civil police in Bosnia and Herzegovina.

(c) REQUIREMENT FOR REPORT.—The President shall submit to Congress, not later than October 1, 1998, a report on the status of the NATO force of gendarmes or paramilitary police referred to in subsection (a)(1), including the mission of the force, the composition of the force, and the extent, if any, to which members of the Armed Forces of the United States are participating (or are to participate) in the force.

SEC. 1067. PILOT PROGRAM FOR REVITALIZING THE LABORATORIES AND TEST AND EVALUATION CENTERS OF THE DEPARTMENT OF DEFENSE.

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

(1) Officials of the Department of Defense are critically dependent on the science and technology laboratories and test and evaluation centers, of the department—

(A) to exploit commercial technology for unique military purposes;

(B) to develop advanced technology in precise areas;

(C) to provide the officials with objective advice and counsel on science and technology matters; and

(D) to lead the decisionmaking that identifies the most cost-effective procurements of military equipment and services.

(2) The laboratories and test and evaluation centers are facing a number of challenges that, if not overcome, could limit the productivity and self-sustainability of the laboratories and centers, including—

(A) the declining funding provided for science and technology in the technology base program of the Department of Defense;

(B) difficulties experienced in recruiting, retaining, and motivating high-quality personnel; and

(C) the complex web of policies and regulatory constraints that restrict authority of managers to operate the laboratories and centers in a businesslike fashion.

(3) Congress has provided tools to deal with the changing nature of technological development in the defense sector by encouraging closer cooperation with industry and university research and by authorizing demonstrations of alternative personnel systems.

(4) A number of laboratories and test and evaluation centers have addressed the challenges and are employing a variety of innovative methods, such as the so-called ''Federated Lab Concept'' undertaken at the Army Research Laboratory, to maintain the

high quality of the technical program, to provide a challenging work environment for researchers, and to meet the high cost demands of maintaining facilities that are equal or superior in quality to comparable facilities anywhere in the world.

(b) COMMENDATION.—Congress commends the Secretary of Defense for the progress made by the science and technology laboratories and test and evaluation centers to achieve the results described in subsection (a)(4) and encourages the Secretary to take the actions necessary to ensure continued progress for the laboratories and test and evaluation centers in developing cooperative relationships with universities and other private sector entities for the performance of research and development functions.

(c) PILOT PROGRAM.—(1) In conjunction with the plan for restructuring and revitalizing the science and technology laboratories and test and evaluation centers of the Department of Defense that is required by section 906 of this Act, the Secretary of Defense may carry out a pilot program to demonstrate improved cooperative relationships with universities and other private sector entities for the performance of research and development functions.

(2) Under the pilot program, the Secretary of Defense shall provide the director of one science and technology laboratory, and the director of one test and evaluation center, of each military department with authority for the following:

(A) To explore innovative methods for quickly, efficiently, and fairly entering into cooperative relationships with universities and other private sector entities with respect to the performance of research and development functions.

(B) To waive any restrictions on the demonstration and implementation of such methods that are not required by law.

(C) To develop or expand innovative methods of operation that provide more defense research for each dollar of cost, including to carry out such initiatives as focusing on the performance of core functions and adopting more business-like practices.

(3) In selecting the laboratories and centers for participation in the pilot program, the Secretary shall consider laboratories and centers where innovative management techniques have been demonstrated, particularly as documented under sections 1115 through 1119 of title 31, United States Code, relating to Government agency performance and results.

(4) The Secretary may carry out the pilot program at each selected laboratory and center for a period of three years beginning not later than March 1, 1999.

(d) REPORTS.—(1) Not later than March 1, 1999, the Secretary of Defense shall submit a report on the implementation of the pilot program to Congress. The report shall include the following:

(A) Each laboratory and center selected for the pilot program.

(B) To the extent possible, a description of the innovative concepts that are to be tested at each laboratory or center.

(C) The criteria to be used for measuring the success of each concept to be tested.

(2) Promptly after the expiration of the period for participation of a laboratory or center in the pilot program, the Secretary of Defense shall submit to Congress a final report on the participation of the laboratory or center in the pilot program. The report shall contain the following:

(A) A description of the concepts tested.

(B) The results of the testing.

(C) The lessons learned.

(D) Any proposal for legislation that the Secretary recommends on the basis of the experience at the laboratory or center under the pilot program.

SEC. 1068. SENSE OF CONGRESS REGARDING THE HEROISM, SACRIFICE, AND SERVICE OF FORMER SOUTH VIETNAMESE COMMANDOS IN CONNECTION WITH UNITED STATES ARMED FORCES DURING THE VIETNAM CONFLICT.

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

(1) South Vietnamese commandos were recruited by the United States as part of OPLAN 34A or its predecessor or OPLAN 35 from 1961 to 1970.

(2) The commandos conducted covert operations in North Vietnam during the Vietnam conflict.

(3) Many of the commandos were captured and imprisoned by North Vietnamese forces, some for as long as 20 years.

(4) The commandos served and fought proudly during the Vietnam conflict.

(5) Many of the commandos lost their lives serving in operations conducted by the United States during the Vietnam conflict.

(6) Many of the Vietnamese commandos now reside in the United States.

(b) SENSE OF CONGRESS—Congress recognizes and honors the former South Vietnamese commandos for their heroism, sacrifice, and service in connection with United States armed forces during the Vietnam conflict.

SEC. 1069. SENSE OF THE SENATE REGARDING DECLASSIFICATION OF CLASSIFIED INFORMATION OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF ENERGY.

It is the sense of the Senate that the Secretary of Defense and the Secretary of Energy should submit to Congress a request for funds in fiscal year 2000 for activities relating to the declassification of information under the jurisdiction of such Secretaries in order to fulfill the obligations and commitments of such Secretaries under Executive Order No. 12958 and the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) and to the stakeholders.

SEC. 1070. RUSSIAN NONSTRATEGIC NUCLEAR WEAPONS.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the 7,000 to 12,000 or more nonstrategic (or ''tactical'') nuclear weapons estimated by the United States Strategic Command to be in the Russian arsenal may present the greatest threat of sale or theft of a nuclear warhead in the world today;

(2) as the number of deployed strategic warheads in the Russian and United States arsenals declines to just a few thousand under the START accords, Russia's vast superiority in tactical nuclear warheads—many of which have yields equivalent to strategic nuclear weapons—could become strategically destabilizing;

(3) while the United States has unilaterally reduced its inventory of tactical nuclear weapons by nearly 90 percent since the end of the Cold War, Russia is behind schedule in implementing the steep tactical nuclear arms reductions pledged by former Soviet President Gorbachev in 1991 and Russian President Yeltsin in 1992, perpetuating the dangers from Russia's tactical nuclear stockpile; and

(4) the President of the United States should call on the Russian Federation to expedite reduction of its tactical nuclear arsenal in accordance with the promises made in 1991 and 1992.

(b) REPORT.—Not later than March 15, 1999, the Secretary of Defense shall submit to the Congress a report on Russia's nonstrategic nuclear weapons, including—

(1) estimates regarding the current numbers, types, yields, viability, and locations of such warheads;

(2) an assessment of the strategic implications of the Russian Federation's nonstrategic arsenal, including the potential use of such warheads in a strategic role or the use of their components in strategic nuclear systems;

(3) an assessment of the extent of the current threat of theft, sale, or unauthorized use of such warheads, including an analysis of Russian command and control as it concerns the use of tactical nuclear warheads; and

(4) a summary of past, current, and planned efforts to work cooperatively with the Russian Federation to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(c) VIEWS.—This report shall include the views of the Director of Central Intelligence and the Commander in Chief of the United States Strategic Command.

SEC. 1071. SENSE OF SENATE ON NUCLEAR TESTS IN SOUTH ASIA.

(a) FINDINGS.—The Senate finds that—

(1) on May 11 and 13, 1998, the Government of India conducted a series of underground nuclear tests;

(2) on May 28 and 30, 1998, the Government of Pakistan conducted a series of underground nuclear tests;

(3) although not recognized or accepted as such by the United Nations Security Council, India and Pakistan have declared themselves nuclear weapon states;

(4) India and Pakistan have conducted extensive nuclear weapons research over several decades, resulting in the development of nuclear capabilities and the potential for the attainment of nuclear arsenals and the dangerous proliferation of nuclear weaponry;

(5) India and Pakistan have refused to enter into internationally recognized nuclear non-proliferation agreements, including the Comprehensive Test Ban Treaty, the Treaty on the Non-Proliferation of Nuclear Weapons, and full-scope safeguards agreements with the International Atomic Energy Agency;

(6) India and Pakistan, which have been at war with each other 3 times in the past 50 years, have urgent bilateral conflicts, most notably over the disputed territory of Kashmir;

(7) the testing of nuclear weapons by India and Pakistan has created grave and serious tensions on the Indian subcontinent; and

(8) the United States response to India and Pakistan's nuclear tests has included the imposition of wide-ranging sanctions as called for under the Arms Export Control Act and the Nuclear Proliferation Prevention Act of 1994.

(b) SENSE OF SENATE.—The Senate—

(1) strongly condemns the decisions by the governments of India and Pakistan to conduct nuclear tests in May 1998;

(2) supports the President's decision to carry out the provisions of the Nuclear Proliferation Prevention Act of 1994 with respect to India and Pakistan and invoke all sanctions in that Act;

(3) calls upon members of the international community to impose similar sanctions against India and Pakistan to those imposed by the United States;

(4) calls for the governments of India and Pakistan to commit not to conduct any additional nuclear tests;

(5) urges the governments of India and Pakistan to take immediate steps, bilaterally and under the auspices of the United Nations, to reduce tensions between them;

(6) urges India and Pakistan to engage in high-level dialogue aimed at reducing the likelihood of armed conflict, enacting confidence and security building measures, and resolving areas of dispute;

(7) commends all nations to take steps which will reduce tensions in South Asia, including appropriate measures to prevent the transfer of technology that could further exacerbate the arms race in South Asia, and thus avoid further deterioration of security there;

(8) calls upon the President to seek a diplomatic solution between the governments of India and Pakistan to promote peace and stability in South Asia and resolve the current impasse;

(9) encourages United States leadership in assisting the governments of India and Pakistan to resolve their 50-year conflict over the disputed territory in Kashmir;

(10) urges India and Pakistan to take immediate, binding, and verifiable steps to roll back their nuclear programs and come into compliance with internationally accepted norms regarding the proliferation of weapons of mass destruction; and

(11) urges the United States to reevaluate its bilateral relationship with India and Pakistan, in light of the new regional security realities in South Asia, with the goal of preventing further nuclear and ballistic missile proliferation, diffusing long-standing regional rivalries between India and Pakistan, and securing commitments from them which, if carried out, could result in a calibrated lifting of United States sanctions imposed under the Arms Export Control Act and the Nuclear Proliferation Prevention Act of 1994.

SEC. 1072. SENSE OF CONGRESS REGARDING CONTINUED PARTICIPATION OF UNITED STATES FORCES IN OPERATIONS IN BOSNIA AND HERZEGOVINA.

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

(1) The contributions of the people of the United States and other nations have, in large measure, resulted in the suspension of fighting and alleviated the suffering of the people of Bosnia and Herzegovina since December 1995.

(2) the people of the United States have expended approximately $9,500,000,000 in tax dollars between 1992 and mid-1998 just in support of the United States military operations in Bosnia to achieve those results.

(3) Efforts to restore the economy and political structure in Bosnia and Herzegovina have achieved some success in accordance with the Dayton Agreement.

(4) In February 1998, the President certified to Congress that the continued presence of United States forces in Bosnia and Herzegovina after June 30, 1998, was necessary in order to meet national security interests of the United States.

(5) There is, however, no accurate estimate of the time needed to accomplish the civilian implementation tasks outlined in the Dayton Agreement.

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

(1) United States ground combat forces should not remain in Bosnia and Herzegovina indefinitely in view of the world-wide commitments of the Armed Forces of the United States;

(2) the President should work with NATO allies and the other nations whose military forces are participating in the NATO-led Stabilization Force to withdraw United States ground combat forces from Bosnia and Herzegovina within a reasonable period of time, consistent with the safety of those forces and the accomplishment of the Stabilization Force's military tasks;

(3) a NATO-led force without the participation of United States ground combat forces in Bosnia and Herzegovina might be suitable for a follow-on force for Bosnia and Herzegovina if the European Security and Defense Identity is not sufficiently developed or is otherwise considered inappropriate for such a mission;

(4) the United States may decide to provide appropriate support to a Western European Union-led or NATO-led follow-on force for Bosnia and Herzegovina, including command and control, intelligence, logistics, and, if necessary, a ready reserve force in the region;

(5) the President should inform the European NATO allies of this expression of the sense of Congress and should strongly urge them to undertake preparations for establishing a Western European Union-led or a NATO-led force as a follow-on force to the NATO-led Stabilization Force if needed to maintain peace and stability in Bosnia and Herzegovina; and

(6) the President should consult closely with the congressional leadership and the congressional defense committees with respect to the progress being made toward achieving a sustainable peace in Bosnia and Herzegovina and the progress being made toward a reduction and ultimate withdrawal of United States ground combat forces from Bosnia and Herzegovina.

(c) ONE-TIME REPORTS.—The President shall submit to Congress the following reports:

(1) Not later than September 30, 1998, a report containing a discussion of the likely impact on the security situation in Bosnia and Herzegovina and on the prospects for establishing self-sustaining peace and stable local government there that would result from a phased reduction in the number of United States military personnel stationed in Bosnia and Herzegovina under the following alternatives:

(A) A phased reduction to 5,000 by February 2, 1999, to 3,500 by June 30, 1999, and to 2,500 by February 2, 2000.

(B) A phased reduction by February 2, 2000, to the number of personnel that is approximately equal to the mean average of—

(i) the number of military personnel of the United Kingdom that are stationed in Bosnia and Herzegovina on that date;

(ii) the number of military personnel of Germany that are stationed there on that date;

(iii) the number of military personnel of France that are stationed there on that date; and

(iv) the number of military personnel of Italy that are stationed there on that date.

(2) Not later than October 1, 1998, a report on the status of the NATO force of gendarmes or paramilitary police referred to in subsection (a)(1), including the mission of the force, the composition of the force, and the extent, if any, to which members of the Armed Forces of the United States are participating (or are to participate) in the force.

(d) REPORT TO ACCOMPANY EACH REQUEST FOR FUNDING.—(1) Each time that the President submits to Congress a proposal for funding continued operations of United States forces in Bosnia and Herzegovina, the President shall submit to Congress a report on the missions of United States forces there. The first report shall be submitted at the same time that the President submits the budget for fiscal year 2000 to Congress under section 1105(a) of title 31, United States Code.

(2) Each report under paragraph (1) shall include the following:

(A) The performance objectives and schedule for the implementation of the Dayton Agreement, including—

(i) the specific objectives for the reestablishment of a self-sustaining peace and a stable local government in Bosnia and Herzegovina, taking into account (I) each of the areas of implementation required by the Dayton Agreement, as well as other areas that are not covered specifically in the Dayton Agreement but are essential for reestablishing such a peace and local government and to permitting an orderly withdrawal of the international peace implementation force from Bosnia and Herzegovina, and (II) the benchmarks reported in the latest semi-annual report submitted under section 7(b)(2) of the 1998 Supplemental Appropriations and Rescissions Act (revised as necessary to be current as of the date of the report submitted under this subsection); and

(ii) the schedule, specified by fiscal year, for achieving the objectives.

(B) The military and non-military missions that the President has directed for United States forces in Bosnia and Herzegovina in support of the objectives identified pursuant to paragraph (1), including a specific discussion of—

(i) the mission of the United States forces, if any, in connection with the pursuit and apprehension of war criminals;

(ii) the mission of the United States forces, if any, in connection with civilian police functions;

(iii) the mission of the United States forces, if any, in connection with the resettlement of refugees; and

(iv) the missions undertaken by the United States forces, if any, in support of international and local civilian authorities.

(C) An assessment of the risk for the United States forces in Bosnia and Herzegovina, including, for each mission identified pursuant to subparagraph (B), the assessment of the Chairman of the Joint Chiefs of Staff regarding the nature and level of risk of the mission for the safety and well-being of United States military personnel.

(D) An assessment of the cost to the United States, by fiscal year, of carrying out the missions identified pursuant to subparagraph (B) for the period indicated in the schedule provided pursuant to subparagraph (A).

(E) A joint assessment by the Secretary of Defense and the Secretary of State of the status of planning for—

(i) the assumption of all remaining military missions inside Bosnia and Herzegovina by European military and paramilitary forces; and

(ii) the establishment and support of forward-based United States rapid response force outside of Bosnia and Herzegovina that would be capable of deploying rapidly to defeat military threats to a European follow-on force inside Bosnia and Herzegovina, and of providing whatever logistical, intelligence, and air support is needed to ensure that a European follow-on force is fully capable of accomplishing its missions under the Dayton Agreement.

(e) DAYTON AGREEMENT DEFINED.—In this section, the term ''Dayton Agreement'' means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

SEC. 1073. COMMISSION TO ASSESS THE RELIABILITY, SAFETY, AND SECURITY OF THE UNITED STATES NUCLEAR DETERRENT.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Commission for Assessment of the Reliability, Safety, and Security of the United States Nuclear Deterrent''.

(b) COMPOSITION.—(1) The Commission shall be composed of six members who shall be appointed from among private citizens of the United States with knowledge and expertise in the technical aspects of design, maintenance, and deployment of nuclear weapons, as follows:

(A) Two members appointed by the Majority Leader of the Senate.

(B) One member appointed by the Minority Leader of the Senate.

(C) Two members appointed by the Speaker of the House of Representatives.

(D) One member appointed by the Minority Leader of the House of Representatives.

(2) The Senate Majority Leader and the Speaker of the House of Representatives shall each appoint one member to serve for five years and one member to serve for two years. The Minority Leaders of the Senate and House of Representatives shall each appoint one member to serve for five years. A member may be reappointed.

(3) Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(4) All members of the Commission shall hold appropriate security clearances.

(c) CHAIRMAN.—The Majority Leader of the Senate, after consultation with the Speaker of the House of Representatives and the Minority Leaders of the Senate and House of Representatives, shall designate one of the members of the Commission, without regard to the term of appointment of that member, to serve as Chairman of the Commission.

(d) DUTIES OF COMMISSION.—(1) Each year the Commission shall assess, for Congress—

(A) the safety, security, and reliability of the nuclear deterrent forces of the United States; and

(B) the annual certification on the safety, security, and reliability of the nuclear weapons stockpile of the United States that is provided by the directors of the national weapons laboratories through the Secretary of Energy to the President.

(2) The Commission shall submit to Congress an annual report, in classified form, setting forth the findings and conclusions resulting from each assessment.

(e) COOPERATION OF OTHER AGENCIES.—(1) The Commission may secure directly from the Department of Energy, the Department of Defense, or any of the national weapons laboratories or plants or any other Federal department or agency information that the Commission considers necessary for the Commission to carry out its duties.

(2) For carrying out its duties, the Commission shall be provided full and timely cooperation by the Secretary of Energy, the Secretary of Defense, the Commander of United States Strategic Command, the Directors of the Los Alamos National Laboratory, the Lawrence Livermore National Laboratory, the Sandia National Laboratories, the Savannah River Site, the Y–12 Plant, the Pantex Facility, and the Kansas City Plant, and any other official of the United States that the Chairman determines as having information described in paragraph (1).

(3) The Secretary of Energy and the Secretary of Defense shall each designate at least one officer or employee of the Department of Energy and the Department of Defense, respectively, to serve as a liaison officer between the department and the Commission.

(f) COMMISSION PROCEDURES.—(1) The Commission shall meet at the call of the Chairman.

(2) Four members of the Commission shall constitute a quorum, except that the Commission may designate a lesser number of members as a quorum for the purpose of holding hearings. The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(3) Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this section.

(4) The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. Findings and conclusions of a panel of the Commission may not be considered findings and conclusions of the Commission unless approved by the Commission.

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

(g) PERSONNEL MATTERS.—(1) A member of the Commission shall be compensated at the daily equivalent of the rate of basic pay established for level V of the Executive Schedule under 5316 of title 5, United States Code, for each day on which the member is engaged in any meeting, hearing, briefing, or other work in the performance of duties of the Commission.

(2) A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Commission.

(3) The Chairman of the Commission may, without regard to the provisions of the title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The Chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) Upon the request of the Chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(5) The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule and under section 5316 of such title.

(h) MISCELLANEOUS ADMINISTRATIVE PROVISIONS.—(1) The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(2) The Secretary of Defense and the Secretary of Energy shall furnish the Commission with any administrative and support services requested by the Commission and with office space within the Washington, District Columbia, metropolitan area that is sufficient for the administrative offices of the Commission and for holding general meetings of Commission.

(i) FUNDING.—The Secretary of Defense and the Secretary of Energy shall each contribute 50 percent of the amount of funds that are necessary for the Commission to carry out its duties. Upon receiving from the Chairman of the Commission a written certification of the amount of funds that is necessary for funding the activities of the Commission for a period, the Secretaries shall promptly make available to the Commission funds in the total amount specified in the certification. Funds available for the Department of Defense for Defense-wide research, development, test, and evaluation shall be available for the Department of Defense contribution. Funds available for the Department of Energy for atomic energy defense activities shall be available for the Department of Energy contribution.

(j) TERMINATION OF THE COMMISSION.—The Commission shall terminate three years after the date of the appointment of the member designated as Chairman.

(k) INITIAL IMPLEMENTATION.—All appointments to the Commission shall be made not later than 45 days after the date of the enactment of this Act. The Commission shall convene its first meeting not later than 30 days after the date as of which all members of the Commission have been appointed.

SEC. 1074. AUTHORITY FOR WAIVER OF MORATORIUM ON ARMED FORCES USE OF ANTIPERSONNEL LANDMINES.

Section 580 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104–107; 110 Stat. 751) is amended—

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

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

''(b) WAIVER AUTHORITY.—(1) The President may waive the moratorium set forth in subsection (a) if the President determines that the waiver is necessary in the national security interests of the United States.

''(2) The President shall notify the President pro tempore of the Senate and the Speaker of the House of Representatives of the exercise of the authority provided by paragraph (1).''.

SEC. 1075. APPOINTMENT OF DIRECTOR AND DEPUTY DIRECTOR OF THE NAVAL HOME.

(a) APPOINTMENT AND QUALIFICATIONS OF DIRECTOR AND DEPUTY DIRECTOR.—Subsection (a) of section 1517 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 417) is amended—

(1) in paragraph (2)—

(A) by striking out ''Each Director'' and inserting in lieu thereof ''The Director of the United States Soldiers' and Airmen's Home''; and

(B) by striking out subparagraph (B) and inserting in lieu thereof the following:

''(B) meet the requirements of paragraph (4).'';

(2) by redesignating paragraph (3) as paragraph (5); and

(3) by inserting after paragraph (2) the following new paragraphs (3) and (4):

''(3) The Director, and any Deputy Director, of the Naval Home shall be appointed by the Secretary of Defense from among persons recommended by the Secretaries of the military departments who—

''(A) in the case of the position of Director, are commissioned officers of the Armed Forces serving on active duty in a pay grade above 0–5;

''(B) in the case of the position of Deputy Director, are commissioned officers of the Armed Forces serving on active duty in a pay grade above 0–4; and

''(C) meet the requirements of paragraph (4).

''(4) Each Director shall have appropriate leadership and management skills, an appreciation and understanding of the culture and norms associated with military service, and significant military background.''.

(b) TERM OF DIRECTOR AND DEPUTY DIRECTOR.—Subsection (c) of such section is amended—

(1) by striking out ''(c) TERM OF DIRECTOR.— '' and all that follows through ''A Director'' in the second sentence and inserting in lieu thereof ''(c) TERMS OF DIRECTORS.—(1) The term of office of the Director of the United States Soldiers' and Airmen's Home shall be five years. The Director''; and

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

''(2) The Director and the Deputy Director of the Naval Home shall serve at the pleasure of the Secretary of Defense.''.

(c) DEFINITIONS.—Such section is further amended by adding at the end the following:

''(g) DEFINITIONS.—In this section:

''(1) The term 'United States Soldiers' and Airmen's Home' means the separate facility of the Retirement Home that is known as the United States Soldiers' and Airmen's Home.

''(2) The term 'Naval Home' means the separate facility of the Retirement Home that is known as the Naval Home.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998.

SEC. 1076. SENSE OF THE CONGRESS ON THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

(a) FUNDING REQUIREMENTS FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM BUDGET.—It is the sense of the Congress that for each of the fiscal years 2000 through 2008, it should be an objective of the Secretary of Defense to increase the budget for the Defense Science and Technology Program 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.

(b) GUIDELINES FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.—

(1) RELATIONSHIP OF DEFENSE SCIENCE AND TECHNOLOGY PROGRAM TO UNIVERSITY RESEARCH.—It is the sense of the Congress that the following should be key objectives of the Defense Science and Technology Program—

(A) the sustainment of research capabilities in scientific and engineering disciplines critical to the Department of Defense;

(B) the education and training of the next generation of scientists and engineers in disciplines that are relevant to future defense systems, particularly through the conduct of basic research; and

(C) the Continued support of the Defense Experimental Program to Stimulate Competitive Research and research programs at historically black colleges and universities and minority institutions.

(2) RELATIONSHIP OF THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM TO COMMERCIAL RESEARCH AND TECHNOLOGY.—

(A) It is the sense of the Congress that in supporting projects within the Defense Science and Technology Program, the Secretary of Defense should attempt to leverage commercial research, technology, products, and processes for the benefit of the Department of Defense.

(B) It is the sense of the Congress that funds made available for projects and programs of the Defense Science and Technology Program should be used only for the benefit of the Department of Defense, which includes—

(i) the development of technology that has only military applications;

(ii) the development of militarily useful, commercially viable technology; or

(iii) the adaption of commercial technology, products, or processes for military purposes.

(3) SYNERGISTIC MANAGEMENT OF RESEARCH AND DEVELOPMENT.—It is the sense of the Congress that the Secretary of Defense may allocate a combination of funds available for the Department of Defense for basic and applied research and for advanced development to support any individual project or program within the Defense Science and Technology Program. This flexibility is not intended to change the allocation of funds in any fiscal year among basic and applied research and advanced development.

(c) DEFINITIONS.—In this section:

(1) The term ''Defense Science and Technology Program'' means basic and applied research and advanced development.

(2) The term ''basic and applied research'' means work funded in program elements for defense research and development under Department of Defense R&D Budget Activities 1 or 2.

(3) The term ''advanced development'' means work funded in program elements for defense research and development under Department of Defense R&D Budget Activity 3.

SEC. 1077. DEMILITARIZATION AND EXPORTATION OF DEFENSE PROPERTY.

(a) CENTRALIZED ASSIGNMENT OF DEMILITARIZATION CODES FOR DEFENSE PROPERTY.—(1) Chapter 153 of title 10, United States Code, is amended by inserting after section 2572 the following:

''§ 2573. Demilitarization codes for defense property

''(a) AUTHORITY.—The Secretary of Defense shall—

''(1) assign the demilitarization codes to the property (other than real property) of the Department of Defense; and

''(2) take any action that the Secretary considers necessary to ensure that the property assigned demilitarization codes is demilitarized in accordance with the assigned codes.

''(b) SUPREMACY OF CODES.—A demilitarization code assigned to an item of property by the Secretary of Defense under this section shall take precedence over any demilitarization code assigned to the item before the date of enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 by any other official in the Department of Defense.

''(c) ENFORCEMENT.—The Secretary of Defense shall commit the personnel and resources to the exercise of authority under subsection (a) that are necessary to ensure that—

''(1) appropriate demilitarization codes are assigned to property of the Department of Defense; and

''(2) property is demilitarized in accordance with the assigned codes.

''(d) ANNUAL REPORT.—The Secretary of Defense shall include in the annual reports submitted to Congress under section 113(c)(1) of this title in 1999 and 2000 a discussion of the following:

''(1) The exercise of the authority under this section during the fiscal year preceding the fiscal year in which the report is submitted.

''(2) Any changes in the exercise of the authority that are taking place in the fiscal year in which the report is submitted or are planned for that fiscal year or any subsequent fiscal year.

''(e) DEFINITIONS.—In this section:

''(1) The term 'demilitarization code', with respect to property, means a code that identifies the extent to which the property must be demilitarized before disposal.

''(2) The term 'demilitarize', with respect to property, means to destroy the military offensive or defensive advantages inherent in the property, by mutilation, cutting, crushing, scrapping, melting, burning, or altering the property so that the property cannot be used for the purpose for which it was originally made.''.

(2) The table of sections at the beginning of such chapter 153 is amended by inserting after the item relating to section 2572 the following:

''2573. Demilitarization codes for defense property.''.

(b) CRIMINAL OFFENSE.—(1) Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

''§ 554. Violations of regulated acts involving the exportation of United States property

''(a) Any person who—

''(1) fraudulently or knowingly exports or otherwise sends from the United States (as defined in section 545 of this title), or attempts to export or send from the United States any merchandise contrary to any law of the United States; or

''(2) receives, conceals, buys, sells, or in any manner facilitates, the transportation, concealment, or sale of any merchandise prior to exportation, knowing that the merchandise is intended for exportation in violation of Federal law;

shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) The penalties under this section shall be in addition to any other applicable criminal penalty.''.

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

''554. Violations of regulated acts involving the exportation of United States property.''.

SEC. 1078. DESIGNATION OF AMERICA'S NATIONAL MARITIME MUSEUM.

(a) DESIGNATION OF AMERICA'S NATIONAL MARITIME MUSEUM.—The Mariners' Museum building located at 100 Museum Drive, Newport News, Virginia, and the South Street Seaport Museum buildings located at 207 Front Street, New York, New York, shall be known and designated as ''America's National Maritime Museum''.

(b) REFERENCE TO AMERICA'S NATIONAL MARITIME MUSEUM.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the buildings referred to in subsection (a) shall be deemed to be a reference to America's National Maritime Museum.

(c) LATER ADDITIONS OF OTHER MUSEUMS NOT PRECLUDED.—The designation of museums named in subsection (a) as America's National Maritime Museum does not preclude the addition of any other museum to the group of museums covered by that designation.

(d) CRITERIA FOR LATER ADDITIONS.—A museum is appropriate for designation as a museum of America's National Maritime Museum if the museum—

(1) houses a collection of maritime artifacts clearly representing America's maritime heritage; and

(2) provides outreach programs to educate the public on America's maritime heritage.

SEC. 1079. BURIAL HONORS FOR VETERANS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Throughout the years, men and women have unselfishly answered the call to arms, at tremendous personal sacrifice. Burial honors for deceased veterans are an important means of reminding Americans of the sacrifices endured to keep the Nation free.

(2) The men and women who serve honorably in the Armed Forces, whether in war or peace, and whether discharged, separated, or retired, deserve commemoration for their military service at the time of their death by an appropriate military tribute.

(3) It is tremendously important to pay an appropriate final tribute on behalf of a grateful Nation to honor individuals who served the Nation in the Armed Forces.

(b) CONFERENCE ON MILITARY BURIAL HONOR PRACTICES.—(1) Not later than October 31, 1998, the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, convene and preside over a conference for the purpose of determining means of improving and increasing the availability of military burial honors for veterans. The Secretary of Veterans Affairs shall also participate in the conference.

(2) The Secretaries shall invite and encourage the participation at the conference of appropriate representatives of veterans service organizations.

(3) The participants in the conference shall—

(A) review current policies and practices of the military departments and the Department of Veterans Affairs relating to the provision of military honors at the burial of veterans;

(B) analyze the costs associated with providing military honors at the burial of veterans, including the costs associated with utilizing personnel and other resources for that purpose;

(C) assess trends in the rate of death of veterans; and

(D) propose, consider, and determine means of improving and increasing the availability of military honors at the burial of veterans.

(4) Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report on the conference under this subsection. The report shall set forth any modifications to Department of Defense directives on military burial honors adopted as a result of the conference and include any recommendations for legislation that the Secretary considers appropriate as a result of the conference.

(c) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term ''veterans service organization'' means any organization recognized by the Secretary of Veterans Affairs under section 5902 of title 38, United States Code.

SEC. 1080. CHEMICAL STOCKPILE EMERGENCY PREPAREDNESS PROGRAM.

Section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521) is amended by adding at the end of subsection (c) the following:

''(4)(A) The Director of the Federal Emergency Management Agency shall carry out a program to provide assistance to State and local governments in developing capabilities to respond to emergencies involving risks to the public health or safety within their jurisdictions that are identified by the Secretary as being risks resulting from—

''(i) the storage of any such agents and munitions at military installations in the continental United States; or

''(ii) the destruction of such agents and munitions at facilities referred to in paragraph (1)(B).

''(B) No assistance may be provided under this paragraph after the completion of the destruction of the United States stockpile of lethal chemical agents and munitions.''.

SEC. 1081. SENSE OF SENATE REGARDING THE AUGUST 1995 ASSASSINATION ATTEMPT AGAINST PRESIDENT SHEVARDNADZE OF GEORGIA.

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

(1) On Tuesday, August 29, 1995, President Eduard Shevardnadze of Georgia narrowly survived a car bomb attack as he departed his offices in the Georgian Parliament building to attend the signing ceremony for the new constitution of Georgia.

(2) The former Chief of the Georgian National Security Service, Lieutenant General Igor Giorgadze, after being implicated in organizing the August 29, 1995, assassination attempt on President Shevardnadze, fled Georgia from the Russian-controlled Varziani airbase on a Russian military aircraft.

(3) Lieutenant General Giorgadze has been seen openly in Moscow and is believed to have been given residence at a Russian government facility despite the fact that Interpol is conducting a search for Lieutenant General Giorgadze for his role in the assassination attempt against President Shervardnadze.

(4) The Russian Interior Ministry claims that it is unable to locate Lieutenant General Giorgadze in Moscow.

(5) The Georgian Security and Interior Ministries presented information to the Russian Interior Ministry on November 13, 1996; January 17, 1997; March 7, 1997; March 24, 1997 and August 12, 1997, which included the exact location in Moscow of where Lieutenant General Giorgadze's family lived, the exact location where Lieutenant General Giorgadze lived outside of Moscow in a dacha of the Russian Ministry of Defense; as well as the changing official Russian government license tag numbers and description of the automobile that Lieutenant General Giorgadze uses; the people he associates with; the apartments he visits, and the places including restaurants, markets, and companies, that he frequents.

(6) On May 12, 1998, the Moscow-based Russian newspaper Zavtra carried an interview with Lieutenant General Giorgadze in which Lieutenant General Giorgadze calls for the overthrow of the Government of Georgia.

(7) Title II of the Foreign Operations Appropriations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105–118) prohibits assistance to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the national sovereignty of any other new independent state.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Defense should—

(1) urge the Government of the Russian Federation to extradite the former Chief of the Georgian National Security Service, Lieutenant General Igor Giorgadze, to Georgia for the purpose of standing trial for his role in the attempted assassination of Georgian President Eduard Shevardnadze on August 29, 1995;

(2) request cooperation from the Minister of Defense of the Russian Federation and the Government of the Russian Federation to ensure that Russian military bases on Georgian territory are no longer used to facilitate the escape of assassins seeking to kill the freely elected President of Georgia and to otherwise respect the national sovereignty of Georgia; and

(3) use all authorities available to the United States Government to provide urgent and immediate assistance to ensure to the maximum extent practicable the personal security of President Shevardnadze.

SEC. 1082. ISSUANCE OF BURIAL FLAGS FOR DECEASED MEMBERS AND FORMER MEMBERS OF THE SELECTED RESERVE.

Section 2301(a) of title 38, United States Code, is amended—

(1) by striking out ''and'' at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof ''; and''; and

(3) by adding at the end the following:

''(3) deceased individual who—

''(A) was serving as a member of the Selected Reserve (as described in section 10143 of title 10) at the time of death;

''(B) had served at least one enlistment, or the period of initial obligated service, as a member of the Selected Reserve and was discharged from service in the Armed Forces under conditions not less favorable than honorable; or

''(C) was discharged from service in the Armed Forces under conditions not less favorable than honorable by reason of a disability incurred or aggravated in line of duty during the individual's initial enlistment, or period of initial obligated service, as a member of the Selected Reserve.''.

SEC. 1083. ELIMINATING SECRET SENATE HOLDS.

(a) STANDING ORDER.—It is a standing order of the Senate that a Senator who provides notice to leadership of his or her intention to object to proceeding to a motion or matter shall disclose the objection or hold in the Congressional Record not later than 2 session days after the date of the notice.

(b) RULEMAKING.—This section is adopted—

(1) as an exercise of the rulemaking power of the Senate and as such it is deemed a part of the rules of the Senate and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of the Senate to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

SEC. 1084. DEFENSE BURDENSHARING.

(a) REVISED GOALS FOR EFFORTS TO INCREASE ALLIED BURDENSHARING.—Subsection (a) of section 1221 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1935; 22 U.S.C. 1928 note) is amended to read as follows:

''(a) EFFORTS TO INCREASE ALLIED BURDENSHARING.—The President shall seek to have each nation that has cooperative military relations with the United States (including security agreements, basing arrangements, or mutual participation in multinational military organizations or operations) take one or more of the following actions:

''(1) For any nation in which United States military personnel are assigned to permanent duty ashore, increase its financial contributions to the payment of the nonpersonnel costs incurred by the United States Government for stationing United States military personnel in that nation, with a goal of achieving by September 30, 2000, 75 percent of such costs. An increase in financial contributions by any nation under this paragraph may include the elimination of taxes, fees, or other charges levied on United States military personnel, equipment, or facilities stationed in that nation.

''(2) Increase its annual budgetary outlays for national defense as a percentage of its gross domestic product by 10 percent or at least to a percentage level commensurate to that of the United States by September 30, 1999.

''(3) Increase the military assets (including personnel, equipment, logistics, support and other resources) that it contributes or has pledged to contribute to multinational military activities worldwide by 10 percent by September 30, 1999.

''(4) Increase its annual budgetary outlays for foreign assistance (funds to promote democratization, governmental accountability and transparency, economic stabilization and development, defense economic conversion, respect for the rule of law and internationally recognized human rights, or humanitarian relief efforts) by 10 percent, or to provide such foreign assistance at a minimum annual rate equal to one percent of its gross domestic product, by September 30, 1999.''.

(b) REVISED REQUIREMENT FOR REPORT ON PROGRESS IN INCREASING ALLIED BURDENSHARING.—Subsection (c) of such section is amended to read as follows:

''(c) REPORT ON PROGRESS IN INCREASING ALLIED BURDENSHARING.—Not later than March 1, 1999, the Secretary of Defense shall submit to Congress a report on—

''(1) steps taken by other nations toward completing the actions described in subsection (a);

''(2) all measures taken by the President, including those authorized in subsection (b), to achieve the actions described in subsection (a);

''(3) the difference between the amount allocated by other nations for each of the actions described in subsection (a) during the period beginning on October 1, 1996, and ending on September 30, 1997, and during the period beginning on October 1, 1997, and ending on September 30, 1998, or, in the case of any nation for which the data for such periods is inadequate, the difference between the amounts for the latest periods for which adequate data is available; and

''(4) the budgetary savings to the United States that are expected to accrue as a result of the steps described under paragraph (1).''.

(c) EXTENSION OF DEADLINE FOR REPORT REGARDING NATIONAL SECURITY BASES FOR FORWARD DEPLOYMENT AND BURDENSHARING RELATIONSHIPS.—Subsection (d)(2) of such section is amended by striking out ''March 1, 1998'' and inserting in lieu thereof ''March 1, 1999''.

SEC. 1085. REVIEW OF DEFENSE AUTOMATED PRINTING SERVICE FUNCTIONS.

(a) REVIEW REQUIRED.—The Secretary of Defense shall provide for a review of the functions of the Defense Automated Printing Service in accordance with this section and submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives the matters required under subsection (d) not later than March 31, 1999.

(b) PERFORMANCE BY INDEPENDENT ENTITY.—The Secretary of Defense shall select the General Accounting Office, an experienced entity in the private sector, or any other entity outside the Department of Defense to perform the review. The Comptroller General shall perform the review if the Secretary selects the Comptroller General to do so.

(c) REPORT.—The entity performing the review under this section shall submit to the Secretary of Defense a report that sets forth the findings and recommendations of that entity resulting from the review. The report shall contain the following:

(1) The functions that are inherently national security functions and, as such, need to be performed within the Department of Defense, together with a detailed justification for the determination for each such function.

(2) The functions that are appropriate for transfer to another appropriate entity to perform, including private sector entity.

(3) Any recommended legislation and any administrative action that is necessary for transferring or outsourcing the functions.

(4) A discussion of the costs or savings associated with the transfers or outsourcing.

(5) A description of the management structure of the Defense Automated Printing Service.

(6) A list of all sites where functions of the Defense Automated Printing Service are performed by the Defense Automated Printing Service.

(7) The total number of the personnel employed by the Defense Automated Printing Service and the locations where the personnel perform the duties as employees.

(8) A description of the functions performed by the Defense Automated Printing Service and, for each such function, the number of employees of the Defense Automated Printing Service that perform the function.

(9) For each site identified under paragraph (6), an assessment of each type of equipment at the site.

(10) The type and explanation of the networking and technology integration linking all of the sites referred to in paragraph (6).

(11) The current and future requirements of customers of the Defense Automated Printing Service.

(12) An assessment of the effectiveness of the current structure of the Defense Automated Printing Service in supporting current and future customer requirements and plans to address any deficiencies in supporting such requirements.

(13) A description and discussion of the best business practices that are used by the Defense Automated Printing Service and of other best business that could be used by the Defense Automated Printing Service.

(14) Options for maximizing the Defense Automated Printing Service structure and services to provide the most cost effective service to its customers.

(d) REVIEW AND COMMENTS OF SECRETARY OF DEFENSE.—(1) After reviewing the report, the Secretary of Defense shall submit the report to Congress, together with the Secretary's comments on the report and a plan to transfer or outsource from the Defense Automated Printing Service to another appropriate entity the functions of the Defense Automated Printing Service that—

(1) are not identified in the report as being inherently national security functions; and

(2) the Secretary believes should be transferred or outsourced for performance outside the Department of Defense in accordance with law.

(e) EXTENSION OF REQUIREMENT FOR COMPETITIVE PROCUREMENT OF SERVICES.—Section 351(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 266), as amended by section 351(a) of Public Law 104–201 (110 Stat. 2490) and section 387(a)(1) of Public Law 105–85 (111 Stat. 1713), is further amended by striking out ''1998'' and inserting in lieu thereof ''1999''.

SEC. 1086. INCREASED MISSILE THREAT IN ASIA-PACIFIC REGION.

(a) STUDY.—The Secretary of Defense shall carry out a study of the architecture requirements for the establishment and operation of a theater ballistic missile defense system in the Asia-Pacific region that would have the capability to protect key regional allies of the United States.

(b) REPORT.—(1) Not later than January 1, 1999, the Secretary shall submit to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate a report containing—

(A) the results of the study conducted under subsection (a);

(B) the factors used to obtain such results; and

(C) a description of any existing United States missile defense system that could be transferred to key allies of the United States in the Asia-Pacific region to provide for their self-defense against limited ballistic missile attacks.

(2) The report shall be submitted in both classified and unclassified form.

SEC. 1087. COOPERATION BETWEEN THE DEPARTMENT OF THE ARMY AND THE EPA IN MEETING CWC REQUIREMENTS.

(a) FINDINGS.—The Senate finds that:

(1) Compliance with international obligations to destroy the United States chemical stockpile by April 28, 2007, as required under the Chemical Weapons Convention (CWC), is a national priority.

(2) The President should ensure that the Department of Defense and the Department of the Army receive all necessary assistance from Federal agencies in expediting and accelerating the destruction of the lethal chemical stockpile.

(3) The Environmental Protection Agency, as one of the Federal agencies with responsibilities to assist the Department of Defense and the Department of the Army, has asserted that it is not adequately funded to provide, or meet its National responsibilities under the Resource Conservation and Recovery Act (RCRA) permitting requirements, in order to assist the United States Government in meeting its international obligations to destroy its lethal chemical stockpile.

(4) The Environmental Protection Agency (EPA) should work in concert with the State and local governments in this process, and that they should properly budget for this process.

(b) REPORT REQUIRED.—The Department of Defense, in coordination with the Environmental Protection Agency, shall report to the congressional defense committees by April 1, 1999, on the following—

(1) responsibilities associated with obligations under the Resource Conservation and Recovery Act (RCRA) permitting process related to United States international obligations under the CWC to destroy the United States chemical stockpile;

(2) technical assistance provided by the EPA to its regional offices and the States and local governments in the permitting process, and how that assistance facilitates the issuance of the environmental permits at the various sites;

(3) responsibility of the Department of Defense to provide funding to the EPA, for the facilitation of meetings of the National Chemical Agent Demilitarization Workgroup, meetings between the Office of Solid Waste and the affected EPA Regional Offices and States, and meetings between the Office of Solid Waste, the Program Manager for Chemical Demilitarization and the Department of Defense; and

(4) responsibility of the Department of Defense and the Department of the Army to provide funds to the Environmental Protection Agency to hire full-time equivalents to assist in the formulation of RCRA permits.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

SEC. 1101. REPEAL OF EMPLOYMENT PREFERENCE NOT NEEDED FOR RECRUITMENT AND RETENTION OF QUALIFIED CHILD CARE PROVIDERS.

Section 1792 of title 10, United States Code, is amended—

(1) by striking out subsection (d); and

SEC. 1102. MAXIMUM PAY RATE COMPARABILITY FOR FACULTY MEMBERS OF THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

Section 9314(b)(2)(B) of title 10, United States Code, is amended by striking out ''section 5306(e)'' and inserting in lieu thereof ''section 5373''.

(2) by redesignating subsection (e) as subsection (d).

SEC. 1103. FOUR-YEAR EXTENSION OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORITY.

Section 5597(e) of title 5, United States Code, is amended by striking out ''September 30, 2001'' and inserting in lieu thereof ''September 30, 2003''.

SEC. 1104. DEPARTMENT OF DEFENSE EMPLOYEE VOLUNTARY EARLY RETIREMENT AUTHORITY.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8336 of title 5, United States Code, is amended—

(1) in subsection (d)(2), by inserting ''except in the case of an employee described in subsection (o)(1),'' after ''(2)''; and

(2) by adding at the end the following:

''(o)(1) An employee of the Department of Defense who is separated from the service under conditions described in paragraph (2) after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity.

''(2) Paragraph (1) applies to an employee who—

''(A) has been employed continuously by the Department of Defense for more than 30 days before the date on which the Secretary concerned requests the determinations required under in subparagraph (D)(i);

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

''(C) has not received a decision notice of involuntary separation for misconduct or unacceptable performance that is pending decision; and

''(D) is separated from the service voluntarily during a period in which—

''(i) the Department of Defense or the military department or subordinate organization within the Department of Defense or military department in which the employee is serving is undergoing a major reorganization, a major reduction in force, or a major transfer of function, and employees comprising a significant percentage of the employees serving in that department or organization are to be separated or subject to an immediate reduction in the rate of basic pay (without regard to subchapter VI of chapter 53, or comparable provisions of law), as determined by the Office of Personnel Management (under regulations prescribed by the Office) upon the request of the Secretary concerned; and

''(ii) the employee is within the scope of an offer of voluntary early retirement (as defined by organizational unit, occupational series or level, geographical location, any other similar factor that the Office of Personnel Management determines appropriate, or any combination of such definitions of scope), as determined by the Secretary concerned under regulations prescribed by the Office.

''(3) In this subsection, the term 'Secretary concerned' means—

''(A) the Secretary of Defense, with respect to an employee of the Department of Defense not employed in a position in a military department;

''(B) the Secretary of the Army, with respect to an employee of the Department of the Army;

''(C) the Secretary of the Navy, with respect to an employee of the Department of the Navy;

''(D) the Secretary of the Air Force, with respect to an employee of the Department of the Air Force.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8414 of such title is amended—

(1) in subsection (b)(1)(B), inserting ''except in the case of an employee described in subsection (d)(1),'' after ''(B)''; and

(2) by adding at the end the following:

''(d)(1) An employee of the Department of Defense who is separated from the service under conditions described in paragraph (2) after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity.

''(2) Paragraph (1) applies to an employee who—

''(A) has been employed continuously by the Department of Defense for more than 30 days before the date on which the Secretary concerned requests the determinations required under subparagraph (D)(i);

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

''(C) has not received a decision notice of involuntary separation for misconduct or unacceptable performance that is pending decision; and

''(D) is separated from the service voluntarily during a period in which—

''(i) the Department of Defense or the military department or subordinate organization within the Department of Defense or military department in which the employee is serving is undergoing a major reorganization, a major reduction in force, or a major transfer of function, and employees comprising a significant percentage of the employees serving in that department or organization are to be separated or subject to an immediate reduction in the rate of basic pay (without regard to subchapter VI of chapter 53, or comparable provisions of law), as determined by the Office of Personnel Management (under regulations prescribed by the Office) upon the request of the Secretary concerned; and

''(ii) the employee is within the scope of an offer of voluntary early retirement (as defined by organizational unit, occupational series or level, geographical location, any other similar factor that the Office of Personnel Management determines appropriate, or any combination of such definitions of scope), as determined by the Secretary concerned under regulations prescribed by the Office.

''(3) In this subsection, the term 'Secretary concerned' means—

''(A) the Secretary of Defense, with respect to an employee of the Department of Defense not employed in a position in a military department;

''(B) the Secretary of the Army, with respect to an employee of the Department of the Army;

''(C) the Secretary of the Navy, with respect to an employee of the Department of the Navy;

''(D) the Secretary of the Air Force, with respect to an employee of the Department of the Air Force.''.

(c) CONFORMING AMENDMENTS.—(1) Section 8339(h) of such title is amended by striking out ''or (j)'' in the first sentence and inserting in lieu thereof ''(j), or (o)''.

(2) Section 8464(a)(1)(A)(i) of such title is amended by striking out ''or (b)(1)(B)'' and inserting in lieu thereof '', (b)(1)(B), or (d)''.

SEC. 1105. DEFENSE ADVANCED RESEARCH PROJECTS AGENCY EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR TECHNICAL PERSONNEL.

(a) PROGRAM AUTHORIZED.—During the 5-year period beginning on the date of the enactment of this Act, the Secretary of Defense may carry out a program of experimental use of special personnel management authority provided in this section in order to facilitate the recruitment of eminent experts in science or engineering for research and development projects administered by the Defense Advanced Research Projects Agency.

(b) SPECIAL PERSONNEL MANAGEMENT AUTHORITY.—Under the program, the Secretary may—

(1) appoint scientists and engineers from outside the civil service and uniformed services (as such terms are defined in section 2101 of title 5, United States Code) to not more than 20 scientific and engineering positions in the Defense Advanced Research Projects Agency without regard to any provision of title 5, United States Code, governing the appointment of employees in the civil service;

(2) prescribe the rates of basic pay for positions to which employees are appointed under paragraph (1) at rates not in excess of the maximum rate of basic pay authorized for senior-level positions under section 5376 of title 5, United States Code, notwithstanding any provision of such title governing the rates of pay or classification of employees in the executive branch; and

(3) pay any employee appointed under paragraph (1) payments in addition to basic pay within the limit applicable to the employee under subsection (d)(1).

(c) LIMITATION ON TERM OF APPOINTMENT.—(1) Except as provided in paragraph (2), the service of an employee under an appointment under subsection (b)(1) may not exceed four years.

(2) The Secretary may, in the case of a particular employee, extend the period to which service is limited under paragraph (1) by up to two years if the Secretary determines that such action is necessary to promote the efficiency of the Defense Advanced Research Projects Agency.

(d) LIMITATIONS ON ADDITIONAL PAYMENTS.—(1) The total amount of the additional payments paid to an employee under subsection (b)(3) for any 12-month period may not exceed the least of the following amounts:

(A) $25,000.

(B) The amount equal to 25 percent of the employee's annual rate of basic pay.

(C) The amount of the limitation that is applicable for a calendar year under section 5307(a)(1) of title 5, United States Code.

(2) An employee appointed under subsection (b)(1) is not eligible for any bonus, monetary award, or other monetary incentive for service except for payments authorized under subsection (b)(3).

(e) PERIOD OF PROGRAM.—(1) The program authorized under this section shall terminate at the end of the 5-year period referred to in subsection (a).

(2) After the termination of the program—

(A) no appointment may be made under paragraph (1) of subsection (b);

(B) a rate of basic pay prescribed under paragraph (2) of that subsection may not take effect for a position; and

(C) no period of service may be extended under subsection (c)(1).

(f) SAVINGS PROVISIONS.—In the case of an employee who, on the day before the termination of the program, is serving in a position pursuant to an appointment under subsection (b)(1)—

(1) the termination of the program does not terminate the employee's employment in that position before the expiration of the lesser of—

(A) the period for which the employee was appointed; or

(B) the period to which the employee's service is limited under subsection (c), including any extension made under paragraph (2) of that subsection before the termination of the program; and

(2) the rate of basic pay prescribed for the position under subsection (b)(2) may not be reduced for so long (within the period applicable to the employee under paragraph (1)) as the employee continues to serve in the position without a break in service.

(g) ANNUAL REPORT.—(1) Not later than October 15 of each year, beginning in 1999, the Secretary of Defense shall submit a report on the program to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report submitted in a year shall cover the 12-month period ending on the day before the anniversary, in that year, of the date of the enactment of this Act.

(2) The annual report shall contain, for the period covered by the report, the following:

(A) A detailed discussion of the exercise of authority under this section.

(B) The sources from which appointees were recruited.

(C) The methodology used for identifying and selecting appointees.

(D) Any additional information that the Secretary considers helpful for assessing the utility of the authority under this section.

TITLE XII—JOINT WARFIGHTING EXPERIMENTATION

SEC. 1201. FINDINGS.

Congress makes the following findings:

(1) The collapse of the Soviet Union in 1991 and the unprecedented explosion of technological advances that could fundamentally redefine military threats and military capabilities in the future have generated a need to assess the defense policy, strategy, and

force structure necessary to meet future defense requirements of the United States.

(2) The assessment conducted by the administration of President Bush (known as the ''Base Force'' assessment) and the assessment conducted by the administration of President Clinton (known as the ''Bottom-Up Review'') were important attempts to redefine the defense strategy of the United States and the force structure of the Armed Forces necessary to execute that strategy.

(3) Those assessments have become inadequate as a result of the pace of global geopolitical change and the speed of technological change, which have been greater than expected.

(4) The Chairman of the Joint Chiefs of Staff reacted to the changing environment by developing and publishing in May 1996 a vision statement, known as ''Joint Vision 2010'', to be a basis for the transformation of United States military capabilities. The vision statement embodies the improved intelligence and command and control that is available in the information age and sets forth the operational concepts of dominant maneuver, precision engagement, full-dimensional protection, and focused logistics to achieve the objective of full spectrum dominance.

(5) In 1996 Congress, concerned about the shortcomings in defense policies and programs derived from the Base-Force Review and the Bottom-Up Review, determined that there was a need for a new, comprehensive assessment of the defense strategy of the United States and the force structure of the Armed Forces necessary for meeting the threats to the United States in the 21st century.

(6) As a result of that determination, Congress passed the Military Force Structure Review Act of 1996 (subtitle B of title IX of the National Defense Authorization Act for Fiscal Year 1997), which required the Secretary of Defense to complete in 1997 a quadrennial defense review of the defense program of the United States. The review was required to include a comprehensive examination of the defense strategy, force structure, force modernization plans, infrastructure, and other elements of the defense program and policies with a view toward determining and expressing the defense strategy of the United States and establishing a revised defense program through 2005. The Act also established a National Defense Panel to assess the Quadrennial Defense Review and to conduct an independent, nonpartisan review of the strategy, force structure, and funding required to meet anticipated threats to the national security of the United States through 2010 and beyond.

(7) The Quadrennial Defense Review, completed by the Secretary of Defense in May 1997, defined the defense strategy in terms of ''Shape, Respond, and Prepare Now''. The Quadrennial Defense Review placed greater emphasis on the need to prepare now for an uncertain future by exploiting the revolution in technology and transforming the force toward Joint Vision 2010. It concluded that our future force will be different in character than our current force.

(8) The National Defense Panel Report, published in December 1997, concluded that ''the Department of Defense should accord the highest priority to executing a transformation strategy for the United States military, starting now.'' The panel recommended the establishment of a Joint Forces Command with the responsibility to be the joint force integrator and provider and the responsibility for driving the process for transforming United States forces, including the conduct of joint experimentation, and to have the budget for carrying out those responsibilities.

(9) The assessments of both the Quadrennial Defense Review and the National Defense Panel provide Congress with a compelling argument that the future security environment and the military challenges to be faced by the United States in the future will be fundamentally different than the current environment and challenges. The assessments also reinforce the foundational premise of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 that warfare, in all of its varieties, will be joint warfare requiring the execution of developed joint operational concepts.

(10) A process of joint experimentation is necessary for—

(A) integrating advances in technology with changes in the organizational structure of the Armed Forces and the development of joint operational concepts that will be effective against national security threats anticipated for the future; and

(B) identifying and assessing the interdependent aspects of joint warfare that are key for transforming the conduct of military operations by the United States to meet those anticipated threats successfully.

(11) It is critical for future readiness that the Armed Forces of the United States innovatively investigate and test technologies, forces, and joint operational concepts in simulations, wargames, and virtual settings, as well as in field environments under realistic conditions against the full range of future challenges. It is essential that an energetic and innovative organization be established and empowered to design and implement a process of joint experimentation to develop and validate new joint warfighting concepts, along with experimentation by the Armed Forces, that is directed at transforming the Armed Forces to meet the threats to the national security that are anticipated for the early 21st century. That process will drive changes in doctrine, organization, training and education, materiel, leadership, and personnel.

(12) The Department of Defense is committed to conducting aggressive experimentation as a key component of its transformation strategy.

(13) The competition of ideas is critical for achieving effective transformation. Experimentation by each of the Armed Forces has been, and will continue to be, a vital aspect of the pursuit of effective transformation. Joint experimentation leverages the effectiveness of each of the Armed Forces and the Defense Agencies.

SEC. 1202. SENSE OF CONGRESS.

(a) DESIGNATION OF COMMANDER TO HAVE JOINT WARFIGHTING EXPERIMENTATION MISSION.—It is the sense of Congress that Congress supports the initiative of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to designate a commander of a combatant command to have the mission for joint warfighting experimentation, consistent with the understanding of Congress that the Chairman of the Joint Chiefs of Staff will assign the designated commander the tasks to develop and validate new joint warfighting concepts and capabilities, and to determine the implications, for doctrine, organization, training and education, materiel, leadership, and personnel, of the Department of Defense strategy for transforming the Armed Forces to meet the national security threats of the future.

(b) RESOURCES OF COMMANDER.—It is, further, the sense of Congress that the commander designated to have the joint warfighting experimentation mission should—

(1) have sufficient freedom of action and authority over the necessary forces to successfully establish and conduct the process of joint warfighting experimentation;

(2) be provided resources adequate for the joint warfighting experimentation process; and

(3) have authority over the use of the resources for the planning, preparation, conduct, and assessment of joint warfighting experimentation.

(c) AUTHORITY AND RESPONSIBILITIES OF COMMANDER.—It is, further, the sense of Congress that, for the conduct of joint warfighting experimentation to be effective, it is necessary that the commander designated to have the joint warfighting experimentation mission also have the authority and responsibility for the following:

(1) Developing and implementing a process of joint experimentation to formulate and validate concepts critical for joint warfighting in the future, including (in such process) analyses, simulations, wargames, information superiority and other experiments, advanced concept technology demonstrations, and joint exercises conducted in virtual and actual field environments.

(2) Planning, preparing, and conducting the program of joint warfighting experimentation.

(3) Assessing the effectiveness of organizational structures, operational concepts, and technologies employed in joint experimentation, investigating opportunities for coordinating the evolution of the organizational structure of the Armed Forces compatibly with the concurrent evolution of advanced technologies, and investigating new concepts for transforming joint warfighting capabilities to meet the operational challenges expected to be encountered by the Armed Forces in the early 21st century.

(4) Coordinating with each of the Armed Forces and the Defense Agencies regarding the development of the equipment (including surrogate or real technologies, platforms, and systems) necessary for the conduct of joint experimentation, or, if necessary, developing such equipment directly.

(5) Coordinating with each of the Armed Forces and the Defense Agencies regarding the acquisition of the materiel, supplies, services, and surrogate or real technology resources necessary for the conduct of joint experimentation, or, if necessary, acquiring such items and services directly.

(6) Developing scenarios and measures of effectiveness for joint experimentation.

(7) Conducting so-called ''red team'' vulnerability assessments as part of joint experimentation.

(8) Assessing the interoperability of equipment and forces.

(9) Providing the Secretary of Defense and the Chairman of the Joint Chiefs of Staff with the commander's recommendations (developed on the basis of joint experimentation) for reducing unnecessary redundancy of equipment and forces.

(10) Providing the Secretary of Defense and the Chairman of the Joint Chiefs of Staff with the commander's recommendations (developed on the basis of joint experimentation) regarding synchronization of the fielding of advanced technologies among the Armed Forces to enable the development and execution of joint operational concepts.

(11) Submitting, reviewing, and making recommendations (in conjunction with the joint experimentation and evaluation process) to the Chairman of the Joint Chiefs of Staff on mission needs statements and operational requirements documents.

(12) Exploring new operational concepts (including those developed within the Office of the Secretary of Defense and Defense Agencies, other unified commands, the Armed Forces, and the Joint Staff), and integrating and testing in joint experimentation the systems and concepts that result from

warfighting experimentation by the Armed Forces and the Defense Agencies.

(13) Developing, planning, refining, assessing, and recommending to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff the most promising joint concepts and capabilities for experimentation and assessment.

(14) Assisting the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to prioritize joint requirements and acquisition programs on the basis of joint warfighting experimentation.

(d) CONTINUED EXPERIMENTATION BY OTHER DEFENSE ORGANIZATIONS.—It is, further, the sense of Congress that—

(1) the Armed Forces are expected to continue to develop concepts and conduct intraservice and multiservice warfighting experimentation within their core competencies; and

(2) the commander of United States Special Operations Command is expected to continue to develop concepts and conduct joint experimentation associated with special operations forces.

(e) CONGRESSIONAL REVIEW.—It is, further, the sense of Congress that—

(1) Congress will carefully review the initial report and annual reports on joint warfighting experimentation required under section 1203 to determine the adequacy of the scope and pace of the transformation of the Armed Forces to meet future challenges to the national security; and

(2) if the progress is inadequate, Congress will consider legislation to establish a unified combatant command with the mission, forces, budget, responsibilities, and authority described in the preceding provisions of this section.

SEC. 1203. REPORTS ON JOINT WARFIGHTING EXPERIMENTATION.

(a) INITIAL REPORT.—(1) On such schedule as the Secretary of Defense shall direct, the commander of the combatant command assigned the mission for joint warfighting experimentation shall submit to the Secretary an initial report on the implementation of joint experimentation. Not later than April 1, 1999, the Secretary shall submit the report, together with any comments that the Secretary considers appropriate and any comments that the Chairman of the Joint Chiefs of Staff considers appropriate, to the Chairmen of the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(2) The initial report of the commander shall include the following:

(A) The commander's understanding of the commander's specific authority and responsibilities and of the commander's relationship to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Joint Staff, the commanders of other combatant commands, the Armed Forces, and the Defense Agencies and activities.

(B) The organization of the commander's combatant command, and of its staff, for carrying out the joint warfighting experimentation mission.

(C) The process established for tasking forces to participate in joint warfighting experimentation and the commander's specific authority over the forces.

(D) Any forces designated or made available as joint experimentation forces.

(E) The resources provided for joint warfighting experimentation, including the personnel and funding for the initial implementation of joint experimentation, the process for providing the resources to the commander, the categories of the funding, and the authority of the commander for budget execution.

(F) The authority of the commander, and the process established, for the development and acquisition of the material, supplies, services, and equipment necessary for the conduct of joint warfighting experimentation, including the authority and process for development and acquisition by the Armed Forces and the Defense Agencies and the authority and process for development and acquisition by the commander directly.

(G) The authority of the commander to design, prepare, and conduct joint experiments (including the scenarios and measures of effectiveness used) for assessing operational concepts for meeting future challenges to the national security.

(H) The role assigned the commander for—

(i) integrating and testing in joint warfighting experimentation the systems that emerge from warfighting experimentation by the Armed Forces or the Defense Agencies;

(ii) assessing the effectiveness of organizational structures, operational concepts, and technologies employed in joint warfighting experimentation; and

(iii) assisting the Secretary of Defense and the Chairman of the Joint Chiefs of Staff in prioritizing acquisition programs in relationship to future joint warfighting capabilities.

(I) Any other comments that the commander considers appropriate.

(b) ANNUAL REPORT.—(1) On such schedule as the Secretary of Defense shall direct, the commander of the combatant command assigned the mission for joint warfighting experimentation shall submit to the Secretary an annual report on the conduct of joint experimentation activities for the fiscal year ending in the year of the report. Not later than December 1 of each year, the Secretary shall submit the report, together with any comments that the Secretary considers appropriate and any comments that the Chairman of the Joint Chiefs of Staff considers appropriate, to the Chairmen of the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The first annual report shall be submitted in 1999.

(2) The annual report of the commander shall include, for the fiscal year covered by the report, the following:

(A) Any changes in—

(i) the commander's authority and responsibilities for joint warfighting experimentation;

(ii) the commander's relationship to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Joint Staff, the commanders of the other combatant commands, the Armed Forces, or the Defense Agencies or activities;

(iii) the organization of the commander's command and staff for joint warfighting experimentation;

(iv) any forces designated or made available as joint experimentation forces;

(v) the process established for tasking forces to participate in joint experimentation activities or the commander's specific authority over the tasked forces;

(vi) the procedures for providing funding for the commander, the categories of funding, or the commander's authority for budget execution;

(vii) the authority of the commander, and the process established, for the development and acquisition of the material, supplies, services, and equipment necessary for the conduct of joint warfighting experimentation;

(viii) the commander's authority to design, prepare, and conduct joint experiments (including the scenarios and measures of effectiveness used) for assessing operational concepts for meeting future challenges to the national security; or

(ix) any role described in subsection (a)(2)(H).

(B) The conduct of joint warfighting experimentation activities, including the number of activities, the forces involved, the national security challenges addressed, the operational concepts assessed, and the scenarios and measures of effectiveness used.

(C) An assessment of the results of warfighting experimentation within the Department of Defense.

(D) The effect of warfighting experimentation on the process for transforming the Armed Forces to meet future challenges to the national security.

(E) Any recommendations that the commander considers appropriate regarding—

(i) the development or acquisition of advanced technologies; or

(ii) changes in organizational structure, operational concepts, or joint doctrine.

(F) An assessment of the adequacy of resources, and any recommended changes for the process of providing resources, for joint warfighting experimentation.

(G) Any recommended changes in the authority or responsibilities of the commander.

(H) Any additional comments that the commander considers appropriate.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 1999''.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Anniston Army Depot	$3,550,000
	Fort Rucker	$10,000,000
Alaska	Fort Wainwright	$22,600,000
California	Fort Irwin	$7,000,000
Georgia	Fort Benning	$28,600,000
	Fort Stewart	$17,000,000
Hawaii	Schofield Barracks	$67,500,000
Illinois	Rock Island Arsenal	$5,300,000
Indiana	Crane Army Ammunition Activity	$7,100,000
Kentucky	Bluegrass Army Depot	$5,300,000
	Fort Campbell	$41,000,000
Louisiana	Fort Polk	$8,300,000
Maryland	Fort Detrick	$3,550,000
	Fort Meade	$5,300,000
Missouri	Fort Leonard Wood	$5,200,000
New York	Fort Drum	$4,650,000
	United States Military Academy, West Point.	$85,000,000
North Carolina	Fort Bragg	$85,300,000
Oklahoma	Fort Sill	$13,800,000
	McAlester Army Ammunition Plant	$10,800,000
Texas	Fort Bliss	$4,100,000
	Fort Hood	$32,500,000
	Fort Sam Houston	$21,800,000
Utah	Tooele Army Depot	$3,900,000
Virginia	Charlottesville	$46,200,000
	Fort Eustis	$36,531,000
Washington	Fort Lewis	$18,200,000
CONUS Classified.	Classified Locations	$4,600,000
	Total:	$604,681,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military

construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Belgium	80th Area Support Group	$6,300,000
Germany	Schweinfurt	$18,000,000
	Wuerzburg	$4,250,000
Korea	Camp Casey	$13,400,000
	Camp Castle	$18,226,000
	Camp Humphreys	$8,500,000
	Camp Stanley	$5,800,000
Kwajalein	Kwajalein Atoll	$48,600,000
	Total:	$123,076,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or location	Purpose	Amount
Alabama	Redstone Arsenal.	118 Units	$14,000,000
Hawaii	Schofield Barracks.	64 Units	$14,700,000
North Carolina.	Fort Bragg	170 Units	$19,800,000
Texas	Fort Hood	154 Units	$21,600,000
		Total:	$70,100,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $7,490,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $46,029,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1998, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $1,983,304,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $516,681,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $87,076,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $10,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $65,295,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $123,619,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,104,733,000.

(6) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $12,800,000.

(7) For the construction of the missile software engineering annex, phase II, Redstone Arsenal, Alabama, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1966), $13,600,000.

(8) For the construction of a disciplinary barracks, phase II, Fort Leavenworth, Kansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998, $29,000,000.

(9) For the construction of the whole barracks complex renewal, Fort Sill, Oklahoma, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998, $20,500,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $73,000,000 (the balance of the amount authorized to be appropriated under section 2101(a) of this Act for the construction of the Cadet Physical Development project at the United States Military Academy, West Point, New York);

(3) $15,000,000 (the balance of the amount authorized to be appropriated under section 2101(a) of this Act for the construction of a rail head facility at Fort Hood, Texas); and

(4) $36,000,000 (the balance of the amount authorized to be appropriated under section 2101(b) of this Act for the construction of a power plant on Roi Namur Island, Kwajalein Atoll).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $1,639,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

(d) AVAILABILITY OF CERTAIN FUNDS.—Notwithstanding section 2701 or any other provision of law, the amounts appropriated pursuant to the authorization of appropriations in subsection (a)(6) shall remain available until expended.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1998 PROJECT.

The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1967) is amended in the item relating to Fort Sill, Oklahoma, by striking out ''$25,000,000'' in the amount column and inserting in lieu thereof ''$28,500,000''.

(b) CONFORMING AMENDMENTS.—(1) The table in section 2101(a) of that Act is amended in the item relating to the total by striking out ''$598,750,000'' in the amount column and inserting in lieu thereof ''$602,250,000''.

(2) Section 2104 of that Act (111 Stat. 1968) is amended—

(A) in the matter preceding paragraph (1), by striking out ''$2,010,466,000'' and inserting in lieu thereof ''$2,013,966,000''; and

(B) in paragraph (1), by striking out ''$435,350,000'' and inserting in lieu thereof ''$438,850,000''.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	$11,010,000
	Naval Observatory Detachment, Flagstaff.	$990,000
California	Marine Corps Air Station, Miramar	$29,570,000
	Marine Corps Base, Camp Pendleton	$28,240,000
	Naval Air Station, Lemoore	$20,640,000
	Naval Air Warfare Center Weapons Division, China Lake.	$3,240,000
	Naval Facility, San Clemente Island	$8,350,000
	Naval Submarine Base, San Diego	$11,400,000
Connecticut	Naval Submarine Base, New London	$12,510,000
District of Columbia.	Naval District, Washington	$790,000
Florida	Naval Air Station, Key West	$3,730,000
	Naval Air Station, Whiting Field	$1,400,000
Georgia	Naval Submarine Base, Kings Bay	$2,550,000
Hawaii	Marine Corps Air Station, Kaneohe Bay	$27,410,000
	Marine Corps Base, Hawaii	$23,570,000
	Naval Communications & Telecommunications Area Master Station Eastern Pacific, Wahiawa.	$1,970,000
	Naval Shipyard, Pearl Harbor	$11,400,000
	Naval Submarine Base, Pearl Harbor	$8,060,000
	Navy Public Works Center, Pearl Harbor.	$28,967,000
	Fleet and Industrial Supply Center, Pearl Harbor.	$9,730,000
	Naval Station, Pearl Harbor	$18,180,000
Illinois	Naval Training Center, Great Lakes	$5,750,000
	Naval Training Center, Great Lakes	$7,410,000
Maryland	Naval Surface Warfare Center, Indian Head Division, Indian Head.	$6,680,000
	United States Naval Academy	$4,300,000
Mississippi	Naval Construction Battalion Center, Gulfport.	$10,670,000
North Carolina	Marine Corps Air Station, Cherry Point	$6,040,000
	Marine Corps Base, Camp LeJeune	$30,300,000
Rhode Island	Naval Education and Training Center, Newport.	$5,630,000
	Naval Undersea Warfare Center Division, Newport.	$9,140,000
South Carolina.	Marine Corps Air Station, Beaufort	$1,770,000
	Marine Corps Recruit Depot, Parris Island.	$7,960,000
	Naval Weapons Station, Charleston	$9,737,000
Virginia	Fleet and Industrial Supply Center, Norfolk (Craney Island).	$1,770,000
	Fleet Training Center, Norfolk	$5,700,000
	Naval Shipyard, Norfolk, Portsmouth	$6,180,000
	Naval Station, Norfolk	$45,530,000
	Naval Surface Warfare Center, Dahlgren.	$5,130,000
	Tactical Training Group Atlantic, Dam Neck.	$2,430,000
Washington	Strategic Weapons Facility Pacific, Bremerton.	$2,750,000
	Naval Shipyard, Puget Sound, Bremerton.	$4,300,000
	Total:	$442,884,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Greece	Naval Support Activity, Souda Bay	$5,260,000
Guam	Naval Activities, Guam	$10,310,000
Italy	Naval Support Activity, Naples	$18,270,000

Navy: Outside the United States—Continued

Country	Installation or location	Amount
United Kingdom.	Joint Maritime Communications Center, St. Mawgan.	$2,010,000
	Total:	$35,850,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or location	Purpose	Amount
California.	Naval Air Station, Lemoore.	162 Units	$30,379,000
Hawaii	Navy Public Works Center, Pearl Harbor.	150 Units	$29,125,000
		Total:	$59,504,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $15,618,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $211,991,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1998, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,737,021,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $429,384,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $35,850,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $8,900,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $60,481,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $287,113,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $915,293,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $13,500,000 (the balance of the amount authorized under section 2201(a) of this Act for the construction of a berthing pier at Naval Station, Norfolk, Virginia).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $6,323,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$19,398,000
Alaska	Eielson Air Force Base	$10,552,000
Arkansas	Little Rock Air Force Base	$1,500,000
California	Edwards Air Force Base	$10,361,000
	Travis Air Force Base	$4,250,000
	Vandenberg Air Force Base	$18,709,000
Colorado	Falcon Air Force Station	$9,601,000
	United States Air Force Academy	$4,413,000
Delaware	Dover Air Force Base	$1,600,000
District of Columbia.	Bolling Air Force Base	$2,948,000
Florida	Eglin Air Force Base	$20,437,000
	Eglin Auxiliary Field 9	$3,837,000
	MacDill Air Force Base	$5,008,000
Georgia	Robins Air Force Base	$11,894,000
Hawaii	Hickam Air Force Base	$5,890,000
Idaho	Mountain Home Air Force Base	$17,897,000
Kansas	McConnell Air Force Base	$2,900,000
Maryland	Andrews Air Force Base	$4,448,000
Massachusetts.	Hanscom Air Force Base	$10,000,000
Mississippi	Keesler Air Force Base	$35,526,000
	Columbus Air Force Base	$8,200,000
Montana	Malmstrom Air Force Base	$13,200,000
Nevada	Indian Springs	$15,013,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
	Nellis Air Force Base	$6,378,000
New Jersey	McGuire Air Force Base	$6,044,000
New Mexico	Cannon Air Force Base	$6,500,000
	Kirtland Air Force Base	$8,574,000
North Carolina	Seymour Johnson Air Force Base	$6,100,000
North Dakota	Grand Forks Air Force Base	$2,686,000
	Minot Air Force Base	$8,500,000
Ohio	Wright-Patterson Air Force Base	$22,000,000
Oklahoma	Altus Air Force Base	$4,000,000
	Tinker Air Force Base	$24,985,000
	Vance Air Force Base	$6,223,000
South Carolina.	Charleston Air Force Base	$24,330,000
	Shaw Air Force Base	$8,500,000
South Dakota	Ellsworth Air Force Base	$6,500,000
Texas	Dyess Air Force Base	$1,400,000
	Lackland Air Force Base	$6,800,000
	Lackland Training Annex	$8,130,000
	Randolph Air Force Base	$3,166,000
Utah	Hill Air Force Base	$4,100,000
Washington	Fairchild Air Force Base	$11,520,000
	Total:	$465,865,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Spangdahlem Air Base	$13,967,000
Korea	Kunsan Air Base	$5,958,000
	Osan Air Base	$7,496,000
Turkey	Incirlik Air Base	$2,949,000
United Kingdom.	Royal Air Force, Lakenheath	$15,838,000
	Royal Air Force, Mildenhall	$24,960,000
	Total:	$71,168,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
Alabama	Maxwell Air Force Base	143 Units	$16,300,000
Alaska	Eielson Air Force Base	46 Units	$12,932,000
California	Edwards Air Force Base	48 Units	$12,580,000
	Vandenberg Air Force Base.	95 Units	$18,499,000
Delaware	Dover Air Force Base	55 Units	$8,998,000
Florida	MacDill Air Force Base	48 Units	$7,609,000
	Patrick Air Force Base	46 Units	$9,692,000
	Tyndall Air Force Base	122 Units	$14,500,000
Mississippi	Columbus Air Force Base.	52 Units	$6,800,000
	Keesler Air Force Base	52 Units	$6,800,000

Air Force: Family Housing—Continued

State	Installation or location	Purpose	Amount
Nebraska	Offutt Air Force Base	Housing Maintenance Facility.	$900,000
	Offutt Air Force Base	Housing Office.	$870,000
	Offutt Air Force Base	90 Units	$12,212,000
New Mexico	Kirtland Air Force Base	37 Units	$6,400,000
Ohio	Wright-Patterson Air Force Base.	40 Units	$5,600,000
Texas	Dyess Air Force Base	64 Units	$9,415,000
	Sheppard Air Force Base.	115 Units	$12,800,000
Washington	Fairchild Air Force Base	Housing Office and Maintenance Facility.	$1,692,000
	Fairchild Air Force Base	14 Units	$2,300,000
		Total:	$166,899,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $12,622,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $90,888,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1998, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,649,334,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $465,865,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $71,168,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,135,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $44,762,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $270,409,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $789,995,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $7,584,000, which represents the combination of project savings in military construction resulting from favorable bids, overhead costs, and cancellations due to force structure changes.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Chemical Demilitarization Program.	Aberdeen Proving Ground, Maryland	$186,350,000
	Newport Army Depot, Indiana	$191,550,000
Defense Logistics Agency.	Defense Fuel Support Point, Fort Sill, Oklahoma	$3,500,000
	Defense Fuel Support Point, Jacksonville Annex, Mayport, Florida	$11,020,000
	Defense Fuel Support Point, Jacksonville, Florida	$11,000,000
	Defense General Supply Center, Richmond (DLA), Virginia	$10,500,000
	Defense Fuel Supply Center, Camp Shelby, Mississippi	$5,300,000
	Defense Fuel Supply Center, Elmendorf Air Force Base, Alaska	$19,500,000
	Defense Fuel Supply Center, Pope Air Force Base, North Carolina	$4,100,000
	Various Locations	$1,300,000
Defense Medical Facilities Office.	Barksdale Air Force Base, Louisiana	$3,450,000
	Beale Air Force Base, California	$3,500,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
	Carlisle Barracks, Pennsylvania	$4,678,000
	Cheatham Annex, Virginia	$11,300,000
	Edwards Air Force Base, California	$6,000,000
	Eglin Air Force Base, Florida	$9,200,000
	Fort Bragg, North Carolina	$6,500,000
	Fort Hood, Texas	$14,100,000
	Fort Stewart/Hunter Army Air Field, Georgia	$10,400,000
	Grand Forks Air Force Base, North Dakota	$5,600,000
	Holloman Air Force Base, New Mexico	$1,300,000
	Keesler Air Force Base, Mississippi	$700,000
	Marine Corps Air Station, Camp Pendleton, California	$6,300,000
	McChord Air Force Base, Washington	$20,000,000
	Moody Air Force Base, Georgia	$11,000,000
	Naval Air Station, Pensacola, Florida	$25,400,000
	Naval Hospital, Bremerton, Washington	$28,000,000
	Naval Hospital, Great Lakes, Illinois	$7,100,000
	Naval Station, San Diego, California	$1,350,000
	Naval Submarine Base, Bangor, Washington	$5,700,000
	Travis Air Force Base, California	$1,700,000
Defense Education Activity.	Marine Corps Base, Camp LeJeune, North Carolina	$16,900,000
	United States Military Academy, West Point, New York	$2,840,000
National Security Agency.	Fort Meade, Maryland	$668,000
Special Operations Command.	Eglin Auxiliary Field 3, Florida	$2,210,000
	Eglin Auxiliary Field 9, Florida	$2,400,000
	Fort Campbell, Kentucky	$15,000,000
	MacDill Air Force Base, Florida	$8,400,000
	Mississippi Army Ammunition Plant/Stennis Space Center, Mississippi	$5,500,000
	Naval Amphibious Base, Coronado, California	$3,600,000
	Total:	$684,916,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Ballistic Missile Defense Organization.	Kwajalein Atoll, Kwajalein	$4,600,000
Defense Logistics Agency.	Lajes Field, Azores, Portugal	$7,700,000
Defense Medical Facilities Office.	Naval Air Station, Sigonella, Italy	$5,300,000
	Royal Air Force, Lakenheath, United Kingdom	$10,800,000

Defense Agencies: Outside the United States—Continued

Agency	Installation or location	Amount
Defense Education Activity.	Fort Buchanan, Puerto Rico	$8,805,000
	Naval Activities, Guam	$13,100,000
Special Operations Command.	Naval Station, Roosevelt Roads, Puerto Rico	$9,600,000
	Total:	$59,905,000

SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriation in section 2404(a)(11)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $345,000.

SEC. 2403. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(9), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1998, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $2,346,923,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $340,866,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $59,905,000.

(3) For military construction projects at Portsmouth Naval Hospital, Virginia, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 106 Stat. 1640), as amended by section 2406 of this Act, $17,954,000.

(4) For construction of the Ammunition Demilitarization Facility, Pine Bluff Arsenal, Arkansas, authorized by section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (111 Stat. 1982), and section 2405 of this Act, $10,000,000.

(5) For construction of the Ammunition Demilitarization Facility, Umatilla Army Depot, Oregon, authorized by section 2401 of the Military Construction Authorization Act for Fiscal Year 1995, as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996, section 2408 of the Military Construction Authorization Act for Fiscal Year 1998, and section 2405 of this Act, $30,950,000.

(6) For unspecified minor construction projects under section 2805 of title 10, United States Code, $13,394,000.

(7) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $9,390,000.

(8) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $42,566,000.

(9) For energy conservation projects authorized by section 2404, $46,950,000.

(10) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $1,730,704,000.

(11) For military family housing functions:

(A) For improvement of military family housing and facilities, $345,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $36,899,000 of which not more than $31,139,000 may be obligated or expended for the leasing of military family housing units worldwide.

(C) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $7,000,000.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $174,550,000 (the balance of the amount authorized under section 2401(a) of this Act for the construction of a chemical demilitarization facility at Newport Army Depot, Indiana); and

(3) $169,500,000 (the balance of the amount authorized under section 2401(a) of this Act for the construction of a chemical demilitarization facility at Aberdeen Proving Ground, Maryland).

SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1995 PROJECTS.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539) and section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), under the agency heading relating to Chemical Weapons and Munitions Destruction, is amended—

(1) in the item relating to Pine Bluff Arsenal, Arkansas, by striking out $134,000,000'' in the amount column and inserting in lieu thereof ''$154,400,000''; and

(2) in the item relating to Umatilla Army Depot, Oregon, by striking out ''$187,000,000'' in the amount column and inserting in lieu thereof ''$193,377,000''.

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1990 PROJECT.

The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 100–189; 103 Stat. 1640) is amended in the item relating to Portsmouth Naval Hospital, Virginia, by striking out ''$330,000,000'' and inserting in lieu thereof ''$351,354,000''.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1998, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $159,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1998, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $122,574,000; and

(B) for the Army Reserve, $116,109,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $19,371,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $161,932,000; and

(B) for the Air Force Reserve, $23,625,000.

SEC. 2602. REDUCTION IN FISCAL YEAR 1998 AUTHORIZATION OF APPROPRIATIONS FOR ARMY RESERVE MILITARY CONSTRUCTION.

Section 2601(a)(1)(B) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1983) is amended by striking out ''$66,267,000'' and inserting in lieu thereof ''$53,553,000''.

SEC. 2603. NATIONAL GUARD MILITARY EDUCATIONAL FACILITY, FORT BRAGG, NORTH CAROLINA.

Of the amount authorized to be appropriated by section 2601(1)(A), $1,000,000 may be available for purposes of Planning and Design of the National Guard Military Educational Facility at Fort Bragg, North Carolina.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2001; or

(2) the date of enactment of an Act authorizing funds for military construction for fiscal year 2002.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2001; or

(2) the date of enactment of an Act authorizing funds for fiscal year 2002 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1996 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 541), authorizations for the projects set forth in the tables in subsection (b), as provided in sections 2201, 2302, or 2601 of that Act, shall remain in effect until October 1, 1999, or the date of enactment of an Act authorizing funds for military construction for fiscal year 2000, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Navy: Extension of 1996 Project Authorization

State	Installation or location	Project	Amount
Puerto Rico	Naval Station Roosevelt Roads.	Housing Office	$710,000

Air Force: Extension of 1996 Project Authorization

State	Installation or location	Project	Amount
Texas	Lackland Air Force Base.	Family Housing (67 units).	$6,200,000

Army National Guard: Extension of 1996 Project Authorization

State	Installation or location	Project	Amount
Mississippi	Camp Shelby	Multipurpose Range Complex (Phase I).	$5,000,000
Missouri	National Guard Training Site, Jefferson City.	Multipurpose Range.	$2,236,000
		Total:	$7,236,000

SEC. 2703. EXTENSION OF AUTHORIZATION OF FISCAL YEAR 1995 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3046), the authorization for the project set forth in the table in subsection (b), as provided in section 2201 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1985), shall remain in effect until October 1, 1999, or the date of enactment of an Act authorizing funds for military construction for fiscal year 2000, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 1995 Project Authorization

State	Installation or location	Project	Amount
Maryland	Indian Head Naval Surface Warfare Center.	Denitrification/ Acid Mixing Facility.	$6,400,000

SEC. 2704. AUTHORIZATION OF ADDITIONAL MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS.

(a) ADDITIONAL ARMY CONSTRUCTION PROJECTS INSIDE THE UNITED STATES.—In addition to the projects authorized by section 2101(a), and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), as increased by subsection (d), the Secretary of the Army may also acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Kansas	Fort Riley	$16,500,000
Kentucky	Fort Campbell	$15,500,000
Maryland	Fort Detrick	$7,100,000
New York	Fort Drum	$7,000,000
Texas	Fort Sam Houston	$5,500,000
Virginia	Fort Eustis	$4,650,000
	Fort Meyer	$6,200,000

(b) ADDITIONAL ARMY CONSTRUCTION PROJECT OUTSIDE THE UNITED STATES.—In addition to the projects authorized by section 2101(b), and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), as increased by subsection (d), the Secretary of the Army may also acquire real property and carry out the military construction project for the location outside the United States, and in the amount, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Korea	Camp Casey	$8,000,000

(c) IMPROVEMENT OF ARMY FAMILY HOUSING AT WHITE SANDS MISSILE RANGE, NEW MEXICO.—In addition to the projects authorized by section 2103, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), as increased by subsection (d), the Secretary of the Army may also improve existing military family housing units (36 units) at White Sands Missile Range, New Mexico, in an amount not to exceed $3,650,000.

(d) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS, ARMY MILITARY CONSTRUCTION.—(1) The total amount authorized to be appropriated by section 2104(a) is hereby increased by $74,100,000.

(2) The amount authorized to be appropriated by section 2104(a)(1) is hereby increased by $62,450,000.

(3) The amount authorized to be appropriated by section 2104(a)(2) is hereby increased by $8,000,000.

(4) The amount authorized to be appropriated by section 2104(a)(5)(A) is hereby increased by $3,650,000.

(e) ADDITIONAL NAVY CONSTRUCTION PROJECTS INSIDE THE UNITED STATES.—In addition to the projects authorized by section 2201(a), and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), as increased by subsection (g), the Secretary of the Navy may also acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Florida	Naval Station, Mayport	$3,400,000
Maine	Naval Air Station, Brunswick	$15,220,000
Pennsylvania	Naval Inventory Control Point, Mechanisburg.	$1,600,000
	Naval Inventory Control Point, Philadelphia.	$1,550,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
South Carolina.	Marine Corps Recruit Depot, Parris Island.	$8,030,000

(f) IMPROVEMENT OF NAVY FAMILY HOUSING AT WHIDBEY ISLAND NAVAL AIR STATION, WASHINGTON.—In addition to the projects authorized by section 2203, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), as increased by subsection (g), the Secretary of the Navy may also improve existing military family housing units (80 units) at Whidbey Island Naval Air Station, Washington, in an amount not to exceed $5,800,000.

(g) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS, NAVY MILITARY CONSTRUCTION.—(1) The total amount authorized to be appropriated by section 2204(a) is hereby increased by $35,600,000.

(2) The amount authorized to be appropriated by section 2204(a)(1) is hereby increased by $29,800,000.

(3) The amount authorized to be appropriated by section 2204(a)(5)(A) is hereby increased by $5,800,000.

(h) ADDITIONAL AIR FORCE CONSTRUCTION PROJECTS INSIDE THE UNITED STATES.—In addition to the projects authorized by section 2301(a), and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), as increased by subsection (k), the Secretary of the Air Force may also acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Colorado	Falcon Air Force Station	$5,800,000
Georgia	Robins Air Force Base	$6,000,000
Louisiana	Barksdale Air Force Base	$9,300,000
North Dakota	Grand Forks Air Force Base	$8,800,000
Ohio	Wright-Patterson Air Force Base	$4,600,000
Texas	Goodfellow Air Force Base	$7,300,000
Wyoming	F.E. Warren Air Force Base	$3,850,000

(i) CONSTRUCTION AND ACQUISITION OF AIR FORCE FAMILY HOUSING.—In addition to the projects authorized by section 2302(a), and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), as increased by subsection (k), the Secretary of the Air Force may also construct or acquire family housing units (including land acquisition) at the installation, for the purpose, and in the amount set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
Montana	Malmstrom Air Force Base.	62 Units	$12,300,000

(j) IMPROVEMENT OF AIR FORCE FAMILY HOUSING.—In addition to the projects authorized by section 2303, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), as increased by subsection (k), the Secretary of the Air Force may also improve existing military family housing units as follows:

(1) Travis Air Force Base, California, 105 units, in an amount not to exceed $10,500,000.

(2) Moody Air Force Base, Georgia, 68 units, in an amount not to exceed $5,220,000.

(3) McGuire Air Force Base, New Jersey, 50 units, in an amount not to exceed $5,800,000.

(4) Seymour Johnson Air Force Base, North Carolina, 95 units, in an amount not to exceed $10,830,000.

(k) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS, AIR FORCE MILITARY CONSTRUCTION.—(1) The total amount authorized to be appropriated by section 2304(a) is hereby increased by $90,300,000.

(2) The amount authorized to be appropriated by section 2304(a)(1) is hereby increased by $45,650,000.

(3) The amount authorized to be appropriated by section 2304(a)(5)(A) is hereby increased by $44,650,000.

SEC. 2705. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1998; or

(2) the date of enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. MODIFICATION OF AUTHORITY RELATING TO ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.

(a) COVERED PROJECTS.—Subsection (a) of section 2807 of title 10, United States Code, is amended in the first sentence by striking out ''not otherwise authorized by law.'' and inserting in lieu thereof ''without regard to the authority under this chapter utilized in carrying out the projects and without regard to whether the projects are authorized by law.''.

(b) INCREASE IN THRESHOLD FOR NOTICE TO CONGRESS.—Subsection (b) of that section is amended by striking out ''$300,000'' and inserting in lieu thereof ''$500,000''.

(c) AVAILABILITY OF APPROPRIATIONS.—Subsection (d) of that section is amended by striking out ''study, planning, design, architectural, and engineering services'' and inserting in lieu thereof ''architectural and engineering services and construction design''.

SEC. 2802. EXPANSION OF ARMY OVERSEAS FAMILY HOUSING LEASE AUTHORITY.

(a) ALTERNATIVE MAXIMUM UNIT AMOUNTS.—Section 2828(e) of title 10, United States Code, is amended—

(1) in paragraph (2), by inserting, '', and the Secretary of the Army may lease not more than 500 units of family housing in Italy,'' after ''family housing in Italy'';

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

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

''(3) In addition to the 450 units of family housing referred to in paragraph (1) for which the maximum lease amount is $25,000 per unit per year, the Secretary of the Army may lease not more than 800 units of family housing in Korea subject to that maximum lease amount.''.

(b) CONFORMING AMENDMENT.—Paragraph (4) of that section, as redesignated by subsection (a)(2) of this section, is amended by striking out ''and (2)'' and inserting in lieu thereof '', (2), and (3)''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. INCREASE IN THRESHOLDS FOR REPORTING REQUIREMENTS RELATING TO REAL PROPERTY TRANSACTIONS.

Section 2662 of title 10, United States Code, is amended by striking out ''$200,000'' each place it appears in subsections (a), (b), and (e) and inserting in lieu thereof ''$500,000''.

SEC. 2812. EXCEPTIONS TO REAL PROPERTY TRANSACTION REPORTING REQUIREMENTS FOR WAR AND CERTAIN EMERGENCY AND OTHER OPERATIONS.

(a) EXCEPTIONS.—Section 2662 of title 10, United States Code, as amended by section 2811 of this Act, is further amended by adding at the end the following:

''(g) EXCEPTIONS FOR TRANSACTIONS FOR WAR AND CERTAIN EMERGENCY AND OTHER OPERATIONS.—(1) The reporting requirement set forth in subsection (a) shall not apply with respect to a real property transaction otherwise covered by that subsection, and the reporting requirement set forth in subsection (e) shall not apply with respect to a real property transaction otherwise covered by that subsection, if such transaction is made as a result of the following:

''(A) A declaration of war.

''(B) A declaration of a national emergency by the President pursuant to the National Emergencies Act (Public Law 94–412; 50 U.S.C. 1601 et seq.).

''(C) A declaration of an emergency or major disaster pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(D) The use of the militia or the armed forces after a proclamation to disperse under section 334 of this title.

''(E) A contingency operation.

''(2) The reporting requirement set forth in subsection (a) shall not apply with respect to

a real property transaction otherwise covered by that subsection if the Secretary concerned determines that—

''(A) an event listed in paragraph (1) is imminent; and

''(B) the transaction is necessary for purposes of preparation for such event.

''(3) Not later than 30 days after entering into a real property transaction covered by paragraph (1) or (2), the Secretary concerned shall submit to the committees named in subsection (a) a report on the transaction. The report shall set forth any facts or information which would otherwise have been submitted in a report on the transaction under subsection (a) or (e), as the case may be, but for the operation of paragraph (1) or (2).''.

(b) AMENDMENTS FOR STYLISTIC UNIFORMITY.—That section is further amended—

(1) in subsection (a), by inserting ''GENERAL NOTICE AND WAIT REQUIREMENTS.—'' after ''(a)'';

(2) in subsection (b), by inserting ''ANNUAL REPORTS ON CERTAIN MINOR TRANSACTIONS.—'' after ''(b)'';

(3) in subsection (c), by inserting ''GEOGRAPHIC SCOPE; EXCEPTED PROJECTS.—'' after ''(c)'';

(4) in subsection (d), by inserting ''STATEMENTS OF COMPLIANCE IN TRANSACTION INSTRUMENTS.—'' after ''(d)'';

(5) in subsection (e), by inserting ''NOTICE AND WAIT REGARDING LEASES OF SPACE FOR DOD BY GSA.—'' after ''(e)''; and

(6) in subsection (f), by inserting ''REPORTS ON TRANSACTIONS INVOLVING INTELLIGENCE COMPONENTS.—'' after ''(f)''.

SEC. 2813. WAIVER OF APPLICABILITY OF PROPERTY DISPOSAL LAWS TO LEASES AT INSTALLATIONS TO BE CLOSED OR REALIGNED UNDER THE BASE CLOSURE LAWS.

Section 2667(f) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

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

''(2) The Secretary of a military department may waive the applicability of a provision of title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.) that is inconsistent with a provision of this subsection if the waiver is required for purposes of a lease of property under this subsection.''.

SEC. 2814. RESTORATION OF DEPARTMENT OF DEFENSE LANDS USED BY ANOTHER FEDERAL AGENCY.

(a) RESTORATION AS TERM OF AGREEMENT.—Section 2691 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) As a condition of any lease, permit, license, or other grant of access entered into by the Secretary of a military department with another Federal agency authorizing the agency to use lands under the control of the Secretary, the Secretary may require the agency to agree to remove any improvements and to take any other action necessary in the judgment of the Secretary to restore the land used by the agency to its condition before its use by the agency.

''(2) In lieu of performing any removal or restoration work under paragraph (1), a Federal agency may elect, with the consent of the Secretary, to reimburse the Secretary for the costs incurred by the military department in performing such removal and restoration work.''.

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

''§ 2691. Restoration of land used by permit or lease''.

(2) The table of sections at the beginning of chapter 159 of title 10, United States Code, is amended by striking the item relating to section 2691 and inserting in lieu thereof the following new item:

''2691. Restoration of land used by permit or lease.''.

Subtitle C—Land Conveyances

SEC. 2821. LAND CONVEYANCE, INDIANA ARMY AMMUNITION PLANT, CHARLESTOWN, INDIANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Indiana Army Ammunition Plant Reuse Authority (in this section referred to as the ''Reuse Authority'') all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of up to approximately 4660 acres located at the Indiana Army Ammunition Plant, Charlestown, Indiana, for the purpose of developing the parcel as an industrial park to replace all or part of the economic activity lost at the inactivated plant.

(b) CONSIDERATION.—Except as provided in subsection (d), as consideration for the conveyance under subsection (a), the Reuse Authority shall pay to the Secretary an amount equal to the fair market value of the conveyed property as of the time of the conveyance, determined by the Secretary in accordance with Federal appraisal standards and procedures.

(c) TIME FOR PAYMENT.—The consideration required under subsection (b) shall be paid by the Reuse Authority at the end of the 10-year period beginning on the date on which the conveyance under subsection (a) is completed.

(d) EFFECT OF RECONVEYANCE OR LEASE.—(1) If the Reuse Authority reconveys all or any part of the conveyed property during the 10-year period specified in subsection (c), the Reuse Authority shall pay to the United States an amount equal to the fair market value of the reconveyed property as of the time of the reconveyance, excluding the value of any improvements made to the property by the Reuse Authority, determined by the Secretary in accordance with Federal appraisal standards and procedures.

(2) The Secretary may treat a lease of the property within such 10-year period as a reconveyance if the Secretary determines that the lease is being used to avoid application of paragraph (1).

(e) DEPOSIT OF PROCEEDS.—The Secretary shall deposit any proceeds received under subsection (b) or (d) in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)).

(f) ADMINISTRATIVE EXPENSES.—In connection with the conveyance under subsection (a), the Secretary may accept amounts provided by the Reuse Authority or other persons to cover administrative expenses incurred by the Secretary in making the conveyance. Amounts received under this subsection for administrative expenses shall be credited to the appropriation, fund, or account from which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation, fund, or account and shall be available for the same purposes and subject to the same limitations as the funds with which merged.

(g) DESCRIPTION OF PROPERTY.—The property to be conveyed under subsection (a) includes the administrative area of the Indiana Army Ammunition Plant as well as open space in the southern end of the plant. The exact acreage and legal description of the property to be conveyed shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Reuse Authority.

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

SEC. 2822. LAND CONVEYANCE, ARMY RESERVE CENTER, BRIDGTON, MAINE.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Army may convey, without consideration, to the Town of Bridgton, Maine (in this section referred to as the ''Town''), all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, consisting of approximately 3.65 acres and located in Bridgton, Maine, the site of the Army Reserve Center, Bridgton, Maine.

(2) The conveyance is for the public benefit and will facilitate the expansion of the municipal office complex in Bridgton, Maine.

(b) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used by the Town for purposes of a municipal office complex, all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

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

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

SEC. 2823. LAND CONVEYANCE, VOLUNTEER ARMY AMMUNITION PLANT, CHATTANOOGA, TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to Hamilton County, Tennessee (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 1033 acres located at the Volunteer Army Ammunition Plant, Chattanooga, Tennessee, for the purpose of developing the parcel as an industrial park to replace all or part of the economic activity lost at the inactivated plant.

(b) CONSIDERATION.—Except as provided in subsection (d), as consideration for the conveyance under subsection (a), the County shall pay to the Secretary an amount equal to the fair market value of the conveyed property as of the time of the conveyance, determined by the Secretary in accordance with Federal appraisal standards and procedures.

(c) TIME FOR PAYMENT.—The consideration required under subsection (b) shall be paid by the County at the end of the 10-year period beginning on the date on which the conveyance under subsection (a) is completed.

(d) EFFECT OF RECONVEYANCE OR LEASE.—(1) If the County reconveys all or any part of the conveyed property during the 10-year period specified in subsection (c), the County shall pay to the United States an amount equal to the fair market value of the reconveyed property as of the time of the reconveyance, excluding the value of any improvements made to the property by the County, determined by the Secretary in accordance with Federal appraisal standards and procedures.

(2) The Secretary may treat a lease of the property within such 10-year period as a reconveyance if the Secretary determines that

the lease is being used to avoid application of paragraph (1).

(e) DEPOSIT OF PROCEEDS.—The Secretary shall deposit any proceeds received under subsection (b) or (d) in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)).

(f) EFFECT ON EXISTING LEASES.—The conveyance of the real property under subsection (a) shall not affect the terms or length of any contract entered into by the Secretary before the date of the enactment of this Act with regard to the property to be conveyed.

(g) ADMINISTRATIVE EXPENSES.—In connection with the conveyance under subsection (a), the Secretary may accept amounts provided by the County or other persons to cover administrative expenses incurred by the Secretary in making the conveyance. Amounts received under this subsection for administrative expenses shall be credited to the appropriation, fund, or account from which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation, fund, or account and shall be available for the same purposes and subject to the same limitations as the funds with which merged.

(h) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the 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 County.

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

SEC. 2824. RELEASE OF INTERESTS IN REAL PROPERTY, FORMER KENNEBEC ARSENAL, AUGUSTA, MAINE.

(a) AUTHORITY TO RELEASE.—The Secretary of the Army may release, without consideration, all right, title, and interest of the United States in and to the real property described in subsection (b).

(b) COVERED PROPERTY.—The real property referred to in subsection (a) is the parcel of real property consisting of approximately 40 acres located in Augusta, Maine, and formerly known as the Kennebec Arsenal, which parcel was conveyed by the Secretary of War to the State of Maine under the provisions of the Act entitled ''An Act Authorizing the Secretary of War to convey the Kennebec Arsenal property, situated in Augusta, Maine, to the State of Maine for public purposes'', approved March 3, 1905 (33 Stat. 1270), as amended by section 771 of the Department of Defense Appropriations Act, 1981 (Public Law 96–527; 94 Stat. 3093).

(c) INSTRUMENT OF RELEASE.—The Secretary of the Army shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests authorized by this section.

SEC. 2825. LAND EXCHANGE, NAVAL RESERVE READINESS CENTER, PORTLAND, MAINE.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey to the Gulf of Maine Aquarium Development Corporation, Portland, Maine (in this section referred to as the ''Corporation''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 3.72 acres in Portland, Maine, the site of the Naval Reserve Readiness Center, Portland, Maine.

(2) As part of the conveyance under paragraph (1), the Secretary shall also convey to the Corporation any interest of the United States in the submerged lands adjacent to the real property conveyed under that paragraph that is appurtenant to the real property conveyed under that paragraph.

(3) The purpose of the conveyance under this subsection is to facilitate economic development in accordance with the plan of the Corporation for the construction of an aquarium and marine research facility in Portland, Maine.

(b) CONSIDERATION.—(1) As consideration for the conveyance authorized by subsection (a), the Corporation shall provide for such facilities as the Secretary determines appropriate for the Naval Reserve to replace the facilities conveyed under that subsection—

(A) by—

(i) conveying to the United States all right, title, and interest in and to a parcel of real property determined by the Secretary to be an appropriate location for such facilities; and

(ii) designing and constructing such facilities on the parcel of real property conveyed under clause (i); or

(B) by designing and constructing such facilities on such parcel of real property under the jurisdiction of the Secretary as the Secretary shall specify.

(2) The Secretary shall select the form of consideration under paragraph (1) for the conveyance under subsection (a).

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a)(1), of any interest to be conveyed under subsection (a)(2), and of the real property, if any, to be conveyed under subsection (b)(1)(A)(i), shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Corporation.

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

SEC. 2826. LAND CONVEYANCE, AIR FORCE STATION, LAKE CHARLES, LOUISIANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to McNeese State University in Lake Charles, Louisiana (in this section referred to as the ''University''), all right, title, and interest of the United States in and to approximately 4.38 acres of real property, including improvements thereon, located in Lake Charles, Louisiana, and comprising the Lake Charles Air Force Station.

(b) CONDITIONS OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the following conditions:

(1) That the University accept the property subject to such easements or rights of way as the Secretary considers appropriate.

(2) That the University utilize the property as the site of a research facility.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with subsection (b)(2), all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

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

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

SEC. 2827. EXPANSION OF LAND CONVEYANCE AUTHORITY, EGLIN AIR FORCE BASE, FLORIDA.

Section 809(c) of the Military Construction Authorization Act, 1979 (Public Law 95–356; 92 Stat. 587), as amended by section 2826 of the Military Construction Authorization Act, 1989 (division B of Public Law 100–456; 102 Stat. 2123), is further amended by striking out ''and a third parcel containing forty-two acres'' and inserting in lieu thereof '', a third parcel containing forty-two acres, a fourth parcel containing approximately 3.43 acres, and a fifth parcel containing approximately 0.56 acres''.

SEC. 2828. CONVEYANCE OF WATER RIGHTS AND RELATED INTERESTS, ROCKY MOUNTAIN ARSENAL, COLORADO, FOR PURPOSES OF ACQUISITION OF PERPETUAL CONTRACTS FOR WATER.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (c), the Secretary of the Army may convey any and all interest of the United States in the water rights and related rights at Rocky Mountain Arsenal, Colorado, described in subsection (b) to the City and County of Denver, Colorado, acting through its Board of Water Commissioners.

(b) COVERED WATER RIGHTS AND RELATED RIGHTS.—The water rights and related rights authorized to be conveyed under subsection (a) are the following:

(1) Any and all interest in 300 acre rights to water from Antero Reservoir as set forth in Antero Reservoir Contract No. 382 dated August 22, 1923, for 160 acre rights; Antero Reservoir Contract No. 383 dated August 22, 1923, for 50 acre rights; Antero Reservoir Contract No. 384 dated October 30, 1923, for 40 acre rights; Antero Reservoir Contract No. 387 dated March 3, 1923, for 50 acre rights; and Supplemental Contract No. 382–383–384–387 dated July 24, 1932, defining the amount of water to be delivered under the 300 acre rights in the prior contracts as 220 acre feet.

(2) Any and all interest in the 305 acre rights of water from the High Line Canal, diverted at its headgate on the South Platte River and delivered to the Fitzsimons Army Medical Center and currently subject to cost assessments pursuant to Denver Water Department contract #001990.

(3) Any and all interest in the 2,603.55 acre rights of water from the High Line Canal, diverted at its headgate on the South Platte River and delivered to the Rocky Mountain Arsenal in Adams County, Colorado, and currently subject to cost assessments by the Denver Water Department, including 680 acre rights transferred from Lowry Field to the Rocky Mountain Arsenal by the October 5, 1943, agreement between the City and County of Denver, acting by and through its Board of Water Commissioners, and the United States of America.

(4) Any and all interest in 4,058.34 acre rights of water not currently subject to cost assessments by the Denver Water Department.

(5) A new easement for the placement of water lines approximately 50 feet wide inside the Southern boundary of Rocky Mountain Arsenal and across the Reserve Center along the northern side of 56th Avenue.

(6) A permanent easement for utilities where Denver has an existing temporary easement near the southern and western boundaries of Rocky Mountain Arsenal.

(c) CONSIDERATION.—(1) The Secretary of the Army may make the conveyance under subsection (a) only if the Board of Water Commissioners, on behalf of the City and County of Denver, Colorado—

(A) enters into a permanent contract with the Secretary of the Army for purposes of ensuring the delivery of nonpotable water and potable water to Rocky Mountain Arsenal; and

(B) enters into a permanent contract with the Secretary of the Interior for purposes of ensuring the delivery of nonpotable water and potable water to Rocky Mountain Arsenal National Wildlife Refuge, Colorado.

(2) Section 2809(e) of title 10, United States Code, shall not operate to limit the term of the contract entered into under paragraph (1)(A).

(d) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary of the Army may not make the conveyance authorized by subsection (a) until the execution of the proposed agreement provided for under subsection (c) between the City and County of Denver, Colorado, acting through its Board of Water Commissioners, the South Adams County Water and Sanitation District, the United States Fish and Wildlife Service, and the Army.

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

SEC. 2829. LAND CONVEYANCE, NAVAL AIR RESERVE CENTER, MINNEAPOLIS, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without any consideration other than the consideration provided for under subsection (c), to the Minneapolis-St. Paul Metropolitan Airports Commission, Minnesota (in this section referred to as the ''Commission''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 32 acres located in Minneapolis, Minnesota, and comprising the Naval Air Reserve Center, Minneapolis, Minnesota. The purpose of the conveyance is to facilitate expansion of the Minneapolis-St. Paul International Airport.

(b) ALTERNATIVE LEASE AUTHORITY.—(1) The Secretary may, in lieu of the conveyance authorized by subsection (a), elect to lease the property referred to in that subsection to the Commission if the Secretary determines that a lease of the property would better serve the interests of the United States.

(2) Notwithstanding any other provision of law, the term of the lease under this subsection may not exceed 99 years.

(3) The Secretary may not require any consideration as part of the lease under this subsection other than the consideration provided for under subsection (c).

(c) CONSIDERATION.—As consideration for the conveyance under subsection (a), or the lease under subsection (b), the Commission shall—

(1) provide for such facilities as the Secretary considers appropriate for the Naval Reserve to replace the facilities conveyed or leased under this section—

(A) by—

(i) conveying to the United States, without any consideration other than the consideration provided for under subsection (a), all right, title, and interest in and to a parcel of real property determined by the Secretary to be an appropriate location for such facilities, if the Secretary elects to make the conveyance authorized by subsection (a); or

(ii) leasing to the United States, for a term of 99 years and without any consideration other than the consideration provided for under subsection (b), a parcel of real property determined by the Secretary to be an appropriate location for such facilities, if the Secretary elects to make the lease authorized by subsection (b); and

(B) assuming the costs of designing and constructing such facilities on the parcel conveyed or leased under subparagraph (A); and

(2) assume any reasonable costs incurred by the Secretary in relocating the operations of the Naval Air Reserve Center to the facilities constructed under paragraph (1)(B).

(d) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not make the conveyance authorized by subsection (a), or enter into the lease authorized by subsection (b), until the facilities to be constructed under subsection (c) are available for the relocation of the operations of the Naval Air Reserve Center.

(e) AGREEMENT RELATING TO CONVEYANCE.—If the Secretary determines to proceed with the conveyance authorized by subsection (a), or the lease authorized by subsection (b), the Secretary and the Commission shall enter into an agreement specifying the terms and conditions under which the conveyance or lease will occur.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), or leased under subsection (b), and to be conveyed or leased under subsection (c)(1)(A), shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Commission.

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

SEC. 2830. LAND CONVEYANCE, ARMY RESERVE CENTER, PEORIA, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Peoria School District #150 of Peoria, Illinois (in this section referred to as the ''School District''), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) comprising the location of the Army Reserve Center located at 1429 Northmoor Road in Peoria, Illinois, for the purposes of staff, student and community education and training, additional maintenance and transportation facilities, and for other purposes.

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

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with subsection (a), all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

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

SEC. 2830A. LAND CONVEYANCE, SKANEATELES, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Town of Skaneateles, New York (in this section referred to as the ''Town''), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 147.10 acres in Skaneateles, New York, and commonly known as the ''Federal Farm''. The purpose of the conveyance is to permit the Town to develop the parcel for public benefit, including for recreational purposes.

(b) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used by the Town in accordance with that subsection, all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

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

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

SEC. 2830B. REAUTHORIZATION OF LAND CONVEYANCE, ARMY RESERVE CENTER, YOUNGSTOWN, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Youngstown, Ohio (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, that is located at 399 Miller Street in Youngstown, Ohio, and contains the Kefurt Army Reserve Center.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City retain the conveyed property for purposes of activities relating to public schools in Youngstown, Ohio.

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

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

(e) REPEAL OF SUPERSEDED AUTHORITY.—Section 2861 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 573) is repealed.

SEC. 2830C. CONVEYANCE OF UTILITY SYSTEMS, LONE STAR ARMY AMMUNITION PLANT, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey at fair market value all right, title, and interest of the United States in and to any utility system, or part thereof, including any real property associated with such system, at the Lone Star Army Ammunition Plant, Texas, to the redevelopment authority for the Red River Army Depot, Texas, in conjunction with the disposal of property at the Depot under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(b) CONSTRUCTION.—Nothing in subsection (a) may be construed to prohibit or otherwise limit the Secretary from conveying any utility system referred to in that subsection under any other provision of law, including section 2688 of title 10, United States Code.

(c) UTILITY SYSTEM DEFINED.—In this section, the term ''utility system'' has the meaning given that term in section 2688(g) of title 10, United States Code.

SEC. 2830D. MODIFICATION OF LAND CONVEYANCE AUTHORITY, FINLEY AIR FORCE STATION, FINLEY, NORTH DAKOTA.

Section 2835 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3063) is amended—

(1) by striking out subsections (a), (b), and (c) and inserting in lieu thereof the following new subsections (a), (b), and (c):

''(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to the City of Finley, North Dakota (in this section referred to as the 'City'), all right, title, and interest of the United States in and to the parcels of real property, including any improvements thereon, in the vicinity of Finley, North Dakota, described in paragraph (2).

''(2) The real property referred to in paragraph (1) is the following:

''(A) A parcel of approximately 14 acres that served as the support complex of the Finley Air Force Station and Radar Site.

''(B) A parcel of approximately 57 acres known as the Finley Air Force Station Complex.

''(C) A parcel of approximately 6 acres that includes a well site and wastewater treatment system.

''(3) The purpose of the conveyance authorized by paragraph (1) is to encourage and facilitate the economic redevelopment of Finley, North Dakota, following the closure of the Finley Air Force Station and Radar Site.

''(b) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for purposes of the economic development of Finley, North Dakota, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

''(c) ABATEMENT.—The Secretary of the Air Force may, prior to conveyance, abate any hazardous substances in the improvements to be conveyed.''.

Subtitle D—Other Matters

SEC. 2831. PURCHASE OF BUILD-TO-LEASE FAMILY HOUSING AT EIELSON AIR FORCE BASE, ALASKA.

(a) AUTHORITY TO PURCHASE.—The Secretary of the Air Force may purchase the entire interest of the developer in the military family housing project at Eielson Air Force Base, Alaska, described in subsection (b) if the Secretary determines that the purchase is in the best economic interests of the Air Force.

(b) DESCRIPTION OF PROJECT.—The military family housing project referred to in this section is the 366-unit military family housing project at Eielson Air Force Base that was constructed by the developer and is being leased by the Secretary under the authority of former subsection (g) of section 2828 of title 10, United States Code (now section 2835 of such title), as added by section 801 of the Military Construction Authorization Act, 1984 (Public Law 98–115; 97 Stat. 782).

(c) PURCHASE PRICE.—The purchase price to be paid by the Secretary under this section for the interest of the developer in the military family housing project may not exceed an amount equal to the amount of the outstanding indebtedness of the developer to the lender for the project that would have remained at the time of the purchase under this section if the developer had paid down its indebtedness to the lender for the project in accordance with the original debt instruments for the project.

(d) TIME FOR PURCHASE.—(1) Subject to paragraph (2), the Secretary may elect to make the purchase authorized by subsection (a) at any time during or after the term of the lease for the military family housing project.

(2) The Secretary may not make the purchase until 30 days after the date on which the Secretary notifies the congressional defense committees of the Secretary's election to make the purchase under paragraph (1).

SEC. 2832. BEACH REPLENISHMENT, SAN DIEGO, CALIFORNIA.

(a) PROJECT AUTHORIZED.—The Secretary of the Navy may, using funds available under subsection (b), carry out beach replenishment in and around San Diego, California. The Secretary may use sand obtained from any location for the replenishment.

(b) FUNDING.—Subject to subsection (c), the Secretary shall carry out the beach replenishment authorized by subsection (a) using the following:

(1) Amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2769) for the project authorized by section 2201(a) of that Act (110 Stat. 2766) at Naval Air Station North Island, California, that remain available for obligation and expenditure on the date of enactment of this Act.

(2) Amounts contributed to the cost of such project by the State of California and by local governments under the agreement under section 2205 of that Act (110 Stat. 2770).

(c) LIMITATION ON UNITED STATES SHARE OF COST.—The amount utilized by the Secretary under subsection (b)(1) for the beach replenishment authorized by subsection (a) may not exceed $9,630,000.

(d) TREATMENT OF CONTRIBUTIONS.—(1)(A) The Secretary shall credit any contributions that the Secretary receives from the State of California and local governments under the agreement referred to in subsection (b)(2) to the account to which amounts were appropriated pursuant to the authorization of appropriations referred to in subsection (b)(1) for the project referred to in such subsection (b)(1).

(B) Amounts credited under subparagraph (A) shall be merged with funds in the account to which credited.

(2) The amount of contributions credited under paragraph (1) may be applied only to costs of beach replenishment under this section that are incurred after the date of enactment of this Act.

(e) NOTICE AND WAIT.—The Secretary may not obligate funds to carry out the beach replenishment authorized by subsection (a) until 30 days after the date on which the Secretary submits to the congressional defense committees a report setting forth the following:

(1) An explanation why the sand originally proposed to be utilized for the purpose of beach replenishment under the project relating to Naval Air Station North Island authorized in section 2201(a)(1) of the Military Construction Authorization Act for Fiscal Year 1997 could not be utilized for that purpose.

(2) A comprehensive explanation why the beach replenishment plan at Naval Air Station North Island covered by such project was abandoned.

(3) A description of any administrative action taken against any agency or individual as a result of the abandonment of the plan.

(4) A statement of the total amount of funds available under subsection (b) for the beach replenishment authorized by subsection (a).

(5) A statement of the amount of the contributions of the State of California and local governments under the agreement referred to in subsection (b)(2).

(6) An estimate of the total cost of the beach replenishment authorized by subsection (a).

(7) The total amount of financial aid the State of California has received from the Federal Government for the purpose of beach restoration and replenishment during the 10-year period ending on the date of enactment of this Act.

(8) The amount of financial aid the State of California has requested from the Federal Government for the purpose of beach restoration or replenishment as a result of the 1997–1998 El Niño event.

(9) A current analysis that compares the costs and benefits of homeporting the U.S.S. John C. Stennis (CVN–74) at Naval Station North Island with the costs and benefits of homeporting that vessel at Naval Station Pearl Harbor, Hawaii, and the costs and benefits of homeporting that vessel at Naval Station Bremerton, Washington.

(f) REPEAL OF SUPERSEDED AUTHORITY.—Section 2205 of the Military Construction Authorization Act for Fiscal Year 1997 is repealed.

SEC. 2833. MODIFICATION OF AUTHORITY RELATING TO DEPARTMENT OF DEFENSE LABORATORY REVITALIZATION DEMONSTRATION PROGRAM.

(a) PROGRAM REQUIREMENTS.—Subsection (c) of section 2892 of the National Defense Authorization for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 590; 10 U.S.C. 2805 note) is amended to read as follows:

''(c) PROGRAM REQUIREMENTS.—(1) Not later than 30 days before commencing the program, the Secretary shall establish procedures for the review and approval of requests from Department of Defense laboratories for construction under the program.

''(2) The laboratories at which construction may be carried out under the program may not include Department of Defense laboratories that are contractor-owned.''.

(b) REPORT.—Subsection (d) of that section is amended to read as follows:

''(d) REPORT.—Not later than February 1, 2003, the Secretary shall submit to Congress a report on the program. The report shall include the Secretary's conclusions and recommendation regarding the desirability of making the authority set forth under subsection (b) permanent.''.

(c) EXTENSION.—Subsection (g) of that section is amended by striking out ''September 30, 1998'' and inserting in lieu thereof ''September 30, 2003''.

SEC. 2834. REPORT AND REQUIREMENT RELATING TO "1 PLUS 1 BARRACKS INITIATIVE".

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to Congress a report on the costs and benefits of implementing the initiative to build single occupancy barracks rooms with a shared bath, the so-called ''1 plus 1 barracks initiative''.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A justification for the initiative referred to in subsection (a), including a description of the manner in which the initiative is designed to assure the retention of first-term enlisted members of the Armed Forces in adequate numbers.

(2) A description of the experiences of the military departments with the retention of first-term enlisted members of the Armed Forces, including—

(A) a comparison of such experiences before implementation of the initiative with such experiences after implementation of the initiative; and

(B) an analysis of the basis for any change in retention rates of such members that has

arisen since implementation of the initiative.

(3) Any information indicating that the lack of single occupancy barracks rooms with a shared bath has been or is the basis of the decision of first-term members of the Armed Forces not to reenlist in the Armed Forces.

(4) Any information indicating that the lack of such barracks rooms has hampered recruitment for the Armed Forces or that the construction of such barracks rooms would substantially improve recruitment.

(5) The cost for each Armed Force of implementing the initiative, including the amount of funds obligated or expended on the initiative before the date of enactment of this Act and the amount of funds required to be expended after that date to complete the initiative.

(6) The views of each of the Chiefs of Staff of the Armed Forces regarding the initiative and regarding any alternatives to the initiative having the potential of assuring the retention of first-term enlisted members of the Armed Forces in adequate numbers.

(7) A cost-benefit analysis of the initiative.

(c) LIMITATION ON FY 2000 FUNDING REQUEST.—The Secretary of Defense may not submit to Congress any request for funding for the so-called ''1 plus 1 barracks initiative'' in fiscal year 2000 unless the Secretary certifies to Congress that further implementation of the initiative is necessary in order to assure the retention of first-term enlisted members of the Armed Forces in adequate numbers.

SEC. 2835. DEVELOPMENT OF FORD ISLAND, HAWAII.

Not later than December 1, 1998, the Secretary of Defense shall submit to the President and the congressional defense committees a report regarding the potential for development of Ford Island within the Pearl Harbor Naval Complex, Oahu, Hawaii through an integrated resourcing plan incorporating both appropriated funds and one or more public-private ventures. This report shall consider innovative resource development measures, including but not limited to, an enhanced-use leasing program similar to that of the Department of Veterans Affairs as well as the sale or other disposal of land in Hawaii under the control of the Navy as part of an overall program for Ford Island development. The report shall include proposed legislation for carrying out the measures recommended therein.

SEC. 2836. REPORT ON LEASING AND OTHER ALTERNATIVE USES OF NON-EXCESS MILITARY PROPERTY.

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

(1) The Secretary of Defense, with the support of the chiefs of staff of the Armed Forces, is calling for the closure of additional military installations in the United States as a means of eliminating excess capacity in such installations.

(2) Excess capacity in Department of Defense installations is a valuable asset, and the utilization of such capacity presents a potential economic benefit for the Department and the Nation.

(3) The experiences of the Department have demonstrated that the military departments and private businesses can carry out activities at the same military installation simultaneously.

(4) Section 2667 of title 10, United States Code, authorizes the Secretaries of the military departments to lease, upon terms that promote the national defense or are in the public interest, real property that is—

(A) under the control of such departments;

(B) not for the time needed for public use; and

(C) not excess to the requirements of the United States.

(b) REPORT.—Not later than February 1, 1999, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report setting forth the following:

(1) The number and purpose of the leases entered into under section 2667 of title 10, United States Code, during the five-year period ending on the date of enactment of this Act.

(2) The types and amounts of payments received under the leases specified in paragraph (1).

(3) The costs, if any, foregone as a result of the leases specified in paragraph (1).

(4) A discussion of the positive and negative aspects of leasing real property and surplus capacity at military installations to the private sector, including the potential impact on force protection.

(5) A description of the current efforts of the Department of Defense to identify for the private sector any surplus capacity at military installations that could be leased or otherwise used by the private sector.

(6) A proposal for any legislation that the Secretary considers appropriate to enhance the ability of the Department to utilize surplus capacity in military installations in order to improve military readiness, achieve cost savings with respect to such installations, or decrease the cost of operating such installations.

(7) An estimate of the amount of income that could accrue to the Department as a result of the enhanced authority proposed under paragraph (6) during the five-year period beginning on the effective date of such enhanced authority.

(8) A discussion of the extent to which any such income should be reserved for the use of the installations exercising such authority and of the extent to which installations are likely to enter into such leases if they cannot retain such income.

SEC. 2837. EMERGENCY REPAIRS AND STABILIZATION MEASURES, FOREST GLEN ANNEX OF WALTER REED ARMY MEDICAL CENTER, MARYLAND.

Of the amounts authorized to be appropriated by this Act, $2,000,000 may be available for the completion of roofing and other emergency repairs and stabilization measures at the historic district of the Forest Glen Annex of Walter Reed Army Medical Center, Maryland, in accordance with the plan submitted under section 2865 of the National Defense Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2806).

Subtitle E—Base Closures

SEC. 2851. MODIFICATION OF LIMITATIONS ON GENERAL AUTHORITY RELATING TO BASE CLOSURES AND REALIGNMENTS.

(a) ACTIONS COVERED BY NOTICE AND WAIT PROCEDURES.—Subsection (a) of section 2687 of title 10, United States Code, is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following new paragraphs (1) and (2)—

''(1) the closure of any military installation at which at least 225 civilian personnel are authorized to be employed;

''(2) any realignment with respect to a military installation referred to in paragraph (1) if such realignment will result in an aggregate reduction in the number of civilian personnel authorized to be employed at such military installation during the fiscal year in which notice of such realignment is submitted to Congress under subsection (b) equal to or greater than—

''(A) 750 such civilian personnel; or

''(B) the number equal to 40 percent of the total number of civilian personnel authorized to be employed at such military installation at the beginning of such fiscal year; or''.

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

(1) in paragraph (3), by inserting ''(including a consolidation)'' after ''any action''; and

(2) by adding at the end the following:

''(5) The term 'closure' includes any action to inactivate or abandon a military installation or to transfer a military installation to caretaker status.''.

SEC. 2852. PROHIBITION ON CLOSURE OF A BASE WITHIN FOUR YEARS AFTER A REALIGNMENT OF THE BASE.

(a) PROHIBITION.—(1) Chapter 159 of title 10, United States Code, is amended by inserting after section 2687 the following:

''§ 2688. Base closures and realignments: closure prohibited within four years after realignment in certain cases

''(a) PROHIBITION.—Notwithstanding any other provision of law, no action may be taken, and no funds appropriated or otherwise available to the Department of Defense may be obligated or expended, to effect or implement the closure of a military installation within 4 years after the completion of a realignment of the installation that, alone or with other causes, reduced the number of civilian personnel employed at that installation below 225.

''(b) DEFINITIONS.—In this section, the terms 'military installation', 'civilian personnel', and 'realignment' have the meanings given such terms in section 2687(e) of this title.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2687 the following:

''2688. Base closures and realignments: closure prohibited within four years after realignment in certain cases.''.

(b) CONFORMING AMENDMENT.—Section 2687(a) of such title is amended by inserting ''(other than section 2688 of this title)'' after ''Notwithstanding any other provision of law''.

SEC. 2853. SENSE OF THE SENATE ON FURTHER ROUNDS OF BASE CLOSURES.

(a) FINDINGS.—The Senate finds that:

(1) While the Department of Defense has proposed further rounds of base closures, there is no need to authorize in 1998 a new base closure commission that would not begin its work until three years from now, in 2001.

(2) While the Department of Defense has submitted a report to the Congress in response to section 2824 of the National Defense Authorization Act for Fiscal Year 1998, that report—

(A) based its estimates of the costs and savings of previous base closure rounds on data that the General Accounting Office has described as ''inconsistent'', ''unreliable'' and ''incomplete'';

(B) failed to demonstrate that the Defense Department is working effectively to improve its ability to track base closure costs and savings resulting from the 1993 and 1995 base closure rounds, which are ongoing;

(C) modeled the savings to be achieved as a result of further base closure rounds on the 1993 and 1995 rounds, which are as yet incomplete and on which the Department's information is faulty; and

(D) projected that base closure rounds in 2001 and 2005 would not produce substantial savings until 2008, a decade after the Federal Government will have achieved unified budget balance, and 5 years beyond the planning period for the current congressional budget and Future Years Defense Plan.

(3) Section 2824 required that the Congressional Budget Office and the General Accounting Office review the Defense Department's report, and—

(A) the General Accounting Office stated on May 1 that ''we are now conducting our analysis to be able to report any limitations that may exist in the required level of detail. . . . [W]e are awaiting some supporting documentation from the military services to help us finish assessing the report's information.'';

(B) the Congressional Budget Office stated on May 1 that its review is ongoing, and that ''it is important that CBO take the time necessary to provide a thoughtful and accurate evaluation of DOD's report, rather than issue a preliminary and potentially inaccurate assessment.''.

(4) The Congressional Budget Office recommended that ''The Congress could consider authorizing an additional round of base closures if the Department of Defense believes that there is a surplus of military capacity after all rounds of BRAC have been carried out. That consideration, however, should follow an interval during which DOD and independent analysts examine the actual impact of the measures that have been taken thus far.''.

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

(1) Congress should not authorize further rounds of base closures and realignments until all actions authorized by the Defense Base Closure and Realignment Act of 1990 are completed; and

(2) the Department of Defense should submit forthwith to the Congress the report required by section 2815 of Public Law 103–337, analyzing the effects of base closures and realignments on the ability of the Armed Forces to remobilize, describing the military construction projects needed to facilitate such remobilization, and discussing the assets, such as air space, that would be difficult to reacquire in the event of such remobilization.

TITLE XXIX—JUNIPER BUTTE RANGE WITHDRAWAL

SEC. 2901. SHORT TITLE.

This title may be cited as the ''Juniper Butte Range Withdrawal Act''.

SEC. 2902. WITHDRAWAL AND RESERVATION.

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this title, the lands at the Juniper Butte Range, Idaho, referred to in subsection (c), are withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral and geothermal leasing laws, but not the Materials Act of 1947 (30 U.S.C. 601–604).

(b) RESERVED USES.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Air Force for—

(1) a high hazard training area;

(2) dropping non-explosive training ordnance with spotting charges;

(3) electronic warfare and tactical maneuvering and air support; and

(4) other defense-related purposes consistent with the purposes specified in paragraphs (1), (2), and (3), including continued natural resource management and environmental remediation in accordance with section 2916.

(c) SITE DEVELOPMENT PLANS.—Site development plans shall be prepared prior to construction; site development plans shall be incorporated in the Integrated Natural Resource Management Plan identified in section 2909; and, except for any minimal improvements, development on the withdrawn lands of any facilities beyond those proposed and analyzed in the Air Force's Enhanced Training in Idaho Environmental Impact Statement, the Enhanced Training in Idaho Record of Decision dated March 10, 1998, and the site development plans shall be contingent upon review and approval of the Idaho State Director, Bureau of Land Management.

(d) GENERAL DESCRIPTION.—The public lands withdrawn and reserved by this section comprise approximately 11,300 acres of public land in Owhyee County, Idaho, as generally depicted on the map entitled ''Juniper Butte Range Withdrawal—Proposed'', dated June 1998, that will be filed in accordance with section 2903. The withdrawal is for an approximately 10,600-acre tactical training range, a 640-acre no-drop target site, four 5-acre no-drop target sites and nine 1-acre electronic threat emitter sites.

SEC. 2903. MAP AND LEGAL DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the effective date of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file a map or maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the Senate and with the Committee on Resources of the House of Representatives.

(b) INCORPORATION BY REFERENCE.—Such maps and legal description shall have the same force and effect as if included in this title.

(c) CORRECTION OF ERRORS.—The Secretary of the Interior may correct clerical and typographical errors in such map or maps and legal description.

(d) AVAILABILITY.—Copies of such map or maps and the legal description shall be available for public inspection in the office of the Idaho State Director of the Bureau of Land Management; the offices of the managers of the Lower Snake River District, Bureau Field Office and Jarbidge Field Office of the Bureau of Land Management; and the Office of the Commander, Mountain Home Air Force Base, Idaho. To the extent practicable, the Secretary of the Interior shall adopt the legal description and maps prepared by the Secretary of the Air Force in support of this title.

(e) The Secretary of the Air Force shall reimburse the Secretary of the Interior for the costs incurred by the Department of the Interior in implementing this section.

SEC. 2904. AGENCY AGREEMENT

The Bureau of Land Management and the Air Force have agreed upon additional mitigation measures associated with this land withdrawal as specified in the ''ENHANCED TRAINING IN IDAHO Memorandum of Understanding Between The Bureau of Land Management and The United States Air Force'' that is dated June 11, 1998. This agreement specifies that these mitigation measures will be adopted as part of the Air Force's Record of Decision for Enhanced Training in Idaho. Congress endorses this collaborative effort between the agencies and directs that the agreement be implemented: *Provided, however,* That the parties may, in accordance with the National Environmental Policy Act of 1969, as amended, mutually agree to modify the mitigation measures specified in the agreement in light of experience gained through the actions called for in the agreement or as a result of changed military circumstances: *Provided further,* That neither the agreement, any modification thereof, nor this section creates any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person.

SEC. 2905. RIGHT-OF-WAY GRANTS.

In addition to the withdrawal under section 2902 and in accordance with all applicable laws, the Secretary of the Interior shall process and grant the Secretary of the Air Force rights-of-way using the Department of the Interior regulations and policies in effect at the time of filing applications for the one-quarter acre electronic warfare threat emitter sites, roads, powerlines, and other ancillary facilities as described and analyzed in the Enhanced Training in Idaho Final Environmental Impact Statement, dated January 1998.

SEC. 2906. INDIAN SACRED SITES.

(a) MANAGEMENT.—In the management of the Federal lands withdrawn and reserved by this title, the Air Force shall, to the extent practicable and not clearly inconsistent with essential agency functions, (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the integrity of such sacred sites. The Air Force shall maintain the confidentiality of such sites where appropriate. The term ''sacred site'' shall mean any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion: *Provided,* That the tribe or appropriately authoritative representative of an Indian religion has informed the Air Force of the existence of such a site. The term ''Indian tribe'' means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to Public Law 103–454 (108 Stat. 4791), and ''Indian'' refers to a member of such an Indian tribe.

(b) CONSULTATION.—Air Force officials at Mountain Home Air Force Base shall regularly consult with the Tribal Chairman of the Shoshone-Paiute Tribes of the Duck Valley Reservation to assure that tribal government rights and concerns are fully considered during the development of the Juniper Butte Range.

SEC. 2907. ACTIONS CONCERNING RANCHING OPERATIONS IN WITHDRAWN AREA.

The Secretary of the Air Force is authorized and directed to, upon such terms and conditions as the Secretary of the Air Force considers just and in the national interest, conclude and implement agreements with the grazing permittees to provide appropriate consideration, including future grazing arrangements. Upon the conclusion of these agreements, the Assistant Secretary, Land and Minerals Management, shall grant rights-of-way and approvals and take such actions as are necessary to implement promptly this title and the agreements with the grazing permittees. The Secretary of the Air Force and the Secretary of the Interior shall allow the grazing permittees for lands withdrawn and reserved by this title to continue their activities on the lands in accordance with the permits and their applicable regulations until the Secretary of the Air Force has fully implemented the agreement with the grazing permittees under this section. Upon the implementation of these agreements, the Bureau of Land Management is authorized and directed, subject to the limitations included in this section, to terminate grazing on the lands withdrawn.

SEC. 2908. MANAGEMENT OF WITHDRAWN AND RESERVED LANDS.

(a) IN GENERAL.—Except as provided in section 2916(d), during the withdrawal and reservation of any lands under this title, the Secretary of the Air Force shall manage such lands for purposes relating to the uses set forth in section 2902(b).

(b) MANAGEMENT ACCORDING TO PLAN.—The lands withdrawn and reserved by this title

shall be managed in accordance with the provisions of this title under the integrated natural resources management plan prepared under section 2909.

(c) AUTHORITY TO CLOSE LAND.—If the Secretary of the Air Force determines that military operations, public safety, or the interests of national security require the closure to public use of any road, trail or other portion of the lands withdrawn by this title that are commonly in public use, the Secretary of the Air Force may take such action: *Provided*, That such closures shall be limited to the minimum areas and periods required for the purposes specified in this subsection. During closures, the Secretary of the Air Force shall keep appropriate warning notices posted and take appropriate steps to notify the public about the closure.

(d) LEASE AUTHORITY.—The Secretary of the Air Force may enter into leases for State lands with the State of Idaho in support of the Juniper Butte Range and operations at the Juniper Butte Range.

(e) PREVENTION AND SUPPRESSION OF FIRE.—

(1) The Secretary of the Air Force shall take appropriate precautions to prevent and suppress brush fires and range fires that occur within the boundaries of the Juniper Butte Range, as well as brush and range fires occurring outside the boundaries of the Range resulting from military activities.

(2) Notwithstanding section 2465 of title 10, United States Code, the Secretary of the Air Force may obligate funds appropriated or otherwise available to the Secretary of the Air Force to enter into contracts for firefighting.

(3)(A) The memorandum of understanding under section 2910 shall provide for the Bureau of Land Management to assist the Secretary of the Air Force in the suppression of the fires described in paragraph (1).

(B) The memorandum of understanding shall provide that the Secretary of the Air Force reimburse the Bureau of Land Management for any costs incurred by the Bureau of Land Management under this paragraph.

(f) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this title or the Act of July 31, 1947 (commonly known as the ''Materials Act of 1947'') (30 U.S.C. 601 et seq.), the Secretary of the Air Force may use, from the lands withdrawn and reserved by this title, sand, gravel, or similar mineral material resources of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs of the Juniper Butte Range.

SEC. 2909. INTEGRATED NATURAL RESOURCE MANAGEMENT PLAN.

(a) REQUIREMENT.—

(1) Not later than 2 years after the date of enactment of this title, the Secretary of the Air Force shall, in cooperation with the Secretary of the Interior, the State of Idaho and Owyhee County, develop an integrated natural resources management plan to address the management of the resources of the lands withdrawn and reserved by this title during their withdrawal and reservation under this title. Additionally, the Integrated Natural Resource Management Plan will address mitigation and monitoring activities by the Air Force for State and Federal lands affected by military training activities associated with the Juniper Butte Range. The foregoing will be done cooperatively between the Air Force and the Bureau of Land Management, the State of Idaho and Owyhee County.

(2) Except as otherwise provided under this title, the integrated natural resources management plan under this section shall be developed in accordance with, and meet the requirements of, section 101 of the Sikes Act (16 U.S.C. 670a).

(3) Site development plans shall be prepared prior to construction of facilities. These plans shall be reviewed by the Bureau of Land Management for Federal lands and the State of Idaho for State lands for consistency with the proposal assessed in the Enhanced Training in Idaho Environmental Impact Statement. The portion of the site development plans describing reconfigurable or replacement targets may be conceptual.

(b) ELEMENTS.—The integrated natural resources management plan under subsection (a) shall—

(1) include provisions for the proper management and protection of the natural, cultural, and other resources and values of the lands withdrawn and reserved by this title and for the use of such resources in a manner consistent with the uses set forth in section 2902(b);

(2) permit livestock grazing at the discretion of the Secretary of the Air Force in accordance with section 2907 or any other authorities relating to livestock grazing that are available to that Secretary;

(3) permit fencing, water pipeline modifications and extensions, and the construction of aboveground water reservoirs, and the maintenance and repair of these items on the lands withdrawn and reserved by this title, and on other lands under the jurisdiction of the Bureau of Land Management; and

(4) otherwise provide for the management by the Secretary of the Air Force of any lands withdrawn and reserved by this title while retained under the jurisdiction of that Secretary under this title.

(c) PERIODIC REVIEW.—The Secretary of the Air Force shall, in cooperation with the Secretary of the Interior and the State of Idaho, review the adequacy of the provisions of the integrated natural resources management plan developed under this section at least once every 5 years after the effective date of the plan.

SEC. 2910. MEMORANDUM OF UNDERSTANDING.

(a) REQUIREMENT.—The Secretary of the Air Force, the Secretary of the Interior, and the Governor of the State of Idaho shall jointly enter into a memorandum of understanding to implement the integrated natural resources management plan required under section 2909.

(b) TERM.—The memorandum of understanding under subsection (a) shall apply to any lands withdrawn and reserved by this title until their relinquishment by the Secretary of the Air Force under this title.

(c) MODIFICATION.—The memorandum of understanding under subsection (a) may be modified by agreement of all the parties specified in that subsection.

SEC. 2911. MAINTENANCE OF ROADS.

The Secretary of the Air Force shall enter into agreements with the Owyhee County Highway District, Idaho, and the Three Creek Good Roads Highway District, Idaho, under which the Secretary of the Air Force shall pay the costs of road maintenance incurred by such districts that are attributable to Air Force operations associated with the Juniper Butte Range.

SEC. 2912. MANAGEMENT OF WITHDRAWN AND ACQUIRED MINERAL RESOURCES.

Except as provided in subsection 2908(f), the Secretary of the Interior shall manage all withdrawn and acquired mineral resources within the boundaries of the Juniper Butte Range in accordance with the Act of February 28, 1958 (known as the Engle Act; 43 U.S.C. 155–158).

SEC. 2913. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn and reserved by this title shall be conducted in accordance with the provision of section 2671 of title 10, United States Code.

SEC. 2914. WATER RIGHTS.

(a) LIMITATION.—The Secretary of the Air Force shall not seek or obtain any water rights associated with any water pipeline modified or extended, or aboveground water reservoir constructed, for purposes of consideration under section 2907.

(b) NEW RIGHTS.—

(1) Nothing in this title shall be construed to establish a reservation in favor of the United States with respect to any water or water right on the lands withdrawn and reserved by this title.

(2) Nothing in this title shall be construed to authorize the appropriation of water on the lands withdrawn and reserved by this title by the United States after the date of enactment of this title unless such appropriation is carried out in accordance with the laws of the State of Idaho.

(c) APPLICABILITY.—This section may not be construed to affect any water rights acquired by the United States before the date of enactment of this title.

SEC. 2915. DURATION OF WITHDRAWAL.

(a) TERMINATION.—

(1) Except as otherwise provided in this section and section 2916, the withdrawal and reservation of lands by this title shall, unless extended as provided herein, terminate at one minute before midnight on the 25th anniversary of the date of the enactment of this title.

(2) At the time of termination, the previously withdrawn lands shall not be open to the general land laws including the mining laws and the mineral and geothermal leasing laws until the Secretary of the Interior publishes in the Federal Register an appropriate order which shall state the date upon which such lands shall be opened.

(b) RELINQUISHMENT.—

(1) If the Secretary of the Air Force determines under subsection (c) of this section that the Air Force has no continuing military need for any lands withdrawn and reserved by this title, the Secretary of the Air Force shall submit to the Secretary of the Interior a notice of intent to relinquish jurisdiction over such lands back to the Secretary of the Interior.

(2) The Secretary of the Interior may accept jurisdiction over any lands covered by a notice of intent to relinquish jurisdiction under paragraph (1) if the Secretary of the Interior determines that the Secretary of the Air Force has completed the environmental review required under section 2916(a) and the conditions under section 2916(c) have been met.

(3) If the Secretary of the Interior decides to accept jurisdiction over lands under paragraph (2) before the date of termination, as provided for in subsection (a)(1) of this section, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(A) revoke the withdrawal and reservation of such lands under this title;

(B) constitute official acceptance of administrative jurisdiction over the lands by the Secretary of the Interior; and

(C) state the date upon which such lands shall be opened to the operation of the general land laws, including the mining laws and the mineral and geothermal leasing laws, if appropriate.

(4) The Secretary of the Interior shall manage any lands relinquished under this subsection as multiple use status lands.

(5) If the Secretary of the Interior declines pursuant to paragraph (b)(2) of this section to accept jurisdiction of any parcel of the land proposed for relinquishment, that parcel shall remain under the continued administration of the Secretary of the Air Force pursuant to section 2916(d).

(c) EXTENSION.—

(1) IN GENERAL.—In the case of any lands withdrawn and reserved by this title that the Air Force proposes to include in a notice of extension because of continued military need under paragraph (2) of this subsection, the Secretary of the Air Force shall prior to issuing the notice under paragraph (2)—

(A) evaluate the environmental effects of the extension of the withdrawal and reservation of such lands in accordance with all applicable laws and regulations; and

(B) hold at least one public meeting in the State of Idaho regarding that evaluation.

(2) NOTICE OF NEED FOR EXTENSION OF WITHDRAWAL.—

(A) Not later than 2 years before the termination of the withdrawal and reservation of lands by this title under subsection (a), the Secretary of the Air Force shall notify Congress and the Secretary of the Interior as to whether or not the Air Force has a continuing military need for any of the lands withdrawn and reserved by this title, and not previously relinquished under this section, after the termination date as specified in subsection (a) of this section.

(B) The Secretary of the Air force shall specify in the notice under subparagraph (A) the duration of any extension or further extension of withdrawal and reservation of such lands under this title: *Provided however,* That the duration of each extension or further extension shall not exceed 25 years.

(C) The notice under subparagraph (A) shall be published in the Federal Register and a newspaper of local distribution with the opportunity for comments, within a 60-day period, which shall be provided to the Secretary of the Air Force and the Secretary of the Interior.

(3) EFFECT OF NOTIFICATION.—

(A) Subject to subparagraph (B), in the case of any lands withdrawn and reserved by this title that are covered by a notice of extension under subsection (c)(2), the withdrawal and reservation of such lands shall extend under the provisions of this title after the termination date otherwise provided for under subsection (a) for such period as is specified in the notice under subsection (c)(2).

(B) Subparagraph (A) shall not apply with respect to any lands covered by a notice referred to in that paragraph until 90 legislative days after the date on which the notice with respect to such lands is submitted to Congress under paragraph (2).

SEC. 2916. ENVIRONMENTAL REMEDIATION OF RELINQUISHED WITHDRAWN LANDS OR UPON TERMINATION OF WITHDRAWAL.

(a) ENVIRONMENTAL REVIEW.—

(1) Before submitting under section 2915 a notice of an intent to relinquish jurisdiction over lands withdrawn and reserved by this title, and in all cases not later than 2 years prior to the date of termination of withdrawal and reservation, the Secretary of the Air Force shall, in consultation with the Secretary of the Interior, complete a review that fully characterizes the environmental conditions of such lands (including any water and air associated with such lands) in order to identify any contamination on such lands.

(2) The Secretary of the Air Force shall submit to the Secretary of the Interior a copy of the review prepared with respect to any lands under paragraph (1). The Secretary of the Air Force shall also submit at the same time any notice of intent to relinquish jurisdiction over such lands under section 2915.

(3) The Secretary of the Air Force shall submit a copy of any such review to Congress.

(b) ENVIRONMENTAL REMEDIATION OF LANDS.—The Secretary of the Air Force shall, in accordance with applicable State and Federal law, carry out and complete environmental remediation—

(1) before relinquishing jurisdiction to the Secretary of the Interior over any lands identified in a notice of intent to relinquish under subsection 2915(b); or

(2) prior to the date of termination of the withdrawal and reservation, except as provided under subsection (d) of this section.

(c) POSTPONEMENT OF RELINQUISHMENT.—The Secretary of the Interior shall not accept jurisdiction over any lands that are the subject of activities under subsection (b) of this section until the Secretary of the Interior determines that environmental conditions on the lands are such that—

(1) all necessary environmental remediation has been completed by the Secretary of the Air Force;

(2) the lands are safe for nonmilitary uses; and

(3) the lands could be opened consistent with the Secretary of the Interior's public land management responsibilities.

(d) JURISDICTION WHEN WITHDRAWAL TERMINATES.—If the determination required by section (c) cannot be achieved for any parcel of land subject to the withdrawal and reservation prior to the termination date of the withdrawal and reservation, the Secretary of the Air Force shall retain administrative jurisdiction over such parcels of land notwithstanding the termination date for the limited purposes of—

(1) environmental remediation activities under subsection (b); and,

(2) any activities relating to the management of such lands after the termination of the withdrawal reservation for military purposes that are provided for in the integrated natural resources management plan under section 2909.

(e) REQUEST FOR APPROPRIATIONS.—The Secretary of the Air Force shall request an appropriation pursuant to section 2919 sufficient to accomplish the remediation under this title.

SEC. 2917. DELEGATION OF AUTHORITY.

(a) AIR FORCE FUNCTIONS.—Except for executing the agreement referred to in section 2907, the Secretary of the Air Force may delegate that Secretary's functions under this title.

(b) INTERIOR FUNCTIONS.—

(1) Except as provided in paragraph (2), the Secretary of the Interior may delegate that Secretary's functions under this title.

(2) The order referred to in section 2915(b)(3) may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Interior.

(3) The approvals granted by the Bureau of Land Management shall be pursuant to the decisions of the Secretary of the Interior, or the Assistant Secretary for Land and Minerals Management.

SEC. 2918. SENSE OF SENATE REGARDING MONITORING OF WITHDRAWN LANDS.

(a) FINDING.—The Senate finds that there is a need for the Department of the Air Force, the Bureau of Land Management, the State of Idaho, and Owyhee County to develop a cooperative effort to monitor the impact of military activities on the natural, cultural, and other resources and values of the lands withdrawn and reserved by this title as well as other Federal and State lands affected by military activities associated with the Juniper Butte Range.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Air Force should ensure that the budgetary planning of the Department of the Air Force makes available sufficient funds to assure Air Force participation in the cooperative effort developed by the Department of the Air Force, the Bureau of Land Management, and the State of Idaho to monitor the impact of military activities on the natural, cultural, and other resources and values of the lands withdrawn and reserved by this title as well as other Federal and State lands affected by military activities associated with the Juniper Butte Range.

SEC. 2919. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for weapons activities in carrying out programs necessary for national security in the amount of $4,519,700,000, to be allocated as follows:

(1) STOCKPILE STEWARDSHIP.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $2,123,375,000, to be allocated as follows:

(A) For core stockpile stewardship, $1,556,375,000, to be allocated as follows:

(i) For operation and maintenance, $1,440,832,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $115,543,000, to be allocated as follows:

Project 99–D–102, rehabilitation of maintenance facility, Lawrence Livermore National Laboratory, Livermore, California, $6,500,000.

Project 99–D–103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, $4,000,000.

Project 99–D–104, protection of real property (roof replacement-Phase II), Lawrence Livermore National Laboratory, Livermore, California, $7,300,000.

Project 99–D–105, central health physics calibration facility, TA–36, Los Alamos National Laboratory, Los Alamos, New Mexico, $3,900,000.

Project 99–D–106, model validation and system certification test center, Sandia National Laboratories, Albuquerque, New Mexico, $1,600,000.

Project 99–D–107, Joint Computational Engineering Laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $1,800,000.

Project 99–D–108, renovate existing roadways, Nevada Test Site, Nevada, $2,000,000.

Project 97–D–102, dual-axis radiographic hydrotest facility (DARHT), Los Alamos National Laboratory, Los Alamos, New Mexico, $36,000,000.

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $20,423,000.

Project 96–D–103, ATLAS, Los Alamos National Laboratory, Los Alamos, New Mexico, $6,400,000.

Project 96–D–104, processing and environmental technology laboratory (PETL), Sandia National Laboratories, Albuquerque, New Mexico, $18,920,000.

Project 96–D–105, contained firing facility (CFF) addition, Lawrence Livermore National Laboratory, Livermore, California, $6,700,000.

(B) For inertial fusion, $498,000,000, to be allocated as follows:

(i) For operation and maintenance, $213,800,000.

(ii) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto), $284,200,000, to be allocated as follows:

Project 96–D–111, national ignition facility (NIF), Lawrence Livermore National Laboratory, Livermore, California, $284,200,000.

(C) For technology partnerships and education, $69,000,000, to be allocated as follows:

(i) For technology partnerships, $60,000,000.

(ii) For education, $9,000,000.

(2) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,140,825,000, to be allocated as follows:

(A) For operation and maintenance, $2,040,803,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $100,022,000, to be allocated as follows:

Project 99–D–122, rapid reactivation, various locations, $11,200,000.

Project 99–D–123, replace mechanical utility systems, Y–12 Plant, Oak Ridge, Tennessee, $1,900,000.

Project 99–D–125, replace boilers and controls, Kansas City Plant, Kansas City, Missouri, $1,000,000.

Project 99–D–127, stockpile management restructuring initiative, Kansas City Plant, Kansas City, Missouri, $13,700,000.

Project 99–D–128, stockpile management restructuring initiative, Pantex Plant, Amarillo, Texas, $1,108,000.

Project 99–D–132, nuclear materials safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,700,000.

Project 98–D–123, stockpile management restructuring initiative, tritium factory modernization and consolidation, Savannah River Site, Aiken, South Carolina, $27,500,000.

Project 98–D–124, stockpile management restructuring initiative, Y–12 Plant consolidation, Oak Ridge, Tennessee, $10,700,000.

Project 97–D–122, nuclear materials storage facility renovation, Los Alamos National Laboratory, Los Alamos, New Mexico, $4,864,000.

Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $6,400,000.

Project 96–D–122, sewage treatment quality upgrade (STQU), Pantex Plant, Amarillo, Texas, $3,700,000.

Project 95–D–102, chemistry and metallurgy research building (CMR) upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $5,000,000.

Project 93–D–122, life safety upgrades, Y–12 Plant, Oak Ridge, Tennessee, $3,250,000.

(3) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for program direction in carrying out weapons activities necessary for national security programs in the amount of $255,500,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated in paragraphs (1), (2), and (3) of subsection (a) is the sum of the amounts authorized to be appropriated by such paragraphs reduced by the sum of $145,000,000 for use of prior year balances.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for environmental restoration and waste management in carrying out programs necessary for national security in the amount of $5,323,143,000, to be allocated as follows:

(1) SITE AND PROJECT COMPLETION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for site project and completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,047,253,000, to be allocated as follows:

(A) For operation and maintenance, $848,090,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $199,163,000, to be allocated as follows:

Project 99–D–402, tank farm support services, F&H area, Savannah River Site, Aiken, South Carolina, $2,745,000.

Project 99–D–404, health physics instrumentation laboratory, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $950,000.

Project 98–D–401, H-tank farm storm water systems upgrade, Savannah River Site, Aiken, South Carolina, $3,120,000.

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $26,814,000.

Project 98–D–700, road rehabilitation, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $7,710,000.

Project 97–D–450, actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, $79,184,000.

Project 97–D–470, regulatory monitoring and bioassay laboratory, Savannah River Site, Aiken, South Carolina, $7,000,000.

Project 96–D–406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $38,680,000.

Project 96–D–408, waste management upgrades, Kansas City Plant, Kansas City, Missouri, and Savannah River Site, Aiken, South Carolina, $4,512,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $11,544,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $8,000,000.

Project 95–D–456, security facilities consolidation, Idaho Chemical Processing Plant, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $485,000.

Project 92–D–140, F-canyon and H-canyon exhaust upgrades, Savannah River Site, Aiken, South Carolina, $3,667,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $4,752,000.

(2) POST 2006 COMPLETION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for post 2006 project completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $2,683,451,000, to be allocated as follows:

(A) For operation and maintenance, $2,602,195,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $81,256,000, to be allocated as follows:

Project 99–D–403, privatization phase I infrastructure support, Richland, Washington, $14,800,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $22,723,000.

Project 96–D–408, waste management upgrades, Richland, Washington, $171,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $32,860,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $10,702,000.

(3) CLOSURE PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836; 42 U.S.C. 7274n) in the amount of $1,006,240,000.

(4) TECHNOLOGY DEVELOPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for science and technology in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $250,000,000.

(5) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $336,199,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated in paragraphs (1), (2), (3), and (5) of subsection (a) is the sum of the amounts authorized to be appropriated by such paragraphs reduced by the sum of $21,000,000 for use of prior year balances.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for other defense activities in carrying out programs necessary for national security in the amount of $1,672,160,000, to be allocated as follows:

(1) VERIFICATION AND CONTROL TECHNOLOGY.—For verification and control technology, $483,500,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $210,000,000.

(B) For arms control, $236,900,000.

(C) For intelligence, $36,600,000.

(2) NUCLEAR SAFEGUARDS AND SECURITY.—For nuclear safeguards and security, $53,200,000.

(3) SECURITY INVESTIGATIONS.—For security investigations, $30,000,000.

(4) EMERGENCY MANAGEMENT.—For emergency management, $23,700,000.

(5) PROGRAM DIRECTION.—For program direction, nonproliferation and national security, $84,900,000.

(6) WORKER AND COMMUNITY TRANSITION ASSISTANCE.—For worker and community transition assistance, $40,000,000, to be allocated as follows:

(A) For worker and community transition, $36,000,000.

(B) For program direction, worker and community transition assistance, $4,000,000.

(7) FISSILE MATERIALS CONTROL AND DISPOSITION.—For fissile materials control and disposition, $168,960,000, to be allocated as follows:

(A) For operation and maintenance, $111,372,000.

(B) For program direction, fissile materials control and disposition, $4,588,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and land acquisition related thereto), $53,000,000, to be allocated as follows:

Project 99–D–141, pit disassembly and conversion facility, location to be determined, $25,000,000.

Project 99–D–143, mixed oxide fuel fabrication facility, location to be determined, $28,000,000.

(8) ENVIRONMENT, SAFETY, AND HEALTH.—For environment, safety, and health, defense, $69,000,000, to be allocated as follows:

(A) For the Office of Environment, Safety, and Health (Defense), $64,231,000.

(B) For program direction, environment, safety, and health (defense), $4,769,000.

(9) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, $2,400,000.

(10) INTERNATIONAL NUCLEAR SAFETY.—For international nuclear safety, $35,000,000.

(11) NAVAL REACTORS.—For naval reactors, $681,500,000, to be allocated as follows:

(A) For naval reactors development, $661,400,000, to be allocated as follows:

(i) For operation and maintenance, $639,600,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $12,800,000, to be allocated as follows:

Project 98–D–200, site laboratory/facility upgrade, various locations, $7,000,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors facility, Idaho Falls, Idaho, $5,800,000.

(iii) For general plant projects, $9,000,000, to be allocated as follows:

Project GPN–101, general plant projects, various locations, $9,000,000.

(B) For program direction, naval reactors, $20,100,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $190,000,000.

SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $273,857,000, to be allocated as follows:

Project 99–PVT–1, remote handled transuranic waste transportation, Carlsbad, New Mexico, $19,605,000.

Project 98–PVT–2, spent nuclear fuel dry storage, Idaho Falls, Idaho, $20,000,000.

Project 98–PVT–5, waste disposal, Oak Ridge, Tennessee, $33,500,000.

Project 97–PVT–1, tank waste remediation system phase I, Hanford, Washington, $113,500,000.

Project 97–PVT–2, advanced mixed waste treatment facility, Idaho Falls, Idaho, $87,252,000.

(b) ADJUSTMENT.—The amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated for the projects set forth in that subsection reduced by the sum of $32,000,000 for use of prior year balances of funds for defense environmental management privatization.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $5,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $5,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(c) LIMITATION.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—Except as provided in subsection (b), when so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

(b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—Amounts appropriated for program direction pursuant to an authorization of appropriations in subtitle A shall remain available to be expended only until the end of fiscal year 2001.

SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.

(b) LIMITATIONS.—(1) Only one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project under subsection (a) may not exceed $5,000,000 in a fiscal year.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section:

(1) The term ''program or project'' means, with respect to a field office of the Department of Energy, any of the following:

(A) An activity carried out pursuant to paragraph (1), (2), or (3) of section 3102(a).

(B) A project or program not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of enactment of this Act.

(2) The term ''defense environmental management funds'' means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) DURATION OF AUTHORITY.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 1998, and ending on September 30, 1999.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. INTERNATIONAL COOPERATIVE STOCKPILE STEWARDSHIP.

(a) FUNDING PROHIBITION.—No funds authorized to be appropriated or otherwise available to the Department of Energy for fiscal year 1999 may be obligated or expended to conduct any activities associated with international cooperative stockpile stewardship.

(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

(1) Activities conducted between the United States and the United Kingdom.

(2) Activities conducted between the United States and France.

(3) Activities carried out under title III of this Act relating to cooperative threat reduction with states of the former Soviet Union.

SEC. 3132. PROHIBITION ON USE OF FUNDS FOR BALLISTIC MISSILE DEFENSE AND THEATER MISSILE DEFENSE.

No funds authorized to be appropriated or otherwise made available to the Department of Energy by this title for fiscal year 1999 may be obligated or expended for any activities (including research, development, test, and evaluation activities, demonstration activities, or studies) relating to ballistic missile defense or theater missile defense.

SEC. 3133. LICENSING OF CERTAIN MIXED OXIDE FUEL FABRICATION AND IRRADIATION FACILITIES.

(a) LICENSE REQUIREMENT.—Notwithstanding section 110 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2140(a)), no person may construct or operate a facility referred to in subsection (b) without obtaining a license from the Nuclear Regulatory Commission.

(b) COVERED FACILITIES.—(1) Except as provided in paragraph (2), subsection (a) applies to any facility under a contract with and for the account of the Department of Energy that fabricates mixed plutonium-uranium oxide nuclear reactor fuel for use in a commercial nuclear reactor.

(2) Subsection (a) does not apply to any such facility that is utilized for research, development, demonstration, testing, or analysis purposes.

(c) AVAILABILITY OF FUNDS FOR LICENSING BY NRC.—Section 210 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (42 U.S.C. 7272) shall not apply to any licensing activities required as a result of subsection (a).

(d) APPLICABILITY OF OCCUPATIONAL SAFETY AND HEALTH REQUIREMENTS TO ACTIVITIES UNDER LICENSE.—Any activities carried out under a license referred to in subsection (a) shall be subject to regulation under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

SEC. 3134. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSITION OF LEGACY NUCLEAR MATERIALS.

The Secretary of Energy shall continue operations and maintain a high state of readiness at the F–canyon and H–canyon facilities at the Savannah River site and shall provide technical staff necessary to operate and so maintain such facilities.

SEC. 3135. AUTHORITY FOR DEPARTMENT OF ENERGY FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS TO PARTICIPATE IN MERIT-BASED TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAMS.

Section 217(f)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2695) is amended by inserting ''or of the Department of Energy'' after ''the Department of Defense''.

SEC. 3136. SUPPORT FOR PUBLIC EDUCATION IN THE VICINITY OF LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.

(a) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated or otherwise made available to the Department of Energy by this title, $5,000,000 shall be available for payment by the Secretary of Energy to the educational foundation chartered to enhance educational activities in the public schools in the vicinity of Los Alamos National Laboratory, New Mexico (in this section referred to as the ''Foundation'').

(b) USE OF FUNDS.—(1) The Foundation shall utilize funds provided under subsection (a) as a contribution to an endowment fund for the Foundation.

(2) The Foundation shall use the income generated from investments in the endowment fund that are attributable to the payment made under subsection (a) to fund programs to support the educational needs of children in public schools in the vicinity of Los Alamos National Laboratory.

SEC. 3137. COST-SHARING FOR OPERATION OF THE HAZARDOUS MATERIALS MANAGEMENT AND EMERGENCY RESPONSE TRAINING FACILITY, RICHLAND, WASHINGTON.

The Secretary of Energy may enter into partnership arrangements with Federal and non-Federal entities to share the costs of operating the Hazardous Materials Management and Emergency Response training facility authorized under section 3140 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3088). Such arrangements may include the exchange of equipment and services.

SEC. 3138. HANFORD HEALTH INFORMATION NETWORK.

Of the funds authorized to be appropriated or otherwise made available to the Department of Energy by section 3102, $2,500,000 shall be available for activities relating to the Hanford Health Information Network established pursuant to the authority in section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1834), as amended by section 3138(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3087).

SEC. 3139. NONPROLIFERATION ACTIVITIES.

(a) INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.—Of the amount authorized to be appropriated by section 3103(1)(B),

$30,000,000 may be available for the Initiatives for Proliferation Prevention program.

(b) NUCLEAR CITIES INITIATIVE.—Of the amount authorized to be appropriated by section 3103(1)(B), $30,000,000 may be available for the purpose of implementing the initiative arising pursuant to the March 1998 discussions between the Vice President of the United States and the Prime Minister of the Russian Federation and between the Secretary of Energy of the United States and the Minister of Atomic Energy of the Russian Federation (the so-called ''nuclear cities'' initiative).

SEC. 3140. ACTIVITIES OF THE CONTRACTOR-OPERATED FACILITIES OF THE DEPARTMENT OF ENERGY.

(a) RESEARCH AND ACTIVITIES ON BEHALF OF NON-DEPARTMENT PERSONS AND ENTITIES.—(1) The Secretary of Energy may conduct research and other activities referred to in paragraph (2) through contractor-operated facilities of the Department of Energy on behalf of other departments and agencies of the Government, agencies of State and local governments, and private persons and entities.

(2) The research and other activities that may be conducted under paragraph (1) are those which the Secretary is authorized to conduct by law, and include, but are not limited to, research and activities authorized under the following:

(A) Section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2053).

(B) Section 107 of the Energy Reorganization Act of 1974 (42 U.S.C. 5817).

(C) The Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.).

(b) CHARGES.—(1) The Secretary shall impose on the department, agency, or person or entity for whom research and other activities are carried out under subsection (a) a charge for such research and activities equal to not more than the full cost incurred by the contractor concerned in carrying out such research and activities, which cost shall include—

(A) the direct cost incurred by the contractor in carrying out such research and activities; and

(B) the overhead cost including site-wide indirect costs associated with such research and activities.

(2)(A) Subject to subparagraph (B), the Secretary shall also impose on the department, agency, or person or entity concerned a Federal administrative charge (which includes any depreciation and imputed interest charges) in an amount not to exceed 3 percent of the full cost incurred by the contractor concerned in carrying out the research and activities concerned.

(B) The Secretary may waive the imposition of the Federal administrative charge required by subparagraph (A) in the case of research and other activities conducted on behalf of small business concerns, institutions of higher education, non-profit entities, and State and local governments.

(3) Not later than 2 years after the date of enactment of this Act, the Secretary shall terminate any waiver of charges under section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2053) that were made before such date, unless the Secretary determines that such waiver should be continued.

(c) PILOT PROGRAM OF REDUCED FACILITY OVERHEAD CHARGES.—(1) The Secretary may, with the cooperation of participating contractors of the contractor-operated facilities of the Department, carry out a pilot program under which the Secretary and such contractors reduce the facility overhead charges imposed under this section for research and other activities conducted under this section.

(2) The Secretary shall carry out the pilot program at contractor-operated facilities selected by the Secretary in consultation with the contractors concerned.

(3) The Secretary shall determine the facility overhead charges to be imposed under the pilot program based on their joint review of all items included in the overhead costs of the facility concerned in order to determine which items are appropriately incurred as facility overhead charges by the contractor in carrying out research and other activities at such facility under this section.

(4) The Secretary shall commence carrying out the pilot program not later than October 1, 1999, and shall terminate the pilot program on September 30, 2003.

(5) Not later than January 31, 2003, the Secretary shall submit to the congressional defense committees, the Committee on Energy and Natural Resources of the Senate, and other appropriate committees of the House of Representatives an interim report on the results of the pilot program under this subsection. The report shall include any recommendations for the extension or expansion of the pilot program, including the establishment of multiple rates of overhead charges for various categories of persons and entities seeking research and other activities in contractor-operated facilities of the Department.

(d) PARTNERSHIPS AND INTERACTIONS.—(1) The Secretary of Energy may encourage partnerships and interactions between each contractor-operated facility of the Department of Energy and universities and private businesses.

(2) The Secretary may take into account the progress of each contractor-operated facility of the Department in developing and expanding partnerships and interactions under paragraph (1) in evaluating the annual performance of such contractor-operated facility.

(e) SMALL BUSINESS TECHNOLOGY PARTNERSHIP PROGRAM.—(1) The Secretary may require that each contractor operating a facility of the Department establish a program at such facility under which the contractor may enter into partnerships with small businesses at such facility relating to technology.

(2) The amount of funds expended by a contractor under a program under paragraph (1) at a particular facility may not exceed an amount equal to 0.25 percent of the total operating budget of the facility.

(3) Amounts expended by a contractor under a program—

(A) shall be used to cover the costs (including research and development costs and technical assistance costs) incurred by the contractor in connection with activities under the program; and

(B) may not be used for direct grants to small businesses.

(4) The Secretary shall submit to the congressional defense committees, the Committee on Energy and Natural Resources of the Senate, and the appropriate committee of the House of Representatives, together with the budget of the President for each fiscal year that is submitted to Congress under section 1105 of title 31, United States Code, an assessment of the program under this subsection during the preceding year, including the effectiveness of the program in providing opportunities for small businesses to interact with and use the resources of the contractor-operated facilities of the Department, the cost of the program to the Federal Government and any impact on the execution of the Department's mission.

SEC. 3140A. RELOCATION OF NATIONAL ATOMIC MUSEUM, ALBUQUERQUE, NEW MEXICO.

The Secretary of Energy shall submit to the Defense Committees of Congress a plan for the design, construction, and relocation of the National Atomic Museum in Albuquerque, New Mexico.

Subtitle D—Other Matters

SEC. 3141. REPEAL OF FISCAL YEAR 1998 STATEMENT OF POLICY ON STOCKPILE STEWARDSHIP PROGRAM.

Section 3156 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2045; 42 U.S.C. 2121 note) is repealed.

SEC. 3142. INCREASE IN MAXIMUM RATE OF PAY FOR SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL RESPONSIBLE FOR SAFETY AT DEFENSE NUCLEAR FACILITIES.

Section 3161(a)(2) of the National Defense Authorization Act for Fiscal Year 1995 (42 U.S.C. 7231 note) is amended by striking out ''level IV of the Executive Schedule under section 5315'' and inserting in lieu thereof ''level III of the Executive Schedule under section 5314''.

SEC. 3143. SENSE OF SENATE REGARDING TREATMENT OF FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM UNDER A NONDEFENSE DISCRETIONARY BUDGET FUNCTION.

It is the sense of the Senate that the Office of Management and Budget should, beginning with fiscal year 2000, transfer the Formerly Utilized Sites Remedial Action Program from the 050 budget function to a nondefense discretionary budget function.

SEC. 3144. EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 3161(c)(1) of the National Defense Authorization Act for Fiscal Year 1995 (42 U.S.C. 7231 note) is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

SEC. 3145. EXTENSION OF AUTHORITY OF DEPARTMENT OF ENERGY TO PAY VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) EXTENSION.—Notwithstanding subsection (c)(2)(D) of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–383; 5 U.S.C. 5597 note), the Department of Energy may pay voluntary separation incentive payments to qualifying employees who voluntarily separate (whether by retirement or resignation) before January 1, 2001.

(b) EXERCISE OF AUTHORITY.—The Department shall pay voluntary separation incentive payments under subsection (a) in accordance with the provisions of such section 663.

SEC. 3146. INSPECTION OF PERMANENT RECORDS PRIOR TO DECLASSIFICATION.

Section 3155 of the National Defense Authorization Act for Fiscal Year 1996 (P.L. 104–106) is amended by inserting the following:

''(c) Agencies, including the National Archives and Records Administration, shall conduct a visual inspection of all permanent records of historical value which are 25 years old or older prior to declassification to ascertain that they contain no pages with Restricted Data (RD) or Formerly Restricted Data (FRD) markings (as defined by the Atomic Energy Act of 1954, as amended). Record collection in which marked RD or FRD is found shall be set aside pending the completion of a review by the Department of Energy.''.

SEC. 3147. SENSE OF SENATE REGARDING MEMORANDA OF UNDERSTANDING WITH THE STATE OF OREGON RELATING TO HANFORD.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Energy and the State of Washington have entered into

memoranda of understanding with the State of Oregon to provide the State of Oregon greater involvement in decisions regarding the Hanford Reservation.

(2) Hanford has an impact on the State of Oregon, and the State of Oregon has an interest in the decisions made regarding Hanford.

(3) The Department of Energy and the State of Washington are to be congratulated for entering into the memoranda of understanding with the State of Oregon regarding Hanford.

(b) SENSE OF SENATE.—It is the sense of the Senate to—

(1) encourage the Department of Energy and the State of Washington to implement the memoranda of understanding regarding Hanford in ways that result in continued involvement by the State of Oregon in decisions of concern to the State of Oregon regarding Hanford; and

(2) encourage the Department of Energy and the State of Washington to continue similar efforts to permit ongoing participation by the State of Oregon in the decisions regarding Hanford that may affect the environment or public health or safety of the citizens of the State of Oregon.

SEC. 3148. REVIEW OF CALCULATION OF OVERHEAD COSTS OF CLEANUP AT DEPARTMENT OF ENERGY SITES.

(a) REVIEW.—(1) The Comptroller General shall—

(A) carry out a review of the methods currently used by the Department of Energy for calculating overhead costs (including direct overhead costs and indirect overhead costs) associated with the cleanup of Department sites; and

(B) pursuant to the review, identify how such costs are allocated among different program and budget accounts of the Department.

(2) The review shall include the following:

(A) All activities whose costs are spread across other accounts of a Department site or of any contractor performing work at a site.

(B) Support service overhead costs, including activities or services which are paid for on a per-unit-used basis.

(C) All fees, awards, and other profit on indirect and support service overhead costs or fees that are not attributed to performance on a single project.

(D) Any portion of contractor costs for which there is no competitive bid.

(E) All computer service and information management costs that have been previously reported as overhead costs.

(F) Any other costs that the Comptroller General considers appropriate to categorize as direct or indirect overhead costs.

(b) REPORT.—Not later than January 31, 1999, the Comptroller General shall submit to Congress a report setting forth the findings of the Comptroller as a result of the review under subsection (a). The report shall include the recommendations of the Comptroller regarding means of standardizing the methods used by the Department for allocating and reporting overhead costs associated with the cleanup of Department sites.

SEC. 3149. SENSE OF THE CONGRESS ON FUNDING REQUIREMENTS FOR THE NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES OF THE DEPARTMENT OF ENERGY.

(a) FUNDING REQUIREMENTS FOR THE NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES BUDGET.—It is the sense of the Congress that for each of the fiscal years 2000 through 2008, it should be an objective of the Secretary of Energy to increase the budget for the nonproliferation science and technology activities for the fiscal year over the budget for those activities 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.

(b) NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES DEFINED.—In this section, the term ''nonproliferation science and technology activities'' means activities (including program direction activities) relating to preventing and countering the proliferation of weapons of mass destruction that are funded by the Department of Energy under the following programs and projects:

(1) The Verification and Control Technology program within the Office of Nonproliferation and National Security.

(2) Projects under the ''Technology and Systems Development'' element of the Nuclear Safeguards and Security program within the Office of Nonproliferation and National Security.

(3) Projects relating to a national capability to assess the credibility of radiological and extortion threats, or to combat nuclear materials trafficking or terrorism, under the Emergency Management program within the Office of Nonproliferation and National Security.

(4) Projects relating to the development or integration of new technology to respond to emergencies and threats involving the presence, or possible presence, of weapons of mass destruction, radiological emergencies, and related terrorist threats, under the Office of Defense Programs.

SEC. 3150. DEADLINE FOR SELECTION OF TECHNOLOGY FOR TRITIUM PRODUCTION.

(a) DEADLINE.—The Secretary of Energy shall select a technology for the production of tritium not later than December 31, 1998.

(b) OPTIONS AVAILABLE FOR SELECTION.—Notwithstanding any provision of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), after the completion of the Department of Energy's evaluation of their Interagency Review on the production of tritium, the Secretary shall make the selection for tritium production consistent with the laws, regulations and procedures of the Department of Energy as stated in subsection (a).

Subtitle E—Maximum Age for New Department of Energy Nuclear Materials Couriers

SEC. 3161. MAXIMUM AGE TO ENTER NUCLEAR COURIER FORCE.

Section 3307 of title 5, United States Code, is amended as follows—

(1) by striking in subsection (a) ''and (d)'' and inserting in its place ''(d), (e), and (f)''; and

(2) by adding the following new subsection (f) after subsection (e):

''(f) The Secretary of Energy may determine and fix the maximum age limit for an original appointment to a position as a Department of Energy nuclear materials courier, so defined by section 8331(27) of this title.

SEC. 3162. DEFINITION.

Section 8331 of title 5, United States Code, is amended by adding the following new paragraph (27) after paragraph (26):

''(27) Department of Energy nuclear materials courier means an employee of the Department of Energy or its predecessor agencies, the duties of whose position are primarily to transport, and provide armed escort and protection during transit of, nuclear weapons, nuclear weapon components, strategic quantities of special nuclear materials or other materials related to national security, including an employee who remains fully certified to engage in this activity who is transferred to a supervisory, training, or administrative position.''.

SEC. 3163. AMENDING SECTION 8334(a)(1) OF TITLE 5, U.S.C.

(a) The first sentence of section 8334(a)(1) of title 5, United States Code, is amended by striking ''and a firefighter'', and inserting in its place ''a firefighter, and a Department of Energy nuclear materials courier,''.

(b) Section 8334(c) of title 5, United States Code, is amended by adding the following new schedule after the schedule for a Member of the Capitol Police:

''Department of Energy nuclear materials courier for courier service (while employed by DOE and its predecessor agencies)	5	July 1, 1942 to June 30, 1948.
		July 1, 1948 to October 31, 1956.
	6	
	6½	November 1, 1956 to December 31, 1969.
	7	January 1, 1970 to December 31, 1974.
	7½	After December 31, 1974.''.

SEC. 3164. AMENDING SECTION 8336(c)(1) OF TITLE 5, U.S.C.

Section 8336(c)(1) of title 5, United States Code, is amended by striking ''or firefighter'' and inserting in its place, ''a firefighter, or a Department of Energy nuclear materials courier,''.

SEC. 3165. AMENDING SECTION 8401 OF TITLE 5, U.S.C.

Section 8401 of title 5, United States Code, is amended by adding the following new paragraph (33) after paragraph (32):

''(33) Department of Energy nuclear materials courier means an employee of the Department of Energy or its predecessor agencies, the duties of whose position are primarily to transport, and provide armed escort and protection during transit of, nuclear weapons, nuclear weapons components, strategic quantities of special nuclear materials, or other materials related to national security, including an employee who remains fully certified to engage in this activity who is transferred to a supervisory, training, or administrative position.''.

SEC. 3166. AMENDING SECTION 8412(d) OF TITLE 5, U.S.C.

Section 8412(d) of title 5, United States Code, is amended by striking ''or firefighter'' in paragraphs (1) and (2) and inserting in its place, ''a firefighter, or a Department of Energy nuclear materials courier,''.

SEC. 3167. AMENDING SECTION 8415(g) OF TITLE 5, U.S.C.

Section 8415(g) of title 5, United States Code, is amended by striking ''firefighter'' and inserting in its place ''firefighter, Department of Energy nuclear materials courier,''.

SEC. 3168. AMENDING SECTION 8422(a)(3) OF TITLE 5, U.S.C.

Section 8422(a)(3) of title 5, United States Code, is amended by striking ''firefighter'' in the schedule and inserting in its place ''firefighter, Department of Energy nuclear materials courier,''.

SEC. 3169. AMENDING SECTIONS 8423(a) (1)(B)(i) AND (3)(A) OF TITLE 5, U.S.C.

Sections 8423(a)(1)(B)(i) and 8423(a)(3)(A) of title 5, United States Code, are amended by striking ''Firefighters'' and inserting in its place ''firefighters, Department of Energy nuclear materials couriers,''.

SEC. 3170. AMENDING SECTION 8335(b) OF TITLE 5, U.S.C.

Section 8335(b) of title 5, United States Code, is amended by adding the words ''or Department of Energy Nuclear Materials Couriers'' after the word ''officer'' in the second sentence.

SEC. 3171. PAYMENTS.

Any payments made by the Department of Energy to the Civil Service Retirement or Disability Fund pursuant to this Act shall be made from the Weapons Activities account.

SEC. 3172. EFFECTIVE DATE.

These amendments are effective at the beginning of the first pay period in fiscal year 2000, and applies only to those employees who retire after fiscal year 1999.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1999, $17,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. DEFINITIONS.

In this title:

(1) The term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term ''National Defense Stockpile Transaction Fund'' means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 1999, the National Defense Stockpile Manager may obligate up to $83,000,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)), including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3303. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL REQUIRED.—Subject to subsection (c), the President shall dispose of materials contained in the National Defense Stockpile and specified in the table in subsection (b) so as to result in receipts to the United States in the amount of $103,000,000 by the end of fiscal year 1999 and $377,000,000 by the end of fiscal year 2003.

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

Authorized Stockpile Disposals

Material for disposal	Quantity
Beryllium Metal, vacuum cast	227 short tons
Chromium Metal—EL	8,511 short tons
Columbium Carbide Powder	21,372 pounds contained
Columbium Ferro	249,395 pounds contained
Columbium Concentrates	1,733,454 pounds contained
Chromium Ferroalloy	92,000 short tons
Diamond, Stones	3,000,000 carats
Germanium Metal	28,198 kilograms
Indium	14,248 troy ounces
Palladium	1,227,831 troy ounces
Platinum	439,887 troy ounces
Tantalum Carbide Powder	22,681 pounds contained
Tantalum Metal Powder	50,000 pounds contained
Tantalum Minerals	1,751,364 pounds contained
Tantalum Oxide	122,730 pounds contained
Tungsten Ferro	2,024,143 pounds
Tungsten Carbide Powder	2,032,954 pounds
Tungsten Metal Powder	1,898,009 pounds
Tungsten Ores & Concentrates	76,358,230 pounds.

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

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

(e) AUTHORIZATION OF SALE.—The authority provided by this section to dispose of materials contained in the National Defense Stockpile so as to result in receipts of $100,000,000 of the amount specified for fiscal year 1999 in subsection (a) by the end of that fiscal year shall be effective only to the extent provided in advance in appropriation Acts.

SEC. 3304. USE OF STOCKPILE FUNDS FOR CERTAIN ENVIRONMENTAL REMEDIATION, RESTORATION, WASTE MANAGEMENT, AND COMPLIANCE ACTIVITIES.

Section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)) is amended—

(1) by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L), respectively; and

(2) by inserting after subparagraph (I) the following new subparagraph (J):

''(J) Performance of environmental remediation, restoration, waste management, or compliance activities at locations of the stockpile that are required under a Federal law or are undertaken by the Government under an administrative decision or negotiated agreement.''.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There is hereby authorized to be appropriated to the Secretary of Energy $117,000,000 for fiscal year 1999 for the purposes of carrying out—

(1) activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title); and

(2) activities necessary to terminate the administration of Naval Petroleum Reserve Numbered 1 by the Secretary after the sale of that reserve under subtitle B of title XXXIV of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 7420 note).

(b) AVAILABILITY.—Funds appropriated pursuant to the authorization in subsection (a) shall remain available until expended.

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE; REFERENCES TO PANAMA CANAL ACT OF 1979.

(a) SHORT TITLE.—This title may be cited as the ''Panama Canal Commission Authorization Act for Fiscal Year 1999''.

(b) REFERENCES TO PANAMA CANAL ACT OF 1979.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.).

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to use amounts in the Panama Canal Revolving Fund to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for fiscal year 1999.

(b) LIMITATIONS.—For fiscal year 1999, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $90,000 for official reception and representation expenses, of which—

(1) not more than $28,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $14,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $48,000 may be used for official reception and representation expenses of the Administrator of the Commission.

SEC. 3503. PURCHASE OF VEHICLES.

Notwithstanding any other provision of law, the funds available to the Commission shall be available for the purchase and transportation to the Republic of Panama of passenger motor vehicles, the purchase price of which shall not exceed $23,000 per vehicle.

SEC. 3504. EXPENDITURES ONLY IN ACCORDANCE WITH TREATIES.

Expenditures authorized under this title may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

SEC. 3505. DONATIONS TO THE COMMISSION.

Section 1102b (22 U.S.C. 3612b) is amended by adding at the end the following new subsection:

''(f)(1) The Commission may seek and accept donations of funds, property, and services from individuals, foundations, corporations, and other private and public entities for the purpose of carrying out its promotional activities.

''(2) The Commission shall establish written guidelines setting forth the criteria to be used in determining whether the acceptance of funds, property, or services authorized by paragraph (1) would reflect unfavorably upon the ability of the Commission (or any employee of the Commission) to carry out its responsibilities or official duties in a fair and objective manner or would compromise the integrity or the appearance of the integrity of its programs or of any official in those programs.''.

SEC. 3506. AGREEMENTS FOR UNITED STATES TO PROVIDE POST-TRANSFER ADMINISTRATIVE SERVICES FOR CERTAIN EMPLOYEE BENEFITS.

Section 1110 (22 U.S.C. 3620) is amended by adding at the end the following new subsection:

''(c)(1) The Secretary of State may enter into one or more agreements to provide for the United States to furnish administrative services relating to the benefits described in paragraph (2) after December 31, 1999, and to establish appropriate procedures for providing advance funding for the services.

''(2) The benefits referred to in paragraph (1) are the following:

''(A) Pension, disability, and medical benefits provided by the Panama Canal Commission pursuant to section 1245.

''(B) Compensation for work injuries covered by chapter 81 of title 5, United States Code.''.

SEC. 3507. SUNSET OF UNITED STATES OVERSEAS BENEFITS JUST BEFORE TRANSFER.

(a) REPEALS.—Effective 11:59 p.m. (Eastern Standard Time), December 30, 1999, the following provisions are repealed and any right or condition of employment provided for in, or arising from, those provisions is terminated: sections 1206 (22 U.S.C. 3646), 1207 (22 U.S.C. 3647), 1217(a), (22 U.S.C. 3657(a)), and 1224(11) (22 U.S.C. 3664(11)), subparagraphs (A), (B), (F), (G), and (H) of section 1231(a)(2) (22 U.S.C. 3671(a)(2)) and section 1321(e) (22 U.S.C. 3731(e)).

(b) SAVINGS PROVISION FOR BASIC PAY.—Notwithstanding subsection (a), benefits based on basic pay, as listed in paragraphs (1), (2), (3), (5), and (6) of section 1218 of the Panama Canal Act of 1979, shall be paid as if sections 1217(a) and 1231(a)(2) (A) and (B) of that Act had been repealed effective 12:00 p.m., December 31, 1999. The exception under the preceding sentence shall not apply to any pay for hours of work performed on December 31, 1999.

(c) NONAPPLICABILITY TO AGENCIES IN PANAMA OTHER THAN PANAMA CANAL COMMISSION.—Section 1212(b)(3) (22 U.S.C. 3652(b)(3)) is amended by striking out ''the Panama Canal Transition Facilitation Act of 1997'' and inserting in lieu thereof ''the Panama Canal Transition Facilitation Act of 1997 (subtitle B of title XXXV of Public Law 105–85; 110 Stat. 2062), or the Panama Canal Commission Authorization Act for Fiscal Year 1999''.

SEC. 3508. CENTRAL EXAMINING OFFICE.

Section 1223 (22 U.S.C. 3663) is repealed.

SEC. 3509. LIABILITY FOR VESSEL ACCIDENTS.

(a) COMMISSION LIABILITY SUBJECT TO CLAIMANT INSURANCE.—(1) Section 1411(a) (22 U.S.C. 3771(a)) is amended by inserting ''to section 1419(b) of this Act and'' after ''Subject'' in the first sentence.

(2) Section 1412 (22 U.S.C. 3772) is amended by striking out ''The Commission'' in the first sentence and inserting in lieu thereof ''Subject to section 1419(b) of this Act, the Commission''.

(3) Section 1416 (22 U.S.C. 3776) is amended by striking out ''A claimant'' in the first sentence and inserting in lieu thereof ''Subject to section 1419(b) of this Act, a claimant''.

(b) LIMITATION ON LIABILITY.—Section 1419 (22 U.S.C. 3779) is amended by designating the text as subsection (a) and by adding at the end the following:

''(b) The Commission may not consider or pay any claim under section 1411 or 1412 of this Act, nor may an action for damages lie thereon, unless the claimant is covered by one or more valid policies of insurance totalling at least $1,000,000 against the injuries specified in those sections. The Commission's liability on any such claim shall be limited to damages in excess of all amounts recovered or recoverable by the claimant from its insurers. The Commission may not consider or pay any claim by an insurer or subrogee of a claimant under section 1411 or 1412 of this Act.''.

SEC. 3510. PLACEMENT OF UNITED STATES CITIZENS IN POSITIONS WITH THE UNITED STATES GOVERNMENT.

Section 1232 (22 U.S.C. 3672) is amended—

(1) by striking out subsection (d);

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

(3) by inserting after subsection (b) the following new subsection (c):

''(c)(1) Upon the request of an employee or former employee of the Panama Canal Commission described in paragraph (2), the employee shall be afforded eligibility for appointment on a noncompetitive basis to vacant positions in the competitive service of the civil service within—

''(A) an area determined by the Director of the Office of Personnel Management as being within a reasonable commuting distance of the employee's residence; or

''(B) in the case of an employee in the Republic of Panama who chooses to so designate, any Standard Federal Region designated by the employee.

''(2) Paragraph (1) applies to a person who—

''(A) is a citizen of the United States;

''(B) was an employee of the Panama Canal Commission on or after July 1, 1998; and

''(C) is in receipt of a notice of separation by reason of a reduction in force.

''(3) A person's eligibility for a noncompetitive appointment under paragraph (1) expires one year after the date of the separation of that person from employment by the Panama Canal Commission.

''(4) For the purposes of paragraph (2)(B), an employee of the dissolution office established to manage Panama Canal Commission Dissolution Fund established by section 1305 is an employee of the Panama Canal Commission.

''(5) In this subsection, the terms 'civil service' and 'competitive service' have the meanings given such terms in sections 2101(1) and 2102, respectively, of title 5, United States Code.''.

SEC. 3511. PANAMA CANAL BOARD OF CONTRACT APPEALS.

(a) ESTABLISHMENT AND PAY OF BOARD.—Section 3102(a) (22 U.S.C. 3862(a)) is amended—

(1) in paragraph (1), by striking out ''shall'' in the first sentence and inserting in lieu thereof ''may''; and

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

''(3) Compensation for members of the Board of Contract Appeals shall be established by the Commission's supervisory board. The annual compensation established for members may not exceed the rate of basic pay established for level IV of the Executive Schedule under section 5315 of title 5, United States Code. The compensation of a member may not be reduced during the member's term of office from the level established at the time of the appointment of the member.''.

(b) DEADLINE FOR COMMENCEMENT OF BOARD.—Section 3102(e) (22 U.S.C. 3862(e)) is amended by striking out '', but not later than January 1, 1999''.

SEC. 3512. TECHNICAL AMENDMENTS.

(a) PANAMA CANAL ACT OF 1979.—The Panama Canal Act of 1979 is amended as follows:

(1) Section 1202(c) (22 U.S.C. 3642(c)) is amended—

(A) by striking out ''the day before the date of the enactment of the Panama Canal Transition Facilitation Act of 1997'' and inserting in lieu thereof ''November 17, 1997,'';

(B) by striking out ''on or after that date''; and

(C) by striking out ''the day before the date of enactment'' and inserting in lieu thereof ''that date''.

(2) Section 1212(b)(3) (22 U.S.C. 3652(b)(3)) is amended by inserting ''the'' after ''by the head of''.

(3) Section 1313 (22 U.S.C. 3723) is amended by striking out ''subsection (d)'' in each of subsections (a), (b), and (d) and inserting in lieu thereof ''subsection (c)''.

(4) Sections 1411(a) and 1412 (22 U.S.C. 3771(a), 3772) are amended by striking out ''the date of the enactment of the Panama Canal Transition Facilitation Act of 1997'' and inserting in lieu thereof ''by November 18, 1998''.

(5) Section 1416 (22 U.S.C. 3776) is amended by striking out ''the date of the enactment of the Panama Canal Transition Facilitation Act of 1997'' and inserting in lieu thereof ''by May 17, 1998''.

(b) PUBLIC LAW 104–201.—Effective as of September 23, 1996, and as if included therein as enacted, section 3548(b)(3) of the Panama Canal Act Amendments of 1996 (subtitle B of title XXXV of Public Law 104–201; 110 Stat. 2869) is amended by striking out ''section'' in both items of quoted matter and inserting in lieu thereof ''sections''.

SEC. 3513. OFFICER OF THE DEPARTMENT OF DEFENSE DESIGNATED AS A MEMBER OF THE PANAMA CANAL COMMISSION SUPERVISORY BOARD.

(a) AUTHORITY.—Section 1102(a) (22 U.S.C. 3612(a)) is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: ''The Commission shall be supervised by a Board composed of nine members. An officer of the Department of Defense designated by the Secretary of Defense shall be one of the members of the Board.''; and

(2) in the last sentence, by striking out ''Secretary of Defense or a designee of the Secretary of Defense'' and inserting in lieu thereof ''the officer of the Department of Defense designated by the Secretary of Defense to be a member of the Board''.

(b) REPEAL OF SUPERSEDED PROVISION.—Section 302 of Public Law 105–18 (111 Stat. 168) is repealed.

TITLE XXXVI—COMMERCIAL ACTIVITIES OF PEOPLE'S LIBERATION ARMY

SEC. 3601. APPLICATION OF AUTHORITIES UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT TO CHINESE MILITARY COMPANIES.

(a) DETERMINATION OF COMMUNIST CHINESE MILITARY COMPANIES.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Attorney General, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation, shall compile a list of persons who are Communist Chinese military companies and who are operating directly or indirectly in the United States or any of its territories and possessions, and shall publish the list of such persons in the Federal Register. On an ongoing basis, the Secretary of Defense, in consultation with the Attorney General, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation, shall make additions or deletions to the list based on the latest information available.

(2) COMMUNIST CHINESE MILITARY COMPANY.—For purposes of making the determination required by paragraph (1), the term ''Communist Chinese military company''—

(A) means a person that is—

(i) engaged in providing commercial services, manufacturing, producing, or exporting, and

(ii) owned or controlled by the People's Liberation Army, and

(B) includes, but is not limited to, any person identified in the United States Defense Intelligence Agency publication numbered VP–1920–271–90, dated September 1990, or PC–1921–57–95, dated October 1995, and any update of such reports for the purposes of this title.

(b) PRESIDENTIAL AUTHORITY.—

(1) AUTHORITY.—The President may exercise the authorities set forth in section 203(a) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)) with respect to any commercial activity in the United States by a Communist Chinese military company (except with respect to authorities relating to importation), without regard to section 202 of that Act.

(2) PENALTIES.—The penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to violations of any license, order, or regulation issued under paragraph (1).

SEC. 3602. DEFINITION.

For purposes of this title, the term ''People's Liberation Army'' means the land, naval, and air military services, the police, and the intelligence services of the Communist Government of the People's Republic of China, and any member of any such service or of such police.

TITLE XXXVII—FORCED OR INDENTURED LABOR

SEC. 3701. FINDINGS.

Congress makes the following findings:

(1) The United States Customs Service has identified goods, wares, articles, and merchandise mined, produced, or manufactured under conditions of convict labor, forced labor, or indentured labor, in several countries.

(2) The United States Customs Service has made limited attempts to prohibit the import of products made with forced labor, resulting in only a few seizures, detention orders, fines, and criminal prosecutions.

(3) The United States Customs Service has taken 21 formal administrative actions in the form of detention orders against different products destined for the United States market, found to have been made with forced labor, including products from the People's Republic of China.

(4) However, the United States Customs Service has never formally investigated or pursued enforcement with respect to attempts to import products made with forced or indentured child labor.

(5) The United States Customs Service can use additional resources and tools to obtain the timely and in-depth verification necessary to identify and interdict products made with forced labor or indentured labor, including forced or indentured child labor, that are destined for the United States market.

(6) The International Labor Organization estimates that approximately 250,000,000 children between the ages of 5 and 14 are working in developing countries, including millions of children in bondage or otherwise forced to work for little or no pay.

(7) Congress has clearly indicated in Public Law 105–61, Treasury-Postal Service Appropriations, 1998, that forced or indentured child labor constitutes forced labor under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 3702. AUTHORIZATION FOR ADDITIONAL CUSTOMS PERSONNEL TO MONITOR THE IMPORTATION OF PRODUCTS MADE WITH FORCED OR INDENTURED LABOR.

There are authorized to be appropriated $2,000,000 for fiscal year 1999 to the United States Customs Service to monitor the importation of products made with forced labor or indentured labor, including forced or indentured child labor, the importation of which violates section 307 of the Tariff Act of 1930 or section 1761 of title 18, United States Code.

SEC. 3703. REPORTING REQUIREMENT ON FORCED LABOR OR INDENTURED LABOR PRODUCTS DESTINED FOR THE UNITED STATES MARKET.

(a) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Customs shall prepare and transmit to Congress a report on products made with forced labor or indentured labor, including forced or indentured child labor that are destined for the United States market.

(b) CONTENTS OF REPORT.—The report under subsection (a) shall include information concerning the following:

(1) The extent of the use of forced labor or indentured labor, including forced or indentured child labor in manufacturing or mining products destined for the United States market.

(2) The volume of products made or mined with forced labor or indentured labor, including forced or indentured child labor that is—

(A) destined for the United States market,

(B) in violation of section 307 of the Tariff Act of 1930 or section 1761 of title 18, United States Code, and

(C) seized by the United States Customs Service.

(3) The progress of the United States Customs Service in identifying and interdicting products made with forced labor or indentured labor, including forced or indentured child labor that are destined for the United States market.

SEC. 3704. RENEGOTIATING MEMORANDA OF UNDERSTANDING ON FORCED LABOR.

It is the sense of Congress that the President should determine whether any country with which the United States has a memorandum of understanding with respect to reciprocal trade that involves goods made with forced labor or indentured labor, including forced or indentured child labor is frustrating implementation of the memorandum. If an affirmative determination be made, the President should immediately commence negotiations to replace the current memorandum of understanding with one providing for effective procedures for the monitoring of forced labor or indentured labor, including forced or indentured child labor. The memorandum of understanding should include improved procedures for requesting investigations of suspected work sites by international monitors.

SEC. 3705. DEFINITION OF FORCED LABOR.

(a) DEFINITION.—In this Act, the term ''forced labor'' means convict labor, forced labor, or indentured labor, as such terms are used in section 307 of the Tariff Act of 1930. The term includes forced or indentured child labor—

(1) that is exacted from any person under 15 years of age, either in payment for the debts of a parent, relative, or guardian, or drawn under false pretexts; and

(2) with respect to which such person is confined against the person's will.

(b) AMENDMENT TO TARIFF ACT OF 1930.—Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended by adding at the end the following new paragraph:

''For purposes of this section, forced or indentured labor includes forced or indentured child labor.''.

TITLE XXXVIII—FAIR TRADE IN AUTOMOTIVE PARTS

SEC. 3801. SHORT TITLE.

This title may be cited as the ''Fair Trade in Automotive Parts Act of 1998''.

SEC. 3802. DEFINITIONS.

In this title:

(1) JAPANESE MARKETS.—The term ''Japanese markets'' refers to markets, including markets in the United States and Japan, where automotive parts and accessories,

both original equipment and aftermarket, are purchased for use in the manufacture or repair of Japanese automobiles.

(2) JAPANESE AND OTHER ASIAN MARKETS.—The term ''Japanese and other Asian markets'' refers to markets, including markets in the United States, Japan, and other Asian countries, where automotive parts and accessories, both original equipment and aftermarket, are purchased for use in the manufacture or repair of Japanese, American, or other Asian automobiles.

SEC. 3803. RE-ESTABLISHMENT OF INITIATIVE ON AUTOMOTIVE PARTS SALES TO JAPAN.

(a) IN GENERAL.—The Secretary of Commerce shall re-establish the initiative to increase the sale of United States made automotive parts and accessories to Japanese markets.

(b) FUNCTIONS.—In carrying out this section, the Secretary shall—

(1) foster increased access for United States made automotive parts and accessories to Japanese companies, including specific consultations on access to Japanese markets;

(2) facilitate the exchange of information between United States automotive parts manufacturers and the Japanese automobile industry;

(3) collect data and market information on the Japanese automotive industry regarding needs, trends, and procurement practices, including the types, volume, and frequency of parts sales to Japanese automobile manufacturers;

(4) establish contacts with Japanese automobile manufacturers in order to facilitate contact between United States automotive parts manufacturers and Japanese automobile manufacturers;

(5) report on and attempt to resolve disputes, policies or practices, whether public or private, that result in barriers to increased commerce between United States automotive parts manufacturers and Japanese automobile manufacturers;

(6) take actions to initiate periodic consultations with officials of the Government of Japan regarding sales of United States-made automotive parts in Japanese markets; and

(7) transmit to Congress the annual report prepared by the Special Advisory Committee under section 3804(c)(5).

SEC. 3804. ESTABLISHMENT OF SPECIAL ADVISORY COMMITTEE ON AUTOMOTIVE PARTS SALES IN JAPANESE AND OTHER ASIAN MARKETS.

(a) IN GENERAL.—The Secretary of Commerce shall seek the advice of the United States automotive parts industry in carrying out this title.

(b) ESTABLISHMENT OF COMMITTEE.—The Secretary of Commerce shall establish a Special Advisory Committee for purposes of carrying out this title.

(c) FUNCTIONS.—The Special Advisory Committee established under subsection (b) shall—

(1) report to the Secretary of Commerce on barriers to sales of United States-made automotive parts and accessories in Japanese and other Asian markets;

(2) review and consider data collected on sales of United States-made automotive parts and accessories in Japanese and other Asian markets;

(3) advise the Secretary of Commerce during consultations with other governments on issues concerning sales of United States-made automotive parts in Japanese and other Asian markets;

(4) assist in establishing priorities for the initiative established under section 3803, and otherwise provide assistance and direction to the Secretary of Commerce in carrying out the intent of that section; and

(5) assist the Secretary in reporting to Congress by submitting an annual written report to the Secretary on the sale of United States-made automotive parts in Japanese and other Asian markets, as well as any other issues with respect to which the Committee provides advice pursuant to this title.

(d) AUTHORITY.—The Secretary of Commerce shall draw on existing budget authority in carrying out this title.

SEC. 3805. EXPIRATION DATE.

The authority under this title shall expire on December 31, 2003.

TITLE XXXIX —RADIO FREE ASIA

SEC. 3901. SHORT TITLE.

This title may be cited as the ''Radio Free Asia Act of 1998''.

SEC. 3902. FINDINGS.

The Congress makes the following findings:

(1) The Government of the People's Republic of China systematically controls the flow of information to the Chinese people.

(2) The Government of the People's Republic of China demonstrated that maintaining its monopoly on political power is a higher priority than economic development by announcing in January 1996 that its official news agency, Xinhua, will supervise wire services selling economic information, including Dow Jones-Telerate, Bloomberg, and Reuters Business, and in announcing in February 1996 the ''Interim Internet Management Rules'', which have the effect of censoring computer networks.

(3) Under the May 30, 1997, order of Premier Li Peng, all organizations that engage in business activities related to international computer networking must now apply for a license, increasing still further government control over access to the Internet.

(4) Both Radio Free Asia and the Voice of America, as a surrogate for a free press in the People's Republic of China, provide an invaluable source of uncensored information to the Chinese people, including objective and authoritative news of in-country and regional events, as well as accurate news about the United States and its policies.

(5) Enhanced broadcasting service to China and Tibet can efficiently be established through a combination of Radio Free Asia and Voice of America programming.

(6) Radio Free Asia and Voice of America, in working toward continuously broadcasting to the People's Republic of China in multiple languages, have the capability to establish 24-hour-a-day Mandarin broadcasting to that nation by staggering the hours of Radio Free Asia and Voice of America.

(7) Simultaneous broadcastings on Voice of America radio and Worldnet television 7 days a week in Mandarin are also important and needed capabilities.

SEC. 3903. AUTHORIZATION OF APPROPRIATIONS FOR INCREASED FUNDING FOR RADIO FREE ASIA AND VOICE OF AMERICA BROADCASTING TO CHINA.

(a) AUTHORIZATION OF APPROPRIATIONS FOR RADIO FREE ASIA.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for ''Radio Free Asia'' $30,000,000 for fiscal year 1998 and $22,000,000 for fiscal year 1999.

(2) LIMITATIONS.—Of the funds under paragraph (1) authorized to be appropriated for fiscal year 1998, $8,000,000 is authorized to be appropriated for one-time capital costs.

(3) SENSE OF CONGRESS.—It is the sense of Congress that of the funds under paragraph (1), a significant amount shall be directed towards broadcasting to China and Tibet in the appropriate languages and dialects.

(b) AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL BROADCASTING TO CHINA.—In addition to such sums as are otherwise authorized to be appropriated for ''International Broadcasting Activities'' for fiscal years 1998 and 1999, there are authorized to be appropriated for ''International Broadcasting Activities'' $5,000,000 for fiscal year 1998 and $3,000,000 for fiscal year 1999, which shall be available only for enhanced Voice of America broadcasting to China. Of the funds authorized under this subsection $100,000 is authorized to be appropriated for each of the fiscal years 1998 and 1999 for additional personnel to staff Hmong language broadcasting.

(c) AUTHORIZATION OF APPROPRIATIONS FOR RADIO CONSTRUCTION.—In addition to such sums as are otherwise authorized to be appropriated for ''Radio Construction'' for fiscal years 1998 and 1999, there are authorized to be appropriated for ''Radio Construction'' $10,000,000 for fiscal year 1998 and $2,000,000 for fiscal year 1999, which shall be available only for construction in support of enhanced broadcasting to China, including the timely augmentation of transmitters at Tinian, the Commonwealth of the Northern Mariana Islands.

SEC. 3904. REPORTING REQUIREMENT.

(a) REPORT.—Not later than 90 days after the date of enactment of this Act, the Broadcasting Board of Governors shall prepare and submit to the appropriate congressional committees an assessment of the board's efforts to increase broadcasting by Radio Free Asia and Voice of America to China and Tibet. This report shall include an analysis of Chinese government control of the media, the ability of independent journalists and news organizations to operate in China, and the results of any research conducted to quantify listenership.

(b) PURPOSES.—For purposes of this section, appropriate congressional committees are defined as the Senate Committees on Foreign Relations and Appropriations and the House Committees on International Relations and Appropriations.

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 1999

The Department of Energy National Security Act for Fiscal Year 1999 (S. 2058), passed by the Senate on June 25, 1998, is as follows:

S. 2058

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Energy National Security Act for Fiscal Year 1999''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Congressional defense committees defined.

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. Weapons activities.
Sec. 3102. Environmental restoration and waste management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Sec. 3105. Defense environmental management privatization.

Subtitle B—Recurring General Provisions

Sec. 3121. Reprogramming.
Sec. 3122. Limits on general plant projects.
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Sec. 3124. Fund transfer authority.

Sec. 3125. Authority for conceptual and construction design.
Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.
Sec. 3129. Transfers of defense environmental management funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Sec. 3131. International cooperative stockpile stewardship.
Sec. 3132. Prohibition on use of funds for ballistic missile defense and theater missile defense.
Sec. 3133. Licensing of certain mixed oxide fuel fabrication and irradiation facilities.
Sec. 3134. Continuation of processing, treatment, and disposition of legacy nuclear materials.
Sec. 3135. Authority for Department of Energy federally funded research and development centers to participate in merit-based technology research and development programs.
Sec. 3136. Support for public education in the vicinity of Los Alamos National Laboratory, New Mexico.
Sec. 3137. Cost-sharing for operation of the Hazardous Materials Management and Emergency Response training facility, Richland, Washington.
Sec. 3138. Hanford Health Information Network.
Sec. 3139. Nonproliferation activities.
Sec. 3140. Activities of the contractor-operated facilities of the Department of Energy.
Sec. 3140A. Relocation of National Atomic Museum, Albuquerque, New Mexico.

Subtitle D—Other Matters

Sec. 3141. Repeal of fiscal year 1998 statement of policy on stockpile stewardship program.
Sec. 3142. Increase in maximum rate of pay for scientific, engineering, and technical personnel responsible for safety at defense nuclear facilities.
Sec. 3143. Sense of Senate regarding treatment of Formerly Utilized Sites Remedial Action Program under a nondefense discretionary budget function.
Sec. 3144. Extension of authority for appointment of certain scientific, engineering, and technical personnel.
Sec. 3145. Extension of authority of Department of Energy to pay voluntary separation incentive payments.
Sec. 3146. Inspection of permanent records prior to declassification.
Sec. 3147. Sense of Senate regarding memoranda of understanding with the State of Oregon relating to Hanford.
Sec. 3148. Review of calculation of overhead costs of cleanup at Department of Energy sites.
Sec. 3149. Sense of the Congress on funding requirements for the nonproliferation science and technology activities of the Department of Energy.
Sec. 3150. Deadline for selection of technology for tritium production.

Subtitle E—Maximum Age for New Department of Energy Nuclear Materials Couriers

Sec. 3161. Maximum age to enter nuclear courier force.
Sec. 3162. Definition.
Sec. 3163. Amending section 8334(a)(1) of title 5, U.S.C.
Sec. 3164. Amending section 8336(c)(1) of title 5, U.S.C.
Sec. 3165. Amending section 8401 of title 5, U.S.C.
Sec. 3166. Amending section 8412(d) of title 5, U.S.C.
Sec. 3167. Amending section 8415(g) of title 5, U.S.C.
Sec. 3168. Amending section 8422(a)(3) of title 5, U.S.C.
Sec. 3169. Amending sections 8423(a) (1)(B)(i) and (3)(A) of title 5, U.S.C.
Sec. 3170. Amending section 8335(b) of title 5, U.S.C.
Sec. 3171. Payments.
Sec. 3172. Effective date.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Definitions.
Sec. 3302. Authorized uses of stockpile funds.
Sec. 3303. Authority to dispose of certain materials in National Defense Stockpile.
Sec. 3304. Use of stockpile funds for certain environmental remediation, restoration, waste management, and compliance activities.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—PANAMA CANAL COMMISSION

Sec. 3501. Short title; references to Panama Canal Act of 1979.
Sec. 3502. Authorization of expenditures.
Sec. 3503. Purchase of vehicles.
Sec. 3504. Expenditures only in accordance with treaties.
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Sec. 3509. Liability for vessel accidents.
Sec. 3510. Placement of United States citizens in positions with the United States Government.
Sec. 3511. Panama Canal Board of Contract Appeals.
Sec. 3512. Technical amendments.
Sec. 3513. Officer of the Department of Defense designated as a member of the Panama Canal Commission Supervisory Board.

TITLE XXXVI—COMMERCIAL ACTIVITIES OF PEOPLE'S LIBERATION ARMY

Sec. 3601. Application of authorities under the International Emergency Economic Powers Act to Chinese military companies.
Sec. 3602. Definition.

TITLE XXXVII—FORCED OR INDENTURED LABOR

Sec. 3701. Findings.
Sec. 3702. Authorization for additional Customs personnel to monitor the importation of products made with forced or indentured labor.
Sec. 3703. Reporting requirement on forced labor or indentured labor products destined for the United States market.
Sec. 3704. Renegotiating memoranda of understanding on forced labor.
Sec. 3705. Definition of forced labor.

TITLE XXXVIII—FAIR TRADE IN AUTOMOTIVE PARTS

Sec. 3801. Short title.
Sec. 3802. Definitions.
Sec. 3803. Re-establishment of initiative on automotive parts sales to Japan.
Sec. 3804. Establishment of special advisory committee on automotive parts sales in Japanese and other Asian markets.
Sec. 3805. Expiration date

TITLE XXXIX —RADIO FREE ASIA

Sec. 3901. Short title.
Sec. 3902. Findings.
Sec. 3903. Authorization of appropriations for increased funding for Radio Free Asia and Voice of America broadcasting to China.
Sec. 3904. Reporting requirement.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

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

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

(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for weapons activities in carrying out programs necessary for national security in the amount of $4,519,700,000, to be allocated as follows:

(1) STOCKPILE STEWARDSHIP.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $2,123,375,000, to be allocated as follows:

(A) For core stockpile stewardship, $1,556,375,000, to be allocated as follows:

(i) For operation and maintenance, $1,440,832,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $115,543,000, to be allocated as follows:

Project 99–D–102, rehabilitation of maintenance facility, Lawrence Livermore National Laboratory, Livermore, California, $6,500,000.

Project 99–D–103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, $4,000,000.

Project 99–D–104, protection of real property (roof replacement-Phase II), Lawrence Livermore National Laboratory, Livermore, California, $7,300,000.

Project 99–D–105, central health physics calibration facility, TA–36, Los Alamos National Laboratory, Los Alamos, New Mexico, $3,900,000.

Project 99–D–106, model validation and system certification test center, Sandia National Laboratories, Albuquerque, New Mexico, $1,600,000.

Project 99–D–107, Joint Computational Engineering Laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $1,800,000.

Project 99–D–108, renovate existing roadways, Nevada Test Site, Nevada, $2,000,000.

Project 97–D–102, dual-axis radiographic hydrotest facility (DARHT), Los Alamos National Laboratory, Los Alamos, New Mexico, $36,000,000.

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $20,423,000.

Project 96–D–103, ATLAS, Los Alamos National Laboratory, Los Alamos, New Mexico, $6,400,000.

Project 96–D–104, processing and environmental technology laboratory (PETL), Sandia National Laboratories, Albuquerque, New Mexico, $18,920,000.

Project 96–D–105, contained firing facility (CFF) addition, Lawrence Livermore National Laboratory, Livermore, California, $6,700,000.

(B) For inertial fusion, $498,000,000, to be allocated as follows:

(i) For operation and maintenance, $213,800,000.

(ii) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto), $284,200,000, to be allocated as follows:

Project 96–D–111, national ignition facility (NIF), Lawrence Livermore National Laboratory, Livermore, California, $284,200,000.

(C) For technology partnerships and education, $69,000,000, to be allocated as follows:

(i) For technology partnerships, $60,000,000.

(ii) For education, $9,000,000.

(2) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,140,825,000, to be allocated as follows:

(A) For operation and maintenance, $2,040,803,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $100,022,000, to be allocated as follows:

Project 99–D–122, rapid reactivation, various locations, $11,200,000.

Project 99–D–123, replace mechanical utility systems, Y–12 Plant, Oak Ridge, Tennessee, $1,900,000.

Project 99–D–125, replace boilers and controls, Kansas City Plant, Kansas City, Missouri, $1,000,000.

Project 99–D–127, stockpile management restructuring initiative, Kansas City Plant, Kansas City, Missouri, $13,700,000.

Project 99–D–128, stockpile management restructuring initiative, Pantex Plant, Amarillo, Texas, $1,108,000.

Project 99–D–132, nuclear materials safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,700,000.

Project 98–D–123, stockpile management restructuring initiative, tritium factory modernization and consolidation, Savannah River Site, Aiken, South Carolina, $27,500,000.

Project 98–D–124, stockpile management restructuring initiative, Y–12 Plant consolidation, Oak Ridge, Tennessee, $10,700,000.

Project 97–D–122, nuclear materials storage facility renovation, Los Alamos National Laboratory, Los Alamos, New Mexico, $4,864,000.

Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $6,400,000.

Project 96–D–122, sewage treatment quality upgrade (STQU), Pantex Plant, Amarillo, Texas, $3,700,000.

Project 95–D–102, chemistry and metallurgy research building (CMR) upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $5,000,000.

Project 93–D–122, life safety upgrades, Y–12 Plant, Oak Ridge, Tennessee, $3,250,000.

(3) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for program direction in carrying out weapons activities necessary for national security programs in the amount of $255,500,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated in paragraphs (1), (2), and (3) of subsection (a) is the sum of the amounts authorized to be appropriated by such paragraphs reduced by the sum of $145,000,000 for use of prior year balances.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for environmental restoration and waste management in carrying out programs necessary for national security in the amount of $5,323,143,000, to be allocated as follows:

(1) SITE AND PROJECT COMPLETION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for site project and completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,047,253,000, to be allocated as follows:

(A) For operation and maintenance, $848,090,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $199,163,000, to be allocated as follows:

Project 99–D–402, tank farm support services, F&H area, Savannah River Site, Aiken, South Carolina, $2,745,000.

Project 99–D–404, health physics instrumentation laboratory, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $950,000.

Project 98–D–401, H-tank farm storm water systems upgrade, Savannah River Site, Aiken, South Carolina, $3,120,000.

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $26,814,000.

Project 98–D–700, road rehabilitation, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $7,710,000.

Project 97–D–450, actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, $79,184,000.

Project 97–D–470, regulatory monitoring and bioassay laboratory, Savannah River Site, Aiken, South Carolina, $7,000,000.

Project 96–D–406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $38,680,000.

Project 96–D–408, waste management upgrades, Kansas City Plant, Kansas City, Missouri, and Savannah River Site, Aiken, South Carolina, $4,512,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $11,544,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $8,000,000.

Project 95–D–456, security facilities consolidation, Idaho Chemical Processing Plant, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $485,000.

Project 92–D–140, F-canyon and H-canyon exhaust upgrades, Savannah River Site, Aiken, South Carolina, $3,667,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $4,752,000.

(2) POST 2006 COMPLETION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for post 2006 project completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $2,683,451,000, to be allocated as follows:

(A) For operation and maintenance, $2,602,195,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $81,256,000, to be allocated as follows:

Project 99–D–403, privatization phase I infrastructure support, Richland, Washington, $14,800,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $22,723,000.

Project 96–D–408, waste management upgrades, Richland, Washington, $171,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $32,860,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $10,702,000.

(3) CLOSURE PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836; 42 U.S.C. 7274n) in the amount of $1,006,240,000.

(4) TECHNOLOGY DEVELOPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for science and technology in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $250,000,000.

(5) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $336,199,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated in paragraphs (1), (2), (3), and (5) of subsection (a) is the sum of the amounts authorized to be appropriated by such paragraphs reduced by the sum of $21,000,000 for use of prior year balances.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for other defense activities in carrying out programs necessary for national security in the amount of $1,672,160,000, to be allocated as follows:

(1) VERIFICATION AND CONTROL TECHNOLOGY.—For verification and control technology, $483,500,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $210,000,000.

(B) For arms control, $236,900,000.

(C) For intelligence, $36,600,000.

(2) NUCLEAR SAFEGUARDS AND SECURITY.—For nuclear safeguards and security, $53,200,000.

(3) SECURITY INVESTIGATIONS.—For security investigations, $30,000,000.

(4) EMERGENCY MANAGEMENT.—For emergency management, $23,700,000.

(5) PROGRAM DIRECTION.—For program direction, nonproliferation and national security, $84,900,000.

(6) WORKER AND COMMUNITY TRANSITION ASSISTANCE.—For worker and community transition assistance, $40,000,000, to be allocated as follows:

(A) For worker and community transition, $36,000,000.

(B) For program direction, worker and community transition assistance, $4,000,000.

(7) FISSILE MATERIALS CONTROL AND DISPOSITION.—For fissile materials control and disposition, $168,960,000, to be allocated as follows:

(A) For operation and maintenance, $111,372,000.

(B) For program direction, fissile materials control and disposition, $4,588,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and land acquisition related thereto), $53,000,000, to be allocated as follows:

Project 99–D–141, pit disassembly and conversion facility, location to be determined, $25,000,000.

Project 99–D–143, mixed oxide fuel fabrication facility, location to be determined, $28,000,000.

(8) ENVIRONMENT, SAFETY, AND HEALTH.—For environment, safety, and health, defense, $69,000,000, to be allocated as follows:

(A) For the Office of Environment, Safety, and Health (Defense), $64,231,000.

(B) For program direction, environment, safety, and health (defense), $4,769,000.

(9) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, $2,400,000.

(10) INTERNATIONAL NUCLEAR SAFETY.—For international nuclear safety, $35,000,000.

(11) NAVAL REACTORS.—For naval reactors, $681,500,000, to be allocated as follows:

(A) For naval reactors development, $661,400,000, to be allocated as follows:

(i) For operation and maintenance, $639,600,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $12,800,000, to be allocated as follows:

Project 98–D–200, site laboratory/facility upgrade, various locations, $7,000,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors facility, Idaho Falls, Idaho, $5,800,000.

(iii) For general plant projects, $9,000,000, to be allocated as follows:

Project GPN–101, general plant projects, various locations, $9,000,000.

(B) For program direction, naval reactors, $20,100,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $190,000,000.

SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $273,857,000, to be allocated as follows:

Project 99–PVT–1, remote handled transuranic waste transportation, Carlsbad, New Mexico, $19,605,000.

Project 98–PVT–2, spent nuclear fuel dry storage, Idaho Falls, Idaho, $20,000,000.

Project 98–PVT–5, waste disposal, Oak Ridge, Tennessee, $33,500,000.

Project 97–PVT–1, tank waste remediation system phase I, Hanford, Washington, $113,500,000.

Project 97–PVT–2, advanced mixed waste treatment facility, Idaho Falls, Idaho, $87,252,000.

(b) ADJUSTMENT.—The amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated for the projects set forth in that subsection reduced by the sum of $32,000,000 for use of prior year balances of funds for defense environmental management privatization.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $5,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $5,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(c) LIMITATION.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—Except as provided in subsection (b), when so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

(b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—Amounts appropriated for program direction pursuant to an authorization of appropriations in subtitle A shall remain available to be expended only until the end of fiscal year 2001.

SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.

(b) LIMITATIONS.—(1) Only one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project under subsection (a) may not exceed $5,000,000 in a fiscal year.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section:

(1) The term ''program or project'' means, with respect to a field office of the Department of Energy, any of the following:

(A) An activity carried out pursuant to paragraph (1), (2), or (3) of section 3102(a).

(B) A project or program not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of enactment of this Act.

(2) The term ''defense environmental management funds'' means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) DURATION OF AUTHORITY.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 1998, and ending on September 30, 1999.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. INTERNATIONAL COOPERATIVE STOCKPILE STEWARDSHIP.

(a) FUNDING PROHIBITION.—No funds authorized to be appropriated or otherwise available to the Department of Energy for fiscal year 1999 may be obligated or expended to conduct any activities associated with international cooperative stockpile stewardship.

(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

(1) Activities conducted between the United States and the United Kingdom.

(2) Activities conducted between the United States and France.

(3) Activities carried out under title III of this Act relating to cooperative threat reduction with states of the former Soviet Union.

SEC. 3132. PROHIBITION ON USE OF FUNDS FOR BALLISTIC MISSILE DEFENSE AND THEATER MISSILE DEFENSE.

No funds authorized to be appropriated or otherwise made available to the Department of Energy by this title for fiscal year 1999 may be obligated or expended for any activities (including research, development, test, and evaluation activities, demonstration activities, or studies) relating to ballistic missile defense or theater missile defense.

SEC. 3133. LICENSING OF CERTAIN MIXED OXIDE FUEL FABRICATION AND IRRADIATION FACILITIES.

(a) LICENSE REQUIREMENT.—Notwithstanding section 110 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2140(a)), no person may construct or operate a facility referred to in subsection (b) without obtaining a license from the Nuclear Regulatory Commission.

(b) COVERED FACILITIES.—(1) Except as provided in paragraph (2), subsection (a) applies to any facility under a contract with and for the account of the Department of Energy that fabricates mixed plutonium-uranium oxide nuclear reactor fuel for use in a commercial nuclear reactor.

(2) Subsection (a) does not apply to any such facility that is utilized for research, development, demonstration, testing, or analysis purposes.

(c) AVAILABILITY OF FUNDS FOR LICENSING BY NRC.—Section 210 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (42 U.S.C. 7272) shall not apply to any licensing activities required as a result of subsection (a).

(d) APPLICABILITY OF OCCUPATIONAL SAFETY AND HEALTH REQUIREMENTS TO ACTIVITIES UNDER LICENSE.—Any activities carried out under a license referred to in subsection (a) shall be subject to regulation under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

SEC. 3134. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSITION OF LEGACY NUCLEAR MATERIALS.

The Secretary of Energy shall continue operations and maintain a high state of readiness at the F–canyon and H–canyon facilities at the Savannah River site and shall provide technical staff necessary to operate and so maintain such facilities.

SEC. 3135. AUTHORITY FOR DEPARTMENT OF ENERGY FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS TO PARTICIPATE IN MERIT-BASED TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAMS.

Section 217(f)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2695) is amended by inserting ''or of the Department of Energy'' after ''the Department of Defense''.

SEC. 3136. SUPPORT FOR PUBLIC EDUCATION IN THE VICINITY OF LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.

(a) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated or otherwise made available to the Department of Energy by this title, $5,000,000 shall be available for payment by the Secretary of Energy to the educational foundation chartered to enhance educational activities in the public schools in the vicinity of Los Alamos National Laboratory, New Mexico (in this section referred to as the ''Foundation'').

(b) USE OF FUNDS.—(1) The Foundation shall utilize funds provided under subsection (a) as a contribution to an endowment fund for the Foundation.

(2) The Foundation shall use the income generated from investments in the endowment fund that are attributable to the payment made under subsection (a) to fund programs to support the educational needs of children in public schools in the vicinity of Los Alamos National Laboratory.

SEC. 3137. COST-SHARING FOR OPERATION OF THE HAZARDOUS MATERIALS MANAGEMENT AND EMERGENCY RESPONSE TRAINING FACILITY, RICHLAND, WASHINGTON.

The Secretary of Energy may enter into partnership arrangements with Federal and non-Federal entities to share the costs of operating the Hazardous Materials Management and Emergency Response training facility authorized under section 3140 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3088). Such arrangements may include the exchange of equipment and services.

SEC. 3138. HANFORD HEALTH INFORMATION NETWORK.

Of the funds authorized to be appropriated or otherwise made available to the Department of Energy by section 3102, $2,500,000

shall be available for activities relating to the Hanford Health Information Network established pursuant to the authority in section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1834), as amended by section 3138(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3087).

SEC. 3139. NONPROLIFERATION ACTIVITIES.

(a) INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.—Of the amount authorized to be appropriated by section 3103(1)(B), $30,000,000 may be available for the Initiatives for Proliferation Prevention program.

(b) NUCLEAR CITIES INITIATIVE.—Of the amount authorized to be appropriated by section 3103(1)(B), $30,000,000 may be available for the purpose of implementing the initiative arising pursuant to the March 1998 discussions between the Vice President of the United States and the Prime Minister of the Russian Federation and between the Secretary of Energy of the United States and the Minister of Atomic Energy of the Russian Federation (the so-called ''nuclear cities'' initiative).

SEC. 3140. ACTIVITIES OF THE CONTRACTOR-OPERATED FACILITIES OF THE DEPARTMENT OF ENERGY.

(a) RESEARCH AND ACTIVITIES ON BEHALF OF NON-DEPARTMENT PERSONS AND ENTITIES.—(1) The Secretary of Energy may conduct research and other activities referred to in paragraph (2) through contractor-operated facilities of the Department of Energy on behalf of other departments and agencies of the Government, agencies of State and local governments, and private persons and entities.

(2) The research and other activities that may be conducted under paragraph (1) are those which the Secretary is authorized to conduct by law, and include, but are not limited to, research and activities authorized under the following:

(A) Section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2053).

(B) Section 107 of the Energy Reorganization Act of 1974 (42 U.S.C. 5817).

(C) The Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.).

(b) CHARGES.—(1) The Secretary shall impose on the department, agency, or person or entity for whom research and other activities are carried out under subsection (a) a charge for such research and activities equal to not more than the full cost incurred by the contractor concerned in carrying out such research and activities, which cost shall include—

(A) the direct cost incurred by the contractor in carrying out such research and activities; and

(B) the overhead cost including site-wide indirect costs associated with such research and activities.

(2)(A) Subject to subparagraph (B), the Secretary shall also impose on the department, agency, or person or entity concerned a Federal administrative charge (which includes any depreciation and imputed interest charges) in an amount not to exceed 3 percent of the full cost incurred by the contractor concerned in carrying out the research and activities concerned.

(B) The Secretary may waive the imposition of the Federal administrative charge required by subparagraph (A) in the case of research and other activities conducted on behalf of small business concerns, institutions of higher education, non-profit entities, and State and local governments.

(3) Not later than 2 years after the date of enactment of this Act, the Secretary shall terminate any waiver of charges under section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2053) that were made before such date, unless the Secretary determines that such waiver should be continued.

(c) PILOT PROGRAM OF REDUCED FACILITY OVERHEAD CHARGES.—(1) The Secretary may, with the cooperation of participating contractors of the contractor-operated facilities of the Department, carry out a pilot program under which the Secretary and such contractors reduce the facility overhead charges imposed under this section for research and other activities conducted under this section.

(2) The Secretary shall carry out the pilot program at contractor-operated facilities selected by the Secretary in consultation with the contractors concerned.

(3) The Secretary shall determine the facility overhead charges to be imposed under the pilot program based on their joint review of all items included in the overhead costs of the facility concerned in order to determine which items are appropriately incurred as facility overhead charges by the contractor in carrying out research and other activities at such facility under this section.

(4) The Secretary shall commence carrying out the pilot program not later than October 1, 1999, and shall terminate the pilot program on September 30, 2003.

(5) Not later than January 31, 2003, the Secretary shall submit to the congressional defense committees, the Committee on Energy and Natural Resources of the Senate, and other appropriate committees of the House of Representatives an interim report on the results of the pilot program under this subsection. The report shall include any recommendations for the extension or expansion of the pilot program, including the establishment of multiple rates of overhead charges for various categories of persons and entities seeking research and other activities in contractor-operated facilities of the Department.

(d) PARTNERSHIPS AND INTERACTIONS.—(1) The Secretary of Energy may encourage partnerships and interactions between each contractor-operated facility of the Department of Energy and universities and private businesses.

(2) The Secretary may take into account the progress of each contractor-operated facility of the Department in developing and expanding partnerships and interactions under paragraph (1) in evaluating the annual performance of such contractor-operated facility.

(e) SMALL BUSINESS TECHNOLOGY PARTNERSHIP PROGRAM.—(1) The Secretary may require that each contractor operating a facility of the Department establish a program at such facility under which the contractor may enter into partnerships with small businesses at such facility relating to technology.

(2) The amount of funds expended by a contractor under a program under paragraph (1) at a particular facility may not exceed an amount equal to 0.25 percent of the total operating budget of the facility.

(3) Amounts expended by a contractor under a program—

(A) shall be used to cover the costs (including research and development costs and technical assistance costs) incurred by the contractor in connection with activities under the program; and

(B) may not be used for direct grants to small businesses.

(4) The Secretary shall submit to the congressional defense committees, the Committee on Energy and Natural Resources of the Senate, and the appropriate committee of the House of Representatives, together with the budget of the President for each fiscal year that is submitted to Congress under section 1105 of title 31, United States Code, an assessment of the program under this subsection during the preceding year, including the effectiveness of the program in providing opportunities for small businesses to interact with and use the resources of the contractor-operated facilities of the Department, the cost of the program to the Federal Government and any impact on the execution of the Department's mission.

SEC. 3140A. RELOCATION OF NATIONAL ATOMIC MUSEUM, ALBUQUERQUE, NEW MEXICO.

The Secretary of Energy shall submit to the Defense Committees of Congress a plan for the design, construction, and relocation of the National Atomic Museum in Albuquerque, New Mexico.

Subtitle D—Other Matters

SEC. 3141. REPEAL OF FISCAL YEAR 1998 STATEMENT OF POLICY ON STOCKPILE STEWARDSHIP PROGRAM.

Section 3156 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2045; 42 U.S.C. 2121 note) is repealed.

SEC. 3142. INCREASE IN MAXIMUM RATE OF PAY FOR SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL RESPONSIBLE FOR SAFETY AT DEFENSE NUCLEAR FACILITIES.

Section 3161(a)(2) of the National Defense Authorization Act for Fiscal Year 1995 (42 U.S.C. 7231 note) is amended by striking out ''level IV of the Executive Schedule under section 5315'' and inserting in lieu thereof ''level III of the Executive Schedule under section 5314''.

SEC. 3143. SENSE OF SENATE REGARDING TREATMENT OF FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM UNDER A NONDEFENSE DISCRETIONARY BUDGET FUNCTION.

It is the sense of the Senate that the Office of Management and Budget should, beginning with fiscal year 2000, transfer the Formerly Utilized Sites Remedial Action Program from the 050 budget function to a nondefense discretionary budget function.

SEC. 3144. EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 3161(c)(1) of the National Defense Authorization Act for Fiscal Year 1995 (42 U.S.C. 7231 note) is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

SEC. 3145. EXTENSION OF AUTHORITY OF DEPARTMENT OF ENERGY TO PAY VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) EXTENSION.—Notwithstanding subsection (c)(2)(D) of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–383; 5 U.S.C. 5597 note), the Department of Energy may pay voluntary separation incentive payments to qualifying employees who voluntarily separate (whether by retirement or resignation) before January 1, 2001.

(b) EXERCISE OF AUTHORITY.—The Department shall pay voluntary separation incentive payments under subsection (a) in accordance with the provisions of such section 663.

SEC. 3146. INSPECTION OF PERMANENT RECORDS PRIOR TO DECLASSIFICATION.

Section 3155 of the National Defense Authorization Act for Fiscal Year 1996 (P.L. 104–106) is amended by inserting the following:

''(c) Agencies, including the National Archives and Records Administration, shall conduct a visual inspection of all permanent records of historical value which are 25 years old or older prior to declassification to ascertain that they contain no pages with Restricted Data (RD) or Formerly Restricted

Data (FRD) markings (as defined by the Atomic Energy Act of 1954, as amended). Record collection in which marked RD or FRD is found shall be set aside pending the completion of a review by the Department of Energy.''.

SEC. 3147. SENSE OF SENATE REGARDING MEMORANDA OF UNDERSTANDING WITH THE STATE OF OREGON RELATING TO HANFORD.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Energy and the State of Washington have entered into memoranda of understanding with the State of Oregon to provide the State of Oregon greater involvement in decisions regarding the Hanford Reservation.

(2) Hanford has an impact on the State of Oregon, and the State of Oregon has an interest in the decisions made regarding Hanford.

(3) The Department of Energy and the State of Washington are to be congratulated for entering into the memoranda of understanding with the State of Oregon regarding Hanford.

(b) SENSE OF SENATE.—It is the sense of the Senate to—

(1) encourage the Department of Energy and the State of Washington to implement the memoranda of understanding regarding Hanford in ways that result in continued involvement by the State of Oregon in decisions of concern to the State of Oregon regarding Hanford; and

(2) encourage the Department of Energy and the State of Washington to continue similar efforts to permit ongoing participation by the State of Oregon in the decisions regarding Hanford that may affect the environment or public health or safety of the citizens of the State of Oregon.

SEC. 3148. REVIEW OF CALCULATION OF OVERHEAD COSTS OF CLEANUP AT DEPARTMENT OF ENERGY SITES.

(a) REVIEW.—(1) The Comptroller General shall—

(A) carry out a review of the methods currently used by the Department of Energy for calculating overhead costs (including direct overhead costs and indirect overhead costs) associated with the cleanup of Department sites; and

(B) pursuant to the review, identify how such costs are allocated among different program and budget accounts of the Department.

(2) The review shall include the following:

(A) All activities whose costs are spread across other accounts of a Department site or of any contractor performing work at a site.

(B) Support service overhead costs, including activities or services which are paid for on a per-unit-used basis.

(C) All fees, awards, and other profit on indirect and support service overhead costs or fees that are not attributed to performance on a single project.

(D) Any portion of contractor costs for which there is no competitive bid.

(E) All computer service and information management costs that have been previously reported as overhead costs.

(F) Any other costs that the Comptroller General considers appropriate to categorize as direct or indirect overhead costs.

(b) REPORT.—Not later than January 31, 1999, the Comptroller General shall submit to Congress a report setting forth the findings of the Comptroller as a result of the review under subsection (a). The report shall include the recommendations of the Comptroller regarding means of standardizing the methods used by the Department for allocating and reporting overhead costs associated with the cleanup of Department sites.

SEC. 3149. SENSE OF THE CONGRESS ON FUNDING REQUIREMENTS FOR THE NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES OF THE DEPARTMENT OF ENERGY.

(a) FUNDING REQUIREMENTS FOR THE NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES BUDGET.—It is the sense of the Congress that for each of the fiscal years 2000 through 2008, it should be an objective of the Secretary of Energy to increase the budget for the nonproliferation science and technology activities for the fiscal year over the budget for those activities 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.

(b) NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES DEFINED.—In this section, the term ''nonproliferation science and technology activities'' means activities (including program direction activities) relating to preventing and countering the proliferation of weapons of mass destruction that are funded by the Department of Energy under the following programs and projects:

(1) The Verification and Control Technology program within the Office of Nonproliferation and National Security.

(2) Projects under the ''Technology and Systems Development'' element of the Nuclear Safeguards and Security program within the Office of Nonproliferation and National Security.

(3) Projects relating to a national capability to assess the credibility of radiological and extortion threats, or to combat nuclear materials trafficking or terrorism, under the Emergency Management program within the Office of Nonproliferation and National Security.

(4) Projects relating to the development or integration of new technology to respond to emergencies and threats involving the presence, or possible presence, of weapons of mass destruction, radiological emergencies, and related terrorist threats, under the Office of Defense Programs.

SEC. 3150. DEADLINE FOR SELECTION OF TECHNOLOGY FOR TRITIUM PRODUCTION.

(a) DEADLINE.—The Secretary of Energy shall select a technology for the production of tritium not later than December 31, 1998.

(b) OPTIONS AVAILABLE FOR SELECTION.—Notwithstanding any provision of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), after the completion of the Department of Energy's evaluation of their Interagency Review on the production of tritium, the Secretary shall make the selection for tritium production consistent with the laws, regulations and procedures of the Department of Energy as stated in subsection (a).

Subtitle E—Maximum Age for New Department of Energy Nuclear Materials Couriers

SEC. 3161. MAXIMUM AGE TO ENTER NUCLEAR COURIER FORCE.

Section 3307 of title 5, United States Code, is amended as follows—

(1) by striking in subsection (a) ''and (d)'' and inserting in its place ''(d), (e), and (f)''; and

(2) by adding the following new subsection (f) after subsection (e):

''(f) The Secretary of Energy may determine and fix the maximum age limit for an original appointment to a position as a Department of Energy nuclear materials courier, so defined by section 8331(27) of this title.

SEC. 3162. DEFINITION.

Section 8331 of title 5, United States Code, is amended by adding the following new paragraph (27) after paragraph (26):

''(27) Department of Energy nuclear materials courier means an employee of the Department of Energy or its predecessor agencies, the duties of whose position are primarily to transport, and provide armed escort and protection during transit of, nuclear weapons, nuclear weapon components, strategic quantities of special nuclear materials or other materials related to national security, including an employee who remains fully certified to engage in this activity who is transferred to a supervisory, training, or administrative position.''.

SEC. 3163. AMENDING SECTION 8334(a)(1) OF TITLE 5, U.S.C.

(a) The first sentence of section 8334(a)(1) of title 5, United States Code, is amended by striking ''and a firefighter'', and inserting in its place ''a firefighter, and a Department of Energy nuclear materials courier,''.

(b) Section 8334(c) of title 5, United States Code, is amended by adding the following new schedule after the schedule for a Member of the Capitol Police:

''Department of Energy nuclear materials courier for courier service (while employed by DOE and its predecessor agencies)	5	July 1, 1942 to June 30, 1948.
		July 1, 1948 to October 31, 1956.
	6	
	6½	November 1, 1956 to December 31, 1969.
	7	January 1, 1970 to December 31, 1974.
	7½	After December 31, 1974.''.

SEC. 3164. AMENDING SECTION 8336(c)(1) OF TITLE 5, U.S.C.

Section 8336(c)(1) of title 5, United States Code, is amended by striking ''or firefighter'' and inserting in its place, ''a firefighter, or a Department of Energy nuclear materials courier,''.

SEC. 3165. AMENDING SECTION 8401 OF TITLE 5, U.S.C.

Section 8401 of title 5, United States Code, is amended by adding the following new paragraph (33) after paragraph (32):

''(33) Department of Energy nuclear materials courier means an employee of the Department of Energy or its predecessor agencies, the duties of whose position are primarily to transport, and provide armed escort and protection during transit of, nuclear weapons, nuclear weapons components, strategic quantities of special nuclear materials, or other materials related to national security, including an employee who remains fully certified to engage in this activity who is transferred to a supervisory, training, or administrative position.''.

SEC. 3166. AMENDING SECTION 8412(d) OF TITLE 5, U.S.C.

Section 8412(d) of title 5, United States Code, is amended by striking ''or firefighter'' in paragraphs (1) and (2) and inserting in its place, ''a firefighter, or a Department of Energy nuclear materials courier,''.

SEC. 3167. AMENDING SECTION 8415(g) OF TITLE 5, U.S.C.

Section 8415(g) of title 5, United States Code, is amended by striking ''firefighter''

and inserting in its place ''firefighter, Department of Energy nuclear materials courier,''.

SEC. 3168. AMENDING SECTION 8422(a)(3) OF TITLE 5, U.S.C.

Section 8422(a)(3) of title 5, United States Code, is amended by striking ''firefighter'' in the schedule and inserting in its place ''firefighter, Department of Energy nuclear materials courier,''.

SEC. 3169. AMENDING SECTIONS 8423(a) (1)(B)(i) AND (3)(A) OF TITLE 5, U.S.C.

Sections 8423(a)(1)(B)(i) and 8423(a)(3)(A) of title 5, United States Code, are amended by striking ''Firefighters'' and inserting in its place ''firefighters, Department of Energy nuclear materials couriers,''.

SEC. 3170. AMENDING SECTION 8335(b) OF TITLE 5, U.S.C.

Section 8335(b) of title 5, United States Code, is amended by adding the words ''or Department of Energy Nuclear Materials Couriers'' after the word ''officer'' in the second sentence.

SEC. 3171. PAYMENTS.

Any payments made by the Department of Energy to the Civil Service Retirement or Disability Fund pursuant to this Act shall be made from the Weapons Activities account.

SEC. 3172. EFFECTIVE DATE.

These amendments are effective at the beginning of the first pay period in fiscal year 2000, and applies only to those employees who retire after fiscal year 1999.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1999, $17,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. DEFINITIONS.

In this title:

(1) The term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term ''National Defense Stockpile Transaction Fund'' means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 1999, the National Defense Stockpile Manager may obligate up to $83,000,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)), including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3303. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL REQUIRED.—Subject to subsection (c), the President shall dispose of materials contained in the National Defense Stockpile and specified in the table in subsection (b) so as to result in receipts to the United States in the amount of $103,000,000 by the end of fiscal year 1999 and $377,000,000 by the end of fiscal year 2003.

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

Authorized Stockpile Disposals

Material for disposal	Quantity
Beryllium Metal, vacuum cast	227 short tons
Chromium Metal—EL	8,511 short tons
Columbium Carbide Powder	21,372 pounds contained
Columbium Ferro	249,395 pounds contained
Columbium Concentrates	1,733,454 pounds contained
Chromium Ferroalloy	92,000 short tons
Diamond, Stones	3,000,000 carats
Germanium Metal	28,198 kilograms
Indium	14,248 troy ounces
Palladium	1,227,831 troy ounces
Platinum	439,887 troy ounces
Tantalum Carbide Powder	22,681 pounds contained
Tantalum Metal Powder	50,000 pounds contained
Tantalum Minerals	1,751,364 pounds contained
Tantalum Oxide	122,730 pounds contained
Tungsten Ferro	2,024,143 pounds
Tungsten Carbide Powder	2,032,954 pounds
Tungsten Metal Powder	1,898,009 pounds
Tungsten Ores & Concentrates	76,358,230 pounds.

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

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

(e) AUTHORIZATION OF SALE.—The authority provided by this section to dispose of materials contained in the National Defense Stockpile so as to result in receipts of $100,000,000 of the amount specified for fiscal year 1999 in subsection (a) by the end of that fiscal year shall be effective only to the extent provided in advance in appropriation Acts.

SEC. 3304. USE OF STOCKPILE FUNDS FOR CERTAIN ENVIRONMENTAL REMEDIATION, RESTORATION, WASTE MANAGEMENT, AND COMPLIANCE ACTIVITIES.

Section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)) is amended—

(1) by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L), respectively; and

(2) by inserting after subparagraph (I) the following new subparagraph (J):

''(J) Performance of environmental remediation, restoration, waste management, or compliance activities at locations of the stockpile that are required under a Federal law or are undertaken by the Government under an administrative decision or negotiated agreement.''.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There is hereby authorized to be appropriated to the Secretary of Energy $117,000,000 for fiscal year 1999 for the purposes of carrying out—

(1) activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title); and

(2) activities necessary to terminate the administration of Naval Petroleum Reserve Numbered 1 by the Secretary after the sale of that reserve under subtitle B of title

XXXIV of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 7420 note).

(b) AVAILABILITY.—Funds appropriated pursuant to the authorization in subsection (a) shall remain available until expended.

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE; REFERENCES TO PANAMA CANAL ACT OF 1979.

(a) SHORT TITLE.—This title may be cited as the ''Panama Canal Commission Authorization Act for Fiscal Year 1999''.

(b) REFERENCES TO PANAMA CANAL ACT OF 1979.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.).

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to use amounts in the Panama Canal Revolving Fund to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for fiscal year 1999.

(b) LIMITATIONS.—For fiscal year 1999, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $90,000 for official reception and representation expenses, of which—

(1) not more than $28,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $14,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $48,000 may be used for official reception and representation expenses of the Administrator of the Commission.

SEC. 3503. PURCHASE OF VEHICLES.

Notwithstanding any other provision of law, the funds available to the Commission shall be available for the purchase and transportation to the Republic of Panama of passenger motor vehicles, the purchase price of which shall not exceed $23,000 per vehicle.

SEC. 3504. EXPENDITURES ONLY IN ACCORDANCE WITH TREATIES.

Expenditures authorized under this title may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

SEC. 3505. DONATIONS TO THE COMMISSION.

Section 1102b (22 U.S.C. 3612b) is amended by adding at the end the following new subsection:

''(f)(1) The Commission may seek and accept donations of funds, property, and services from individuals, foundations, corporations, and other private and public entities for the purpose of carrying out its promotional activities.

''(2) The Commission shall establish written guidelines setting forth the criteria to be used in determining whether the acceptance of funds, property, or services authorized by paragraph (1) would reflect unfavorably upon the ability of the Commission (or any employee of the Commission) to carry out its responsibilities or official duties in a fair and objective manner or would compromise the integrity or the appearance of the integrity of its programs or of any official in those programs.''.

SEC. 3506. AGREEMENTS FOR UNITED STATES TO PROVIDE POST-TRANSFER ADMINISTRATIVE SERVICES FOR CERTAIN EMPLOYEE BENEFITS.

Section 1110 (22 U.S.C. 3620) is amended by adding at the end the following new subsection:

''(c)(1) The Secretary of State may enter into one or more agreements to provide for the United States to furnish administrative services relating to the benefits described in paragraph (2) after December 31, 1999, and to establish appropriate procedures for providing advance funding for the services.

''(2) The benefits referred to in paragraph (1) are the following:

''(A) Pension, disability, and medical benefits provided by the Panama Canal Commission pursuant to section 1245.

''(B) Compensation for work injuries covered by chapter 81 of title 5, United States Code.''.

SEC. 3507. SUNSET OF UNITED STATES OVERSEAS BENEFITS JUST BEFORE TRANSFER.

(a) REPEALS.—Effective 11:59 p.m. (Eastern Standard Time), December 30, 1999, the following provisions are repealed and any right or condition of employment provided for in, or arising from, those provisions is terminated: sections 1206 (22 U.S.C. 3646), 1207 (22 U.S.C. 3647), 1217(a), (22 U.S.C. 3657(a)), and 1224(11) (22 U.S.C. 3664(11)), subparagraphs (A), (B), (F), (G), and (H) of section 1231(a)(2) (22 U.S.C. 3671(a)(2)) and section 1321(e) (22 U.S.C. 3731(e)).

(b) SAVINGS PROVISION FOR BASIC PAY.—Notwithstanding subsection (a), benefits based on basic pay, as listed in paragraphs (1), (2), (3), (5), and (6) of section 1218 of the Panama Canal Act of 1979, shall be paid as if sections 1217(a) and 1231(a)(2) (A) and (B) of that Act had been repealed effective 12:00 p.m., December 31, 1999. The exception under the preceding sentence shall not apply to any pay for hours of work performed on December 31, 1999.

(c) NONAPPLICABILITY TO AGENCIES IN PANAMA OTHER THAN PANAMA CANAL COMMISSION.—Section 1212(b)(3) (22 U.S.C. 3652(b)(3)) is amended by striking out ''the Panama Canal Transition Facilitation Act of 1997'' and inserting in lieu thereof ''the Panama Canal Transition Facilitation Act of 1997 (subtitle B of title XXXV of Public Law 105–85; 110 Stat. 2062), or the Panama Canal Commission Authorization Act for Fiscal Year 1999''.

SEC. 3508. CENTRAL EXAMINING OFFICE.

Section 1223 (22 U.S.C. 3663) is repealed.

SEC. 3509. LIABILITY FOR VESSEL ACCIDENTS.

(a) COMMISSION LIABILITY SUBJECT TO CLAIMANT INSURANCE.—(1) Section 1411(a) (22 U.S.C. 3771(a)) is amended by inserting ''to section 1419(b) of this Act and'' after ''Subject'' in the first sentence.

(2) Section 1412 (22 U.S.C. 3772) is amended by striking out ''The Commission'' in the first sentence and inserting in lieu thereof ''Subject to section 1419(b) of this Act, the Commission''.

(3) Section 1416 (22 U.S.C. 3776) is amended by striking out ''A claimant'' in the first sentence and inserting in lieu thereof ''Subject to section 1419(b) of this Act, a claimant''.

(b) LIMITATION ON LIABILITY.—Section 1419 (22 U.S.C. 3779) is amended by designating the text as subsection (a) and by adding at the end the following:

''(b) The Commission may not consider or pay any claim under section 1411 or 1412 of this Act, nor may an action for damages lie thereon, unless the claimant is covered by one or more valid policies of insurance totalling at least $1,000,000 against the injuries specified in those sections. The Commission's liability on any such claim shall be limited to damages in excess of all amounts recovered or recoverable by the claimant from its insurers. The Commission may not consider or pay any claim by an insurer or subrogee of a claimant under section 1411 or 1412 of this Act.''.

SEC. 3510. PLACEMENT OF UNITED STATES CITIZENS IN POSITIONS WITH THE UNITED STATES GOVERNMENT.

Section 1232 (22 U.S.C. 3672) is amended—

(1) by striking out subsection (d);

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

(3) by inserting after subsection (b) the following new subsection (c):

''(c)(1) Upon the request of an employee or former employee of the Panama Canal Commission described in paragraph (2), the employee shall be afforded eligibility for appointment on a noncompetitive basis to vacant positions in the competitive service of the civil service within—

''(A) an area determined by the Director of the Office of Personnel Management as being within a reasonable commuting distance of the employee's residence; or

''(B) in the case of an employee in the Republic of Panama who chooses to so designate, any Standard Federal Region designated by the employee.

''(2) Paragraph (1) applies to a person who—

''(A) is a citizen of the United States;

''(B) was an employee of the Panama Canal Commission on or after July 1, 1998; and

''(C) is in receipt of a notice of separation by reason of a reduction in force.

''(3) A person's eligibility for a noncompetitive appointment under paragraph (1) expires one year after the date of the separation of that person from employment by the Panama Canal Commission.

''(4) For the purposes of paragraph (2)(B), an employee of the dissolution office established to manage Panama Canal Commission Dissolution Fund established by section 1305 is an employee of the Panama Canal Commission.

''(5) In this subsection, the terms 'civil service' and 'competitive service' have the meanings given such terms in sections 2101(1) and 2102, respectively, of title 5, United States Code.''.

SEC. 3511. PANAMA CANAL BOARD OF CONTRACT APPEALS.

(a) ESTABLISHMENT AND PAY OF BOARD.—Section 3102(a) (22 U.S.C. 3862(a)) is amended—

(1) in paragraph (1), by striking out ''shall'' in the first sentence and inserting in lieu thereof ''may''; and

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

''(3) Compensation for members of the Board of Contract Appeals shall be established by the Commission's supervisory board. The annual compensation established for members may not exceed the rate of basic pay established for level IV of the Executive Schedule under section 5315 of title 5, United States Code. The compensation of a member may not be reduced during the member's term of office from the level established at the time of the appointment of the member.''.

(b) DEADLINE FOR COMMENCEMENT OF BOARD.—Section 3102(e) (22 U.S.C. 3862(e)) is amended by striking out '', but not later than January 1, 1999''.

SEC. 3512. TECHNICAL AMENDMENTS.

(a) PANAMA CANAL ACT OF 1979.—The Panama Canal Act of 1979 is amended as follows:

(1) Section 1202(c) (22 U.S.C. 3642(c)) is amended—

(A) by striking out ''the day before the date of the enactment of the Panama Canal Transition Facilitation Act of 1997'' and inserting in lieu thereof ''November 17, 1997,'';

(B) by striking out ''on or after that date''; and

(C) by striking out ''the day before the date of enactment'' and inserting in lieu thereof ''that date''.

(2) Section 1212(b)(3) (22 U.S.C. 3652(b)(3)) is amended by inserting ''the'' after ''by the head of''.

(3) Section 1313 (22 U.S.C. 3723) is amended by striking out ''subsection (d)'' in each of subsections (a), (b), and (d) and inserting in lieu thereof ''subsection (c)''.

(4) Sections 1411(a) and 1412 (22 U.S.C. 3771(a), 3772) are amended by striking out ''the date of the enactment of the Panama Canal Transition Facilitation Act of 1997'' and inserting in lieu thereof ''by November 18, 1998''.

(5) Section 1416 (22 U.S.C. 3776) is amended by striking out ''the date of the enactment of the Panama Canal Transition Facilitation Act of 1997'' and inserting in lieu thereof ''by May 17, 1998''.

(b) PUBLIC LAW 104–201.—Effective as of September 23, 1996, and as if included therein as enacted, section 3548(b)(3) of the Panama Canal Act Amendments of 1996 (subtitle B of title XXXV of Public Law 104–201; 110 Stat. 2869) is amended by striking out ''section'' in both items of quoted matter and inserting in lieu thereof ''sections''.

SEC. 3513. OFFICER OF THE DEPARTMENT OF DEFENSE DESIGNATED AS A MEMBER OF THE PANAMA CANAL COMMISSION SUPERVISORY BOARD.

(a) AUTHORITY.—Section 1102(a) (22 U.S.C. 3612(a)) is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: ''The Commission shall be supervised by a Board composed of nine members. An officer of the Department of Defense designated by the Secretary of Defense shall be one of the members of the Board.''; and

(2) in the last sentence, by striking out ''Secretary of Defense or a designee of the Secretary of Defense'' and inserting in lieu thereof ''the officer of the Department of Defense designated by the Secretary of Defense to be a member of the Board''.

(b) REPEAL OF SUPERSEDED PROVISION.—Section 302 of Public Law 105–18 (111 Stat. 168) is repealed.

TITLE XXXVI—COMMERCIAL ACTIVITIES OF PEOPLE'S LIBERATION ARMY

SEC. 3601. APPLICATION OF AUTHORITIES UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT TO CHINESE MILITARY COMPANIES.

(a) DETERMINATION OF COMMUNIST CHINESE MILITARY COMPANIES.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Attorney General, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation, shall compile a list of persons who are Communist Chinese military companies and who are operating directly or indirectly in the United States or any of its territories and possessions, and shall publish the list of such persons in the Federal Register. On an ongoing basis, the Secretary of Defense, in consultation with the Attorney General, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation, shall make additions or deletions to the list based on the latest information available.

(2) COMMUNIST CHINESE MILITARY COMPANY.—For purposes of making the determination required by paragraph (1), the term ''Communist Chinese military company''—

(A) means a person that is—

(i) engaged in providing commercial services, manufacturing, producing, or exporting, and

(ii) owned or controlled by the People's Liberation Army, and

(B) includes, but is not limited to, any person identified in the United States Defense Intelligence Agency publication numbered VP–1920–271–90, dated September 1990, or PC–1921–57–95, dated October 1995, and any update of such reports for the purposes of this title.

(b) PRESIDENTIAL AUTHORITY.—

(1) AUTHORITY.—The President may exercise the authorities set forth in section 203(a) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)) with respect to any commercial activity in the United States by a Communist Chinese military company (except with respect to authorities relating to importation), without regard to section 202 of that Act.

(2) PENALTIES.—The penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to violations of any license, order, or regulation issued under paragraph (1).

SEC. 3602. DEFINITION.

For purposes of this title, the term ''People's Liberation Army'' means the land, naval, and air military services, the police, and the intelligence services of the Communist Government of the People's Republic of China, and any member of any such service or of such police.

TITLE XXXVII—FORCED OR INDENTURED LABOR

SEC. 3701. FINDINGS.

Congress makes the following findings:

(1) The United States Customs Service has identified goods, wares, articles, and merchandise mined, produced, or manufactured under conditions of convict labor, forced labor, or indentured labor, in several countries.

(2) The United States Customs Service has made limited attempts to prohibit the import of products made with forced labor, resulting in only a few seizures, detention orders, fines, and criminal prosecutions.

(3) The United States Customs Service has taken 21 formal administrative actions in the form of detention orders against different products destined for the United States market, found to have been made with forced labor, including products from the People's Republic of China.

(4) However, the United States Customs Service has never formally investigated or pursued enforcement with respect to attempts to import products made with forced or indentured child labor.

(5) The United States Customs Service can use additional resources and tools to obtain the timely and in-depth verification necessary to identify and interdict products made with forced labor or indentured labor, including forced or indentured child labor, that are destined for the United States market.

(6) The International Labor Organization estimates that approximately 250,000,000 children between the ages of 5 and 14 are working in developing countries, including millions of children in bondage or otherwise forced to work for little or no pay.

(7) Congress has clearly indicated in Public Law 105–61, Treasury-Postal Service Appropriations, 1998, that forced or indentured child labor constitutes forced labor under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 3702. AUTHORIZATION FOR ADDITIONAL CUSTOMS PERSONNEL TO MONITOR THE IMPORTATION OF PRODUCTS MADE WITH FORCED OR INDENTURED LABOR.

There are authorized to be appropriated $2,000,000 for fiscal year 1999 to the United States Customs Service to monitor the importation of products made with forced labor or indentured labor, including forced or indentured child labor, the importation of which violates section 307 of the Tariff Act of 1930 or section 1761 of title 18, United States Code.

SEC. 3703. REPORTING REQUIREMENT ON FORCED LABOR OR INDENTURED LABOR PRODUCTS DESTINED FOR THE UNITED STATES MARKET.

(a) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Customs shall prepare and transmit to Congress a report on products made with forced labor or indentured labor, including forced or indentured child labor that are destined for the United States market.

(b) CONTENTS OF REPORT.—The report under subsection (a) shall include information concerning the following:

(1) The extent of the use of forced labor or indentured labor, including forced or indentured child labor in manufacturing or mining products destined for the United States market.

(2) The volume of products made or mined with forced labor or indentured labor, including forced or indentured child labor that is—

(A) destined for the United States market,

(B) in violation of section 307 of the Tariff Act of 1930 or section 1761 of title 18, United States Code, and

(C) seized by the United States Customs Service.

(3) The progress of the United States Customs Service in identifying and interdicting products made with forced labor or indentured labor, including forced or indentured child labor that are destined for the United States market.

SEC. 3704. RENEGOTIATING MEMORANDA OF UNDERSTANDING ON FORCED LABOR.

It is the sense of Congress that the President should determine whether any country with which the United States has a memorandum of understanding with respect to reciprocal trade that involves goods made with forced labor or indentured labor, including forced or indentured child labor is frustrating implementation of the memorandum. If an affirmative determination be made, the President should immediately commence negotiations to replace the current memorandum of understanding with one providing for effective procedures for the monitoring of forced labor or indentured labor, including forced or indentured child labor. The memorandum of understanding should include improved procedures for requesting investigations of suspected work sites by international monitors.

SEC. 3705. DEFINITION OF FORCED LABOR.

(a) DEFINITION.—In this Act, the term ''forced labor'' means convict labor, forced labor, or indentured labor, as such terms are used in section 307 of the Tariff Act of 1930. The term includes forced or indentured child labor—

(1) that is exacted from any person under 15 years of age, either in payment for the debts of a parent, relative, or guardian, or drawn under false pretexts; and

(2) with respect to which such person is confined against the person's will.

(b) AMENDMENT TO TARIFF ACT OF 1930.—Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended by adding at the end the following new paragraph:

''For purposes of this section, forced or indentured labor includes forced or indentured child labor.''.

TITLE XXXVIII—FAIR TRADE IN AUTOMOTIVE PARTS

SEC. 3801. SHORT TITLE.

This title may be cited as the ''Fair Trade in Automotive Parts Act of 1998''.

SEC. 3802. DEFINITIONS.

In this title:

(1) JAPANESE MARKETS.—The term ''Japanese markets'' refers to markets, including markets in the United States and Japan, where automotive parts and accessories, both original equipment and aftermarket, are purchased for use in the manufacture or repair of Japanese automobiles.

(2) JAPANESE AND OTHER ASIAN MARKETS.—The term ''Japanese and other Asian markets'' refers to markets, including markets in the United States, Japan, and other Asian countries, where automotive parts and accessories, both original equipment and aftermarket, are purchased for use in the manufacture or repair of Japanese, American, or other Asian automobiles.

SEC. 3803. RE-ESTABLISHMENT OF INITIATIVE ON AUTOMOTIVE PARTS SALES TO JAPAN.

(a) IN GENERAL.—The Secretary of Commerce shall re-establish the initiative to increase the sale of United States made automotive parts and accessories to Japanese markets.

(b) FUNCTIONS.—In carrying out this section, the Secretary shall—

(1) foster increased access for United States made automotive parts and accessories to Japanese companies, including specific consultations on access to Japanese markets;

(2) facilitate the exchange of information between United States automotive parts manufacturers and the Japanese automobile industry;

(3) collect data and market information on the Japanese automotive industry regarding needs, trends, and procurement practices, including the types, volume, and frequency of parts sales to Japanese automobile manufacturers;

(4) establish contacts with Japanese automobile manufacturers in order to facilitate contact between United States automotive parts manufacturers and Japanese automobile manufacturers;

(5) report on and attempt to resolve disputes, policies or practices, whether public or private, that result in barriers to increased commerce between United States automotive parts manufacturers and Japanese automobile manufacturers;

(6) take actions to initiate periodic consultations with officials of the Government of Japan regarding sales of United States-made automotive parts in Japanese markets; and

(7) transmit to Congress the annual report prepared by the Special Advisory Committee under section 3804(c)(5).

SEC. 3804. ESTABLISHMENT OF SPECIAL ADVISORY COMMITTEE ON AUTOMOTIVE PARTS SALES IN JAPANESE AND OTHER ASIAN MARKETS.

(a) IN GENERAL.—The Secretary of Commerce shall seek the advice of the United States automotive parts industry in carrying out this title.

(b) ESTABLISHMENT OF COMMITTEE.—The Secretary of Commerce shall establish a Special Advisory Committee for purposes of carrying out this title.

(c) FUNCTIONS.—The Special Advisory Committee established under subsection (b) shall—

(1) report to the Secretary of Commerce on barriers to sales of United States-made automotive parts and accessories in Japanese and other Asian markets;

(2) review and consider data collected on sales of United States-made automotive parts and accessories in Japanese and other Asian markets;

(3) advise the Secretary of Commerce during consultations with other governments on issues concerning sales of United States-made automotive parts in Japanese and other Asian markets;

(4) assist in establishing priorities for the initiative established under section 3803, and otherwise provide assistance and direction to the Secretary of Commerce in carrying out the intent of that section; and

(5) assist the Secretary in reporting to Congress by submitting an annual written report to the Secretary on the sale of United States-made automotive parts in Japanese and other Asian markets, as well as any other issues with respect to which the Committee provides advice pursuant to this title.

(d) AUTHORITY.—The Secretary of Commerce shall draw on existing budget authority in carrying out this title.

SEC. 3805. EXPIRATION DATE.

The authority under this title shall expire on December 31, 2003.

TITLE XXXIX —RADIO FREE ASIA

SEC. 3901. SHORT TITLE.

This title may be cited as the ''Radio Free Asia Act of 1998''.

SEC. 3902. FINDINGS.

The Congress makes the following findings:

(1) The Government of the People's Republic of China systematically controls the flow of information to the Chinese people.

(2) The Government of the People's Republic of China demonstrated that maintaining its monopoly on political power is a higher priority than economic development by announcing in January 1996 that its official news agency, Xinhua, will supervise wire services selling economic information, including Dow Jones-Telerate, Bloomberg, and Reuters Business, and in announcing in February 1996 the ''Interim Internet Management Rules'', which have the effect of censoring computer networks.

(3) Under the May 30, 1997, order of Premier Li Peng, all organizations that engage in business activities related to international computer networking must now apply for a license, increasing still further government control over access to the Internet.

(4) Both Radio Free Asia and the Voice of America, as a surrogate for a free press in the People's Republic of China, provide an invaluable source of uncensored information to the Chinese people, including objective and authoritative news of in-country and regional events, as well as accurate news about the United States and its policies.

(5) Enhanced broadcasting service to China and Tibet can efficiently be established through a combination of Radio Free Asia and Voice of America programming.

(6) Radio Free Asia and Voice of America, in working toward continuously broadcasting to the People's Republic of China in multiple languages, have the capability to establish 24-hour-a-day Mandarin broadcasting to that nation by staggering the hours of Radio Free Asia and Voice of America.

(7) Simultaneous broadcastings on Voice of America radio and Worldnet television 7 days a week in Mandarin are also important and needed capabilities.

SEC. 3903. AUTHORIZATION OF APPROPRIATIONS FOR INCREASED FUNDING FOR RADIO FREE ASIA AND VOICE OF AMERICA BROADCASTING TO CHINA.

(a) AUTHORIZATION OF APPROPRIATIONS FOR RADIO FREE ASIA.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for ''Radio Free Asia'' $30,000,000 for fiscal year 1998 and $22,000,000 for fiscal year 1999.

(2) LIMITATIONS.—Of the funds under paragraph (1) authorized to be appropriated for fiscal year 1998, $8,000,000 is authorized to be appropriated for one-time capital costs.

(3) SENSE OF CONGRESS.—It is the sense of Congress that of the funds under paragraph (1), a significant amount shall be directed towards broadcasting to China and Tibet in the appropriate languages and dialects.

(b) AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL BROADCASTING TO CHINA.—In addition to such sums as are otherwise authorized to be appropriated for ''International Broadcasting Activities'' for fiscal years 1998 and 1999, there are authorized to be appropriated for ''International Broadcasting Activities'' $5,000,000 for fiscal year 1998 and $3,000,000 for fiscal year 1999, which shall be available only for enhanced Voice of America broadcasting to China. Of the funds authorized under this subsection $100,000 is authorized to be appropriated for each of the fiscal years 1998 and 1999 for additional personnel to staff Hmong language broadcasting.

(c) AUTHORIZATION OF APPROPRIATIONS FOR RADIO CONSTRUCTION.—In addition to such sums as are otherwise authorized to be appropriated for ''Radio Construction'' for fiscal years 1998 and 1999, there are authorized to be appropriated for ''Radio Construction'' $10,000,000 for fiscal year 1998 and $2,000,000 for fiscal year 1999, which shall be available only for construction in support of enhanced broadcasting to China, including the timely augmentation of transmitters at Tinian, the Commonwealth of the Northern Mariana Islands.

SEC. 3904. REPORTING REQUIREMENT.

(a) REPORT.—Not later than 90 days after the date of enactment of this Act, the Broadcasting Board of Governors shall prepare and submit to the appropriate congressional committees an assessment of the board's efforts to increase broadcasting by Radio Free Asia and Voice of America to China and Tibet. This report shall include an analysis of Chinese government control of the media, the ability of independent journalists and news organizations to operate in China, and the results of any research conducted to quantify listenership.

(b) PURPOSES.—For purposes of this section, appropriate congressional committees are defined as the Senate Committees on Foreign Relations and Appropriations and the House Committees on International Relations and Appropriations.

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Military Construction Authorization Act for Fiscal Year 1999 (S. 2059), passed by the Senate on June 25, 1998, is as follows:

S. 2059

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Military Construction Authorization Act for Fiscal Year 1999''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Congressional defense committees defined.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out fiscal year 1998 project.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Improvements to military family housing units.
Sec. 2403. Energy conservation projects.
Sec. 2404. Authorization of appropriations, Defense Agencies.
Sec. 2405. Modification of authority to carry out certain fiscal year 1995 projects.
Sec. 2406. Modification of authority to carry out fiscal year 1990 project.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

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

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
Sec. 2602. Reduction in fiscal year 1998 authorization of appropriations for Army Reserve military construction.
Sec. 2603. National Guard Military Educational Facility, Fort Bragg, North Carolina.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1996 projects.
Sec. 2703. Extension of authorization of fiscal year 1995 project.
Sec. 2704. Authorization of additional military construction and military family housing projects.
Sec. 2705. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Modification of authority relating to architectural and engineering services and construction design.
Sec. 2802. Expansion of Army overseas family housing lease authority.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Increase in thresholds for reporting requirements relating to real property transactions.
Sec. 2812. Exceptions to real property transaction reporting requirements for war and certain emergency and other operations.
Sec. 2813. Waiver of applicability of property disposal laws to leases at installations to be closed or realigned under the base closure laws.
Sec. 2814. Restoration of Department of Defense lands used by another Federal agency.

Subtitle C—Land Conveyances

Sec. 2821. Land conveyance, Indiana Army Ammunition Plant, Charlestown, Indiana.
Sec. 2822. Land conveyance, Army Reserve Center, Bridgton, Maine.
Sec. 2823. Land conveyance, Volunteer Army Ammunition Plant, Chattanooga, Tennessee.
Sec. 2824. Release of interests in real property, former Kennebec Arsenal, Augusta, Maine.
Sec. 2825. Land exchange, Naval Reserve Readiness Center, Portland, Maine.
Sec. 2826. Land conveyance, Air Force Station, Lake Charles, Louisiana.
Sec. 2827. Expansion of land conveyance authority, Eglin Air Force Base, Florida.
Sec. 2828. Conveyance of water rights and related interests, Rocky Mountain Arsenal, Colorado, for purposes of acquisition of perpetual contracts for water.
Sec. 2829. Land conveyance, Naval Air Reserve Center, Minneapolis, Minnesota.
Sec. 2830. Land conveyance, Army Reserve Center, Peoria, Illinois.
Sec. 2830A. Land conveyance, Skaneateles, New York.
Sec. 2830B. Reauthorization of land conveyance, Army Reserve Center, Youngstown, Ohio.
Sec. 2830C. Conveyance of utility systems, Lone Star Army Ammunition Plant, Texas.
Sec. 2830D. Modification of land conveyance authority, Finley Air Force Station, Finley, North Dakota.

Subtitle D—Other Matters

Sec. 2831. Purchase of build-to-lease family housing at Eielson Air Force Base, Alaska.
Sec. 2832. Beach replenishment, San Diego, California.
Sec. 2833. Modification of authority relating to Department of Defense Laboratory Revitalization Demonstration Program.
Sec. 2834. Report and requirement relating to ''1 plus 1 barracks initiative''.
Sec. 2835. Development of Ford Island, Hawaii.
Sec. 2836. Report on leasing and other alternative uses of non-excess military property.
Sec. 2837. Emergency repairs and stabilization measures, Forest Glen Annex of Walter Reed Army Medical Center, Maryland.

Subtitle E—Base Closures

Sec. 2851. Modification of limitations on general authority relating to base closures and realignments.
Sec. 2852. Prohibition on closure of a base within four years after a realignment of the base.
Sec. 2853. Sense of the Senate on further rounds of base closures.

TITLE XXIX—JUNIPER BUTTE RANGE WITHDRAWAL

Sec. 2901. Short title.
Sec. 2902. Withdrawal and reservation.
Sec. 2903. Map and legal description.
Sec. 2904. Agency agreement.
Sec. 2905. Right-of-way grants.
Sec. 2906. Indian sacred sites.
Sec. 2907. Actions concerning ranching operations in withdrawn area.
Sec. 2908. Management of withdrawn and reserved lands.
Sec. 2909. Integrated natural resource management plan.
Sec. 2910. Memorandum of understanding.
Sec. 2911. Maintenance of roads.
Sec. 2912. Management of withdrawn and acquired mineral resources.
Sec. 2913. Hunting, fishing, and trapping.
Sec. 2914. Water rights.
Sec. 2915. Duration of withdrawal.
Sec. 2916. Environmental remediation of relinquished withdrawn lands or upon termination of withdrawal.
Sec. 2917. Delegation of authority.
Sec. 2918. Sense of Senate regarding monitoring of withdrawn lands.
Sec. 2919. Authorization of appropriations.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

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

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

(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Anniston Army Depot	$3,550,000
	Fort Rucker	$10,000,000
Alaska	Fort Wainwright	$22,600,000
California	Fort Irwin	$7,000,000
Georgia	Fort Benning	$28,600,000
	Fort Stewart	$17,000,000
Hawaii	Schofield Barracks	$67,500,000

Army: Inside the United States—Continued

State	Installation or location	Amount
Illinois	Rock Island Arsenal	$5,300,000
Indiana	Crane Army Ammunition Activity	$7,100,000
Kentucky	Bluegrass Army Depot	$5,300,000
	Fort Campbell	$41,000,000
Louisiana	Fort Polk	$8,300,000
Maryland	Fort Detrick	$3,550,000
	Fort Meade	$5,300,000
Missouri	Fort Leonard Wood	$5,200,000
New York	Fort Drum	$4,650,000
	United States Military Academy, West Point	$85,000,000
North Carolina	Fort Bragg	$85,300,000
Oklahoma	Fort Sill	$13,800,000
	McAlester Army Ammunition Plant	$10,800,000
Texas	Fort Bliss	$4,100,000
	Fort Hood	$32,500,000
	Fort Sam Houston	$21,800,000
Utah	Tooele Army Depot	$3,900,000
Virginia	Charlottesville	$46,200,000
	Fort Eustis	$36,531,000
Washington	Fort Lewis	$18,200,000
CONUS Classified	Classified Locations	$4,600,000
	Total:	$604,681,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Belgium	80th Area Support Group	$6,300,000
Germany	Schweinfurt	$18,000,000
	Wuerzburg	$4,250,000
Korea	Camp Casey	$13,400,000
	Camp Castle	$18,226,000
	Camp Humphreys	$8,500,000
	Camp Stanley	$5,800,000
Kwajalein	Kwajalein Atoll	$48,600,000
	Total:	$123,076,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or location	Purpose	Amount
Alabama	Redstone Arsenal	118 Units	$14,000,000
Hawaii	Schofield Barracks	64 Units	$14,700,000
North Carolina	Fort Bragg	170 Units	$19,800,000
Texas	Fort Hood	154 Units	$21,600,000
		Total:	$70,100,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $7,490,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $46,029,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1998, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $1,983,304,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $516,681,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $87,076,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $10,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $65,295,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $123,619,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,104,733,000.

(6) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $12,800,000.

(7) For the construction of the missile software engineering annex, phase II, Redstone Arsenal, Alabama, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1966), $13,600,000.

(8) For the construction of a disciplinary barracks, phase II, Fort Leavenworth, Kansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998, $29,000,000.

(9) For the construction of the whole barracks complex renewal, Fort Sill, Oklahoma, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998, $20,500,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of

title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $73,000,000 (the balance of the amount authorized to be appropriated under section 2101(a) of this Act for the construction of the Cadet Physical Development project at the United States Military Academy, West Point, New York);

(3) $15,000,000 (the balance of the amount authorized to be appropriated under section 2101(a) of this Act for the construction of a rail head facility at Fort Hood, Texas); and

(4) $36,000,000 (the balance of the amount authorized to be appropriated under section 2101(b) of this Act for the construction of a power plant on Roi Namur Island, Kwajalein Atoll).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $1,639,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

(d) AVAILABILITY OF CERTAIN FUNDS.—Notwithstanding section 2701 or any other provision of law, the amounts appropriated pursuant to the authorization of appropriations in subsection (a)(6) shall remain available until expended.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1998 PROJECT.

The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1967) is amended in the item relating to Fort Sill, Oklahoma, by striking out ''$25,000,000'' in the amount column and inserting in lieu thereof ''$28,500,000''.

(b) CONFORMING AMENDMENTS.—(1) The table in section 2101(a) of that Act is amended in the item relating to the total by striking out ''$598,750,000'' in the amount column and inserting in lieu thereof ''$602,250,000''.

(2) Section 2104 of that Act (111 Stat. 1968) is amended—

(A) in the matter preceding paragraph (1), by striking out ''$2,010,466,000'' and inserting in lieu thereof ''$2,013,966,000''; and

(B) in paragraph (1), by striking out ''$435,350,000'' and inserting in lieu thereof ''$438,850,000''.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	$11,010,000
	Naval Observatory Detachment, Flagstaff	$990,000
California	Marine Corps Air Station, Miramar	$29,570,000
	Marine Corps Base, Camp Pendleton	$28,240,000
	Naval Air Station, Lemoore	$20,640,000
	Naval Air Warfare Center Weapons Division, China Lake	$3,240,000
	Naval Facility, San Clemente Island	$8,350,000
	Naval Submarine Base, San Diego	$11,400,000
Connecticut	Naval Submarine Base, New London	$12,510,000
District of Columbia	Naval District, Washington	$790,000
Florida	Naval Air Station, Key West	$3,730,000
	Naval Air Station, Whiting Field	$1,400,000
Georgia	Naval Submarine Base, Kings Bay	$2,550,000
Hawaii	Marine Corps Air Station, Kaneohe Bay	$27,410,000
	Marine Corps Base, Hawaii	$23,570,000
	Naval Communications & Telecommunications Area Master Station Eastern Pacific, Wahiawa	$1,970,000
	Naval Shipyard, Pearl Harbor	$11,400,000
	Naval Submarine Base, Pearl Harbor	$8,060,000
	Navy Public Works Center, Pearl Harbor	$28,967,000
	Fleet and Industrial Supply Center, Pearl Harbor	$9,730,000
	Naval Station, Pearl Harbor	$18,180,000
Illinois	Naval Training Center, Great Lakes	$5,750,000
	Naval Training Center, Great Lakes	$7,410,000
Maryland	Naval Surface Warfare Center, Indian Head Division, Indian Head	$6,680,000
	United States Naval Academy	$4,300,000
Mississippi	Naval Construction Battalion Center, Gulfport	$10,670,000
North Carolina	Marine Corps Air Station, Cherry Point	$6,040,000
	Marine Corps Base, Camp LeJeune	$30,300,000
Rhode Island	Naval Education and Training Center, Newport	$5,630,000
	Naval Undersea Warfare Center Division, Newport	$9,140,000
South Carolina	Marine Corps Air Station, Beaufort	$1,770,000
	Marine Corps Recruit Depot, Parris Island	$7,960,000
	Naval Weapons Station, Charleston	$9,737,000
Virginia	Fleet and Industrial Supply Center, Norfolk (Craney Island)	$1,770,000
	Fleet Training Center, Norfolk	$5,700,000
	Naval Shipyard, Norfolk, Portsmouth	$6,180,000
	Naval Station, Norfolk	$45,530,000
	Naval Surface Warfare Center, Dahlgren	$5,130,000
	Tactical Training Group Atlantic, Dam Neck	$2,430,000
Washington	Strategic Weapons Facility Pacific, Bremerton	$2,750,000
	Naval Shipyard, Puget Sound, Bremerton	$4,300,000
	Total:	$442,884,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Greece	Naval Support Activity, Souda Bay	$5,260,000
Guam	Naval Activities, Guam	$10,310,000
Italy	Naval Support Activity, Naples	$18,270,000
United Kingdom	Joint Maritime Communications Center, St. Mawgan	$2,010,000
	Total:	$35,850,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or location	Purpose	Amount
California	Naval Air Station, Lemoore	162 Units	$30,379,000
Hawaii	Navy Public Works Center, Pearl Harbor	150 Units	$29,125,000
		Total:	$59,504,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $15,618,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $211,991,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1998, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,737,021,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $429,384,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $35,850,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $8,900,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $60,481,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $287,113,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $915,293,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $13,500,000 (the balance of the amount authorized under section 2201(a) of this Act for the construction of a berthing pier at Naval Station, Norfolk, Virginia).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $6,323,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$19,398,000
Alaska	Eielson Air Force Base	$10,552,000
Arkansas	Little Rock Air Force Base	$1,500,000
California	Edwards Air Force Base	$10,361,000
	Travis Air Force Base	$4,250,000
	Vandenberg Air Force Base	$18,709,000
Colorado	Falcon Air Force Station	$9,601,000
	United States Air Force Academy	$4,413,000
Delaware	Dover Air Force Base	$1,600,000
District of Columbia	Bolling Air Force Base	$2,948,000
Florida	Eglin Air Force Base	$20,437,000
	Eglin Auxiliary Field 9	$3,837,000
	MacDill Air Force Base	$5,008,000
Georgia	Robins Air Force Base	$11,894,000
Hawaii	Hickam Air Force Base	$5,890,000
Idaho	Mountain Home Air Force Base	$17,897,000
Kansas	McConnell Air Force Base	$2,900,000
Maryland	Andrews Air Force Base	$4,448,000
Massachusetts	Hanscom Air Force Base	$10,000,000
Mississippi	Keesler Air Force Base	$35,526,000
	Columbus Air Force Base	$8,200,000
Montana	Malmstrom Air Force Base	$13,200,000
Nevada	Indian Springs	$15,013,000
	Nellis Air Force Base	$6,378,000
New Jersey	McGuire Air Force Base	$6,044,000
New Mexico	Cannon Air Force Base	$6,500,000
	Kirtland Air Force Base	$8,574,000
North Carolina	Seymour Johnson Air Force Base	$6,100,000
North Dakota	Grand Forks Air Force Base	$2,686,000
	Minot Air Force Base	$8,500,000
Ohio	Wright-Patterson Air Force Base	$22,000,000
Oklahoma	Altus Air Force Base	$4,000,000
	Tinker Air Force Base	$24,985,000
	Vance Air Force Base	$6,223,000
South Carolina	Charleston Air Force Base	$24,330,000
	Shaw Air Force Base	$8,500,000
South Dakota	Ellsworth Air Force Base	$6,500,000
Texas	Dyess Air Force Base	$1,400,000
	Lackland Air Force Base	$6,800,000
	Lackland Training Annex	$8,130,000
	Randolph Air Force Base	$3,166,000
Utah	Hill Air Force Base	$4,100,000
Washington	Fairchild Air Force Base	$11,520,000
	Total:	$465,865,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Spangdahlem Air Base	$13,967,000
Korea	Kunsan Air Base	$5,958,000
	Osan Air Base	$7,496,000
Turkey	Incirlik Air Base	$2,949,000
United Kingdom	Royal Air Force, Lakenheath	$15,838,000
	Royal Air Force, Mildenhall	$24,960,000
	Total:	$71,168,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
Alabama	Maxwell Air Force Base	143 Units	$16,300,000
Alaska	Eielson Air Force Base	46 Units	$12,932,000
California	Edwards Air Force Base	48 Units	$12,580,000
	Vandenberg Air Force Base	95 Units	$18,499,000
Delaware	Dover Air Force Base	55 Units	$8,998,000
Florida	MacDill Air Force Base	48 Units	$7,609,000
	Patrick Air Force Base	46 Units	$9,692,000
	Tyndall Air Force Base	122 Units	$14,500,000
Mississippi	Columbus Air Force Base	52 Units	$6,800,000
	Keesler Air Force Base	52 Units	$6,800,000
Nebraska	Offutt Air Force Base	Housing Maintenance Facility.	$900,000
	Offutt Air Force Base	Housing Office	$870,000
	Offutt Air Force Base	90 Units	$12,212,000
New Mexico	Kirtland Air Force Base	37 Units	$6,400,000
Ohio	Wright-Patterson Air Force Base	40 Units	$5,600,000
Texas	Dyess Air Force Base	64 Units	$9,415,000
	Sheppard Air Force Base	115 Units	$12,800,000
Washington	Fairchild Air Force Base	Housing Office and Maintenance Facility.	$1,692,000
	Fairchild Air Force Base	14 Units	$2,300,000
		Total:	$166,899,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $12,622,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $90,888,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1998, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,649,334,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $465,865,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $71,168,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,135,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $44,762,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $270,409,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $789,995,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $7,584,000, which represents the combination of project savings in military construction resulting from favorable bids, overhead costs, and cancellations due to force structure changes.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Chemical Demilitarization Program	Aberdeen Proving Ground, Maryland	$186,350,000
	Newport Army Depot, Indiana	$191,550,000
Defense Logistics Agency	Defense Fuel Support Point, Fort Sill, Oklahoma	$3,500,000
	Defense Fuel Support Point, Jacksonville Annex, Mayport, Florida	$11,020,000
	Defense Fuel Support Point, Jacksonville, Florida	$11,000,000
	Defense General Supply Center, Richmond (DLA), Virginia	$10,500,000
	Defense Fuel Supply Center, Camp Shelby, Mississippi	$5,300,000
	Defense Fuel Supply Center, Elmendorf Air Force Base, Alaska	$19,500,000
	Defense Fuel Supply Center, Pope Air Force Base, North Carolina	$4,100,000
	Various Locations	$1,300,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
Defense Medical Facilities Office	Barksdale Air Force Base, Louisiana	$3,450,000
	Beale Air Force Base, California	$3,500,000
	Carlisle Barracks, Pennsylvania	$4,678,000
	Cheatham Annex, Virginia	$11,300,000
	Edwards Air Force Base, California	$6,000,000
	Eglin Air Force Base, Florida	$9,200,000
	Fort Bragg, North Carolina	$6,500,000
	Fort Hood, Texas	$14,100,000
	Fort Stewart/Hunter Army Air Field, Georgia	$10,400,000
	Grand Forks Air Force Base, North Dakota	$5,600,000
	Holloman Air Force Base, New Mexico	$1,300,000
	Keesler Air Force Base, Mississippi	$700,000
	Marine Corps Air Station, Camp Pendleton, California	$6,300,000
	McChord Air Force Base, Washington	$20,000,000
	Moody Air Force Base, Georgia	$11,000,000
	Naval Air Station, Pensacola, Florida	$25,400,000
	Naval Hospital, Bremerton, Washington	$28,000,000
	Naval Hospital, Great Lakes, Illinois	$7,100,000
	Naval Station, San Diego, California	$1,350,000
	Naval Submarine Base, Bangor, Washington	$5,700,000
	Travis Air Force Base, California	$1,700,000
Defense Education Activity	Marine Corps Base, Camp LeJeune, North Carolina	$16,900,000
	United States Military Academy, West Point, New York	$2,840,000
National Security Agency	Fort Meade, Maryland	$668,000
Special Operations Command	Eglin Auxiliary Field 3, Florida	$2,210,000
	Eglin Auxiliary Field 9, Florida	$2,400,000
	Fort Campbell, Kentucky	$15,000,000
	MacDill Air Force Base, Florida	$8,400,000
	Mississippi Army Ammunition Plant/Stennis Space Center, Mississippi	$5,500,000
	Naval Amphibious Base, Coronado, California	$3,600,000
	Total:	$684,916,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Ballistic Missile Defense Organization	Kwajalein Atoll, Kwajalein	$4,600,000
Defense Logistics Agency	Lajes Field, Azores, Portugal	$7,700,000
Defense Medical Facilities Office	Naval Air Station, Sigonella, Italy	$5,300,000
	Royal Air Force, Lakenheath, United Kingdom	$10,800,000
Defense Education Activity	Fort Buchanan, Puerto Rico	$8,805,000
	Naval Activities, Guam	$13,100,000
Special Operations Command	Naval Station, Roosevelt Roads, Puerto Rico	$9,600,000
	Total:	$59,905,000

SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriation in section 2404(a)(11)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $345,000.

SEC. 2403. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(9), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1998, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $2,346,923,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $340,866,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $59,905,000.

(3) For military construction projects at Portsmouth Naval Hospital, Virginia, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 106 Stat. 1640), as amended by section 2406 of this Act, $17,954,000.

(4) For construction of the Ammunition Demilitarization Facility, Pine Bluff Arsenal, Arkansas, authorized by section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (111 Stat. 1982), and section 2405 of this Act, $10,000,000.

(5) For construction of the Ammunition Demilitarization Facility, Umatilla Army Depot, Oregon, authorized by section 2401 of the Military Construction Authorization Act for Fiscal Year 1995, as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996, section 2408 of the Military Construction Authorization Act for Fiscal Year 1998, and section 2405 of this Act, $30,950,000.

(6) For unspecified minor construction projects under section 2805 of title 10, United States Code, $13,394,000.

(7) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $9,390,000.

(8) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $42,566,000.

(9) For energy conservation projects authorized by section 2404, $46,950,000.

(10) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $1,730,704,000.

(11) For military family housing functions:

(A) For improvement of military family housing and facilities, $345,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $36,899,000 of which not more than $31,139,000 may be obligated or expended for the leasing of military family housing units worldwide.

(C) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $7,000,000.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $174,550,000 (the balance of the amount authorized under section 2401(a) of this Act

for the construction of a chemical demilitarization facility at Newport Army Depot, Indiana); and

(3) $169,500,000 (the balance of the amount authorized under section 2401(a) of this Act for the construction of a chemical demilitarization facility at Aberdeen Proving Ground, Maryland).

SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1995 PROJECTS.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539) and section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), under the agency heading relating to Chemical Weapons and Munitions Destruction, is amended—

(1) in the item relating to Pine Bluff Arsenal, Arkansas, by striking out $134,000,000'' in the amount column and inserting in lieu thereof ''$154,400,000''; and

(2) in the item relating to Umatilla Army Depot, Oregon, by striking out ''$187,000,000'' in the amount column and inserting in lieu thereof ''$193,377,000''.

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1990 PROJECT.

The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 100–189; 103 Stat. 1640) is amended in the item relating to Portsmouth Naval Hospital, Virginia, by striking out ''$330,000,000'' and inserting in lieu thereof ''$351,354,000''.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1998, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $159,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1998, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $122,574,000; and

(B) for the Army Reserve, $116,109,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $19,371,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $161,932,000; and

(B) for the Air Force Reserve, $23,625,000.

SEC. 2602. REDUCTION IN FISCAL YEAR 1998 AUTHORIZATION OF APPROPRIATIONS FOR ARMY RESERVE MILITARY CONSTRUCTION.

Section 2601(a)(1)(B) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1983) is amended by striking out ''$66,267,000'' and inserting in lieu thereof ''$53,553,000''.

SEC. 2603. NATIONAL GUARD MILITARY EDUCATIONAL FACILITY, FORT BRAGG, NORTH CAROLINA.

Of the amount authorized to be appropriated by section 2601(1)(A), $1,000,000 may be available for purposes of Planning and Design of the National Guard Military Educational Facility at Fort Bragg, North Carolina.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2001; or

(2) the date of enactment of an Act authorizing funds for military construction for fiscal year 2002.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2001; or

(2) the date of enactment of an Act authorizing funds for fiscal year 2002 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1996 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 541), authorizations for the projects set forth in the tables in subsection (b), as provided in sections 2201, 2302, or 2601 of that Act, shall remain in effect until October 1, 1999, or the date of enactment of an Act authorizing funds for military construction for fiscal year 2000, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Navy: Extension of 1996 Project Authorization

State	Installation or location	Project	Amount
Puerto Rico	Naval Station Roosevelt Roads	Housing Office	$710,000

Air Force: Extension of 1996 Project Authorization

State	Installation or location	Project	Amount
Texas	Lackland Air Force Base	Family Housing (67 units)	$6,200,000

Army National Guard: Extension of 1996 Project Authorization

State	Installation or location	Project	Amount
Mississippi	Camp Shelby	Multipurpose Range Complex (Phase I).	$5,000,000
Missouri	National Guard Training Site, Jefferson City	Multipurpose Range	$2,236,000
		Total:	$7,236,000

SEC. 2703. EXTENSION OF AUTHORIZATION OF FISCAL YEAR 1995 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3046), the authorization for the project set forth in the table in subsection (b), as provided in section 2201 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1985), shall remain in effect until October 1, 1999, or the date of enactment of an Act authorizing funds for military construction for fiscal year 2000, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 1995 Project Authorization

State	Installation or location	Project	Amount
Maryland	Indian Head Naval Surface Warfare Center	Denitrification/Acid Mixing Facility.	$6,400,000

SEC. 2704. AUTHORIZATION OF ADDITIONAL MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS.

(a) ADDITIONAL ARMY CONSTRUCTION PROJECTS INSIDE THE UNITED STATES.—In addition to the projects authorized by section 2101(a), and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), as increased by subsection (d), the Secretary of the Army may also acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Kansas	Fort Riley	$16,500,000
Kentucky	Fort Campbell	$15,500,000
Maryland	Fort Detrick	$7,100,000
New York	Fort Drum	$7,000,000
Texas	Fort Sam Houston	$5,500,000
Virginia	Fort Eustis	$4,650,000
	Fort Meyer	$6,200,000

(b) ADDITIONAL ARMY CONSTRUCTION PROJECT OUTSIDE THE UNITED STATES.—In addition to the projects authorized by section 2101(b), and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), as increased by subsection (d), the Secretary of the Army may also acquire real property and carry out the military construction project for the location outside the United States, and in the amount, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Korea	Camp Casey	$8,000,000

(c) IMPROVEMENT OF ARMY FAMILY HOUSING AT WHITE SANDS MISSILE RANGE, NEW MEXICO.—In addition to the projects authorized by section 2103, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), as increased by subsection (d), the Secretary of the Army may also improve existing military family housing units (36 units) at White Sands Missile Range, New Mexico, in an amount not to exceed $3,650,000.

(d) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS, ARMY MILITARY CONSTRUCTION.—(1) The total amount authorized to be appropriated by section 2104(a) is hereby increased by $74,100,000.

(2) The amount authorized to be appropriated by section 2104(a)(1) is hereby increased by $62,450,000.

(3) The amount authorized to be appropriated by section 2104(a)(2) is hereby increased by $8,000,000.

(4) The amount authorized to be appropriated by section 2104(a)(5)(A) is hereby increased by $3,650,000.

(e) ADDITIONAL NAVY CONSTRUCTION PROJECTS INSIDE THE UNITED STATES.—In addition to the projects authorized by section 2201(a), and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), as increased by subsection (g), the Secretary of the Navy may also acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Florida	Naval Station, Mayport	$3,400,000
Maine	Naval Air Station, Brunswick	$15,220,000
Pennsylvania	Naval Inventory Control Point, Mechanisburg.	$1,600,000
	Naval Inventory Control Point, Philadelphia.	$1,550,000
South Carolina.	Marine Corps Recruit Depot, Parris Island.	$8,030,000

(f) IMPROVEMENT OF NAVY FAMILY HOUSING AT WHIDBEY ISLAND NAVAL AIR STATION, WASHINGTON.—In addition to the projects authorized by section 2203, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), as increased by subsection (g), the Secretary of the Navy may also improve existing military family housing units (80 units) at Whidbey Island Naval Air Station, Washington, in an amount not to exceed $5,800,000.

(g) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS, NAVY MILITARY CONSTRUCTION.—(1) The total amount authorized to be appropriated by section 2204(a) is hereby increased by $35,600,000.

(2) The amount authorized to be appropriated by section 2204(a)(1) is hereby increased by $29,800,000.

(3) The amount authorized to be appropriated by section 2204(a)(5)(A) is hereby increased by $5,800,000.

(h) ADDITIONAL AIR FORCE CONSTRUCTION PROJECTS INSIDE THE UNITED STATES.—In addition to the projects authorized by section 2301(a), and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), as increased by subsection (k), the Secretary of the Air Force may also acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Colorado	Falcon Air Force Station	$5,800,000
Georgia	Robins Air Force Base	$6,000,000
Louisiana	Barksdale Air Force Base	$9,300,000
North Dakota	Grand Forks Air Force Base	$8,800,000
Ohio	Wright-Patterson Air Force Base	$4,600,000
Texas	Goodfellow Air Force Base	$7,300,000
Wyoming	F.E. Warren Air Force Base	$3,850,000

(i) CONSTRUCTION AND ACQUISITION OF AIR FORCE FAMILY HOUSING.—In addition to the projects authorized by section 2302(a), and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), as increased by subsection (k), the Secretary of the Air Force may also construct or acquire family housing units (including land acquisition) at the installation, for the purpose, and in the amount set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
Montana	Malmstrom Air Force Base	62 Units	$12,300,000

(j) IMPROVEMENT OF AIR FORCE FAMILY HOUSING.—In addition to the projects authorized by section 2303, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), as increased by subsection (k), the Secretary of the Air Force may also improve existing military family housing units as follows:

(1) Travis Air Force Base, California, 105 units, in an amount not to exceed $10,500,000.

(2) Moody Air Force Base, Georgia, 68 units, in an amount not to exceed $5,220,000.

(3) McGuire Air Force Base, New Jersey, 50 units, in an amount not to exceed $5,800,000.

(4) Seymour Johnson Air Force Base, North Carolina, 95 units, in an amount not to exceed $10,830,000.

(k) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS, AIR FORCE MILITARY CONSTRUCTION.—(1) The total amount authorized to be appropriated by section 2304(a) is hereby increased by $90,300,000.

(2) The amount authorized to be appropriated by section 2304(a)(1) is hereby increased by $45,650,000.

(3) The amount authorized to be appropriated by section 2304(a)(5)(A) is hereby increased by $44,650,000.

SEC. 2705. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1998; or

(2) the date of enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. MODIFICATION OF AUTHORITY RELATING TO ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.

(a) COVERED PROJECTS.—Subsection (a) of section 2807 of title 10, United States Code, is amended in the first sentence by striking out ''not otherwise authorized by law.'' and inserting in lieu thereof ''without regard to the authority under this chapter utilized in carrying out the projects and without regard to whether the projects are authorized by law.''.

(b) INCREASE IN THRESHOLD FOR NOTICE TO CONGRESS.—Subsection (b) of that section is amended by striking out ''$300,000'' and inserting in lieu thereof ''$500,000''.

(c) AVAILABILITY OF APPROPRIATIONS.—Subsection (d) of that section is amended by striking out ''study, planning, design, architectural, and engineering services'' and inserting in lieu thereof ''architectural and engineering services and construction design''.

SEC. 2802. EXPANSION OF ARMY OVERSEAS FAMILY HOUSING LEASE AUTHORITY.

(a) ALTERNATIVE MAXIMUM UNIT AMOUNTS.—Section 2828(e) of title 10, United States Code, is amended—

(1) in paragraph (2), by inserting, '', and the Secretary of the Army may lease not more than 500 units of family housing in Italy,'' after ''family housing in Italy'';

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

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

''(3) In addition to the 450 units of family housing referred to in paragraph (1) for which the maximum lease amount is $25,000 per unit per year, the Secretary of the Army may lease not more than 800 units of family housing in Korea subject to that maximum lease amount.''.

(b) CONFORMING AMENDMENT.—Paragraph (4) of that section, as redesignated by subsection (a)(2) of this section, is amended by striking out ''and (2)'' and inserting in lieu thereof '', (2), and (3)''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. INCREASE IN THRESHOLDS FOR REPORTING REQUIREMENTS RELATING TO REAL PROPERTY TRANSACTIONS.

Section 2662 of title 10, United States Code, is amended by striking out ''$200,000'' each place it appears in subsections (a), (b), and (e) and inserting in lieu thereof ''$500,000''.

SEC. 2812. EXCEPTIONS TO REAL PROPERTY TRANSACTION REPORTING REQUIREMENTS FOR WAR AND CERTAIN EMERGENCY AND OTHER OPERATIONS.

(a) EXCEPTIONS.—Section 2662 of title 10, United States Code, as amended by section 2811 of this Act, is further amended by adding at the end the following:

''(g) EXCEPTIONS FOR TRANSACTIONS FOR WAR AND CERTAIN EMERGENCY AND OTHER OPERATIONS.—(1) The reporting requirement set forth in subsection (a) shall not apply with respect to a real property transaction otherwise covered by that subsection, and the reporting requirement set forth in subsection (e) shall not apply with respect to a real property transaction otherwise covered by that subsection, if such transaction is made as a result of the following:

''(A) A declaration of war.

''(B) A declaration of a national emergency by the President pursuant to the National Emergencies Act (Public Law 94–412; 50 U.S.C. 1601 et seq.).

''(C) A declaration of an emergency or major disaster pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(D) The use of the militia or the armed forces after a proclamation to disperse under section 334 of this title.

''(E) A contingency operation.

''(2) The reporting requirement set forth in subsection (a) shall not apply with respect to a real property transaction otherwise covered by that subsection if the Secretary concerned determines that—

''(A) an event listed in paragraph (1) is imminent; and

''(B) the transaction is necessary for purposes of preparation for such event.

''(3) Not later than 30 days after entering into a real property transaction covered by paragraph (1) or (2), the Secretary concerned shall submit to the committees named in subsection (a) a report on the transaction. The report shall set forth any facts or information which would otherwise have been submitted in a report on the transaction under subsection (a) or (e), as the case may be, but for the operation of paragraph (1) or (2).''.

(b) AMENDMENTS FOR STYLISTIC UNIFORMITY.—That section is further amended—

(1) in subsection (a), by inserting ''GENERAL NOTICE AND WAIT REQUIREMENTS.—'' after ''(a)'';

(2) in subsection (b), by inserting ''ANNUAL REPORTS ON CERTAIN MINOR TRANSACTIONS.—'' after ''(b)'';

(3) in subsection (c), by inserting ''GEOGRAPHIC SCOPE; EXCEPTED PROJECTS.—'' after ''(c)'';

(4) in subsection (d), by inserting ''STATEMENTS OF COMPLIANCE IN TRANSACTION INSTRUMENTS.—'' after ''(d)'';

(5) in subsection (e), by inserting ''NOTICE AND WAIT REGARDING LEASES OF SPACE FOR DOD BY GSA.—'' after ''(e)''; and

(6) in subsection (f), by inserting ''REPORTS ON TRANSACTIONS INVOLVING INTELLIGENCE COMPONENTS.—'' after ''(f)''.

SEC. 2813. WAIVER OF APPLICABILITY OF PROPERTY DISPOSAL LAWS TO LEASES AT INSTALLATIONS TO BE CLOSED OR REALIGNED UNDER THE BASE CLOSURE LAWS.

Section 2667(f) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

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

''(2) The Secretary of a military department may waive the applicability of a provision of title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.) that is inconsistent with a provision of this subsection if the waiver is required for purposes of a lease of property under this subsection.''.

SEC. 2814. RESTORATION OF DEPARTMENT OF DEFENSE LANDS USED BY ANOTHER FEDERAL AGENCY.

(a) RESTORATION AS TERM OF AGREEMENT.—Section 2691 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) As a condition of any lease, permit, license, or other grant of access entered into by the Secretary of a military department with another Federal agency authorizing the agency to use lands under the control of the Secretary, the Secretary may require the agency to agree to remove any improvements and to take any other action necessary in the judgment of the Secretary to restore the land used by the agency to its condition before its use by the agency.

''(2) In lieu of performing any removal or restoration work under paragraph (1), a Federal agency may elect, with the consent of the Secretary, to reimburse the Secretary for the costs incurred by the military department in performing such removal and restoration work.''.

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

''§ 2691. Restoration of land used by permit or lease''.

(2) The table of sections at the beginning of chapter 159 of title 10, United States Code, is amended by striking the item relating to section 2691 and inserting in lieu thereof the following new item:

''2691. Restoration of land used by permit or lease.''.

Subtitle C—Land Conveyances

SEC. 2821. LAND CONVEYANCE, INDIANA ARMY AMMUNITION PLANT, CHARLESTOWN, INDIANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Indiana Army Ammunition Plant Reuse Authority (in this section referred to as the ''Reuse Authority'') all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of up to approximately 4660 acres located at the Indiana Army Ammunition Plant, Charlestown, Indiana, for the purpose of developing the parcel as an industrial park to replace all or part of the economic activity lost at the inactivated plant.

(b) CONSIDERATION.—Except as provided in subsection (d), as consideration for the conveyance under subsection (a), the Reuse Authority shall pay to the Secretary an amount equal to the fair market value of the conveyed property as of the time of the conveyance, determined by the Secretary in accordance with Federal appraisal standards and procedures.

(c) TIME FOR PAYMENT.—The consideration required under subsection (b) shall be paid by the Reuse Authority at the end of the 10-year period beginning on the date on which the conveyance under subsection (a) is completed.

(d) EFFECT OF RECONVEYANCE OR LEASE.—(1) If the Reuse Authority reconveys all or any part of the conveyed property during the 10-year period specified in subsection (c), the Reuse Authority shall pay to the United States an amount equal to the fair market value of the reconveyed property as of the time of the reconveyance, excluding the value of any improvements made to the property by the Reuse Authority, determined by the Secretary in accordance with Federal appraisal standards and procedures.

(2) The Secretary may treat a lease of the property within such 10-year period as a reconveyance if the Secretary determines that the lease is being used to avoid application of paragraph (1).

(e) DEPOSIT OF PROCEEDS.—The Secretary shall deposit any proceeds received under subsection (b) or (d) in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)).

(f) ADMINISTRATIVE EXPENSES.—In connection with the conveyance under subsection (a), the Secretary may accept amounts provided by the Reuse Authority or other persons to cover administrative expenses incurred by the Secretary in making the conveyance. Amounts received under this subsection for administrative expenses shall be credited to the appropriation, fund, or account from which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation, fund, or account and shall be available for the same purposes and subject to the same limitations as the funds with which merged.

(g) DESCRIPTION OF PROPERTY.—The property to be conveyed under subsection (a) includes the administrative area of the Indiana Army Ammunition Plant as well as open space in the southern end of the plant. The exact acreage and legal description of the property to be conveyed shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Reuse Authority.

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

SEC. 2822. LAND CONVEYANCE, ARMY RESERVE CENTER, BRIDGTON, MAINE.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Army may convey, without consideration, to the Town of Bridgton, Maine (in this section referred to as the ''Town''), all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, consisting of approximately 3.65 acres and located in Bridgton, Maine, the site of the Army Reserve Center, Bridgton, Maine.

(2) The conveyance is for the public benefit and will facilitate the expansion of the municipal office complex in Bridgton, Maine.

(b) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used by the Town for purposes of a municipal office complex, all right, title, and interest

in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

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

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

SEC. 2823. LAND CONVEYANCE, VOLUNTEER ARMY AMMUNITION PLANT, CHATTANOOGA, TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to Hamilton County, Tennessee (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 1033 acres located at the Volunteer Army Ammunition Plant, Chattanooga, Tennessee, for the purpose of developing the parcel as an industrial park to replace all or part of the economic activity lost at the inactivated plant.

(b) CONSIDERATION.—Except as provided in subsection (d), as consideration for the conveyance under subsection (a), the County shall pay to the Secretary an amount equal to the fair market value of the conveyed property as of the time of the conveyance, determined by the Secretary in accordance with Federal appraisal standards and procedures.

(c) TIME FOR PAYMENT.—The consideration required under subsection (b) shall be paid by the County at the end of the 10-year period beginning on the date on which the conveyance under subsection (a) is completed.

(d) EFFECT OF RECONVEYANCE OR LEASE.—(1) If the County reconveys all or any part of the conveyed property during the 10-year period specified in subsection (c), the County shall pay to the United States an amount equal to the fair market value of the reconveyed property as of the time of the reconveyance, excluding the value of any improvements made to the property by the County, determined by the Secretary in accordance with Federal appraisal standards and procedures.

(2) The Secretary may treat a lease of the property within such 10-year period as a reconveyance if the Secretary determines that the lease is being used to avoid application of paragraph (1).

(e) DEPOSIT OF PROCEEDS.—The Secretary shall deposit any proceeds received under subsection (b) or (d) in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)).

(f) EFFECT ON EXISTING LEASES.—The conveyance of the real property under subsection (a) shall not affect the terms or length of any contract entered into by the Secretary before the date of the enactment of this Act with regard to the property to be conveyed.

(g) ADMINISTRATIVE EXPENSES.—In connection with the conveyance under subsection (a), the Secretary may accept amounts provided by the County or other persons to cover administrative expenses incurred by the Secretary in making the conveyance. Amounts received under this subsection for administrative expenses shall be credited to the appropriation, fund, or account from which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation, fund, or account and shall be available for the same purposes and subject to the same limitations as the funds with which merged.

(h) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the 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 County.

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

SEC. 2824. RELEASE OF INTERESTS IN REAL PROPERTY, FORMER KENNEBEC ARSENAL, AUGUSTA, MAINE.

(a) AUTHORITY TO RELEASE.—The Secretary of the Army may release, without consideration, all right, title, and interest of the United States in and to the real property described in subsection (b).

(b) COVERED PROPERTY.—The real property referred to in subsection (a) is the parcel of real property consisting of approximately 40 acres located in Augusta, Maine, and formerly known as the Kennebec Arsenal, which parcel was conveyed by the Secretary of War to the State of Maine under the provisions of the Act entitled ''An Act Authorizing the Secretary of War to convey the Kennebec Arsenal property, situated in Augusta, Maine, to the State of Maine for public purposes'', approved March 3, 1905 (33 Stat. 1270), as amended by section 771 of the Department of Defense Appropriations Act, 1981 (Public Law 96–527; 94 Stat. 3093).

(c) INSTRUMENT OF RELEASE.—The Secretary of the Army shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests authorized by this section.

SEC. 2825. LAND EXCHANGE, NAVAL RESERVE READINESS CENTER, PORTLAND, MAINE.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey to the Gulf of Maine Aquarium Development Corporation, Portland, Maine (in this section referred to as the ''Corporation''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 3.72 acres in Portland, Maine, the site of the Naval Reserve Readiness Center, Portland, Maine.

(2) As part of the conveyance under paragraph (1), the Secretary shall also convey to the Corporation any interest of the United States in the submerged lands adjacent to the real property conveyed under that paragraph that is appurtenant to the real property conveyed under that paragraph.

(3) The purpose of the conveyance under this subsection is to facilitate economic development in accordance with the plan of the Corporation for the construction of an aquarium and marine research facility in Portland, Maine.

(b) CONSIDERATION.—(1) As consideration for the conveyance authorized by subsection (a), the Corporation shall provide for such facilities as the Secretary determines appropriate for the Naval Reserve to replace the facilities conveyed under that subsection—

(A) by—

(i) conveying to the United States all right, title, and interest in and to a parcel of real property determined by the Secretary to be an appropriate location for such facilities; and

(ii) designing and constructing such facilities on the parcel of real property conveyed under clause (i); or

(B) by designing and constructing such facilities on such parcel of real property under the jurisdiction of the Secretary as the Secretary shall specify.

(2) The Secretary shall select the form of consideration under paragraph (1) for the conveyance under subsection (a).

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a)(1), of any interest to be conveyed under subsection (a)(2), and of the real property, if any, to be conveyed under subsection (b)(1)(A)(i), shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Corporation.

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

SEC. 2826. LAND CONVEYANCE, AIR FORCE STATION, LAKE CHARLES, LOUISIANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to McNeese State University in Lake Charles, Louisiana (in this section referred to as the ''University''), all right, title, and interest of the United States in and to approximately 4.38 acres of real property, including improvements thereon, located in Lake Charles, Louisiana, and comprising the Lake Charles Air Force Station.

(b) CONDITIONS OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the following conditions:

(1) That the University accept the property subject to such easements or rights of way as the Secretary considers appropriate.

(2) That the University utilize the property as the site of a research facility.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with subsection (b)(2), all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

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

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

SEC. 2827. EXPANSION OF LAND CONVEYANCE AUTHORITY, EGLIN AIR FORCE BASE, FLORIDA.

Section 809(c) of the Military Construction Authorization Act, 1979 (Public Law 95–356; 92 Stat. 587), as amended by section 2826 of the Military Construction Authorization Act, 1989 (division B of Public Law 100–456; 102 Stat. 2123), is further amended by striking out ''and a third parcel containing forty-two acres'' and inserting in lieu thereof '', a third parcel containing forty-two acres, a fourth parcel containing approximately 3.43 acres, and a fifth parcel containing approximately 0.56 acres''.

SEC. 2828. CONVEYANCE OF WATER RIGHTS AND RELATED INTERESTS, ROCKY MOUNTAIN ARSENAL, COLORADO, FOR PURPOSES OF ACQUISITION OF PERPETUAL CONTRACTS FOR WATER.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (c), the Secretary of the Army may convey any and all interest of the United States in the water rights and related rights at Rocky Mountain Arsenal, Colorado, described in subsection (b) to the City and County of Denver, Colorado, acting through its Board of Water Commissioners.

(b) COVERED WATER RIGHTS AND RELATED RIGHTS.—The water rights and related rights authorized to be conveyed under subsection (a) are the following:

(1) Any and all interest in 300 acre rights to water from Antero Reservoir as set forth in Antero Reservoir Contract No. 382 dated August 22, 1923, for 160 acre rights; Antero Reservoir Contract No. 383 dated August 22, 1923, for 50 acre rights; Antero Reservoir Contract No. 384 dated October 30, 1923, for 40 acre rights; Antero Reservoir Contract No. 387 dated March 3, 1923, for 50 acre rights; and Supplemental Contract No. 382–383–384–387 dated July 24, 1932, defining the amount of water to be delivered under the 300 acre rights in the prior contracts as 220 acre feet.

(2) Any and all interest in the 305 acre rights of water from the High Line Canal, diverted at its headgate on the South Platte River and delivered to the Fitzsimons Army Medical Center and currently subject to cost assessments pursuant to Denver Water Department contract #001990.

(3) Any and all interest in the 2,603.55 acre rights of water from the High Line Canal, diverted at its headgate on the South Platte River and delivered to the Rocky Mountain Arsenal in Adams County, Colorado, and currently subject to cost assessments by the Denver Water Department, including 680 acre rights transferred from Lowry Field to the Rocky Mountain Arsenal by the October 5, 1943, agreement between the City and County of Denver, acting by and through its Board of Water Commissioners, and the United States of America.

(4) Any and all interest in 4,058.34 acre rights of water not currently subject to cost assessments by the Denver Water Department.

(5) A new easement for the placement of water lines approximately 50 feet wide inside the Southern boundary of Rocky Mountain Arsenal and across the Reserve Center along the northern side of 56th Avenue.

(6) A permanent easement for utilities where Denver has an existing temporary easement near the southern and western boundaries of Rocky Mountain Arsenal.

(c) CONSIDERATION.—(1) The Secretary of the Army may make the conveyance under subsection (a) only if the Board of Water Commissioners, on behalf of the City and County of Denver, Colorado—

(A) enters into a permanent contract with the Secretary of the Army for purposes of ensuring the delivery of nonpotable water and potable water to Rocky Mountain Arsenal; and

(B) enters into a permanent contract with the Secretary of the Interior for purposes of ensuring the delivery of nonpotable water and potable water to Rocky Mountain Arsenal National Wildlife Refuge, Colorado.

(2) Section 2809(e) of title 10, United States Code, shall not operate to limit the term of the contract entered into under paragraph (1)(A).

(d) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary of the Army may not make the conveyance authorized by subsection (a) until the execution of the proposed agreement provided for under subsection (c) between the City and County of Denver, Colorado, acting through its Board of Water Commissioners, the South Adams County Water and Sanitation District, the United States Fish and Wildlife Service, and the Army.

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

SEC. 2829. LAND CONVEYANCE, NAVAL AIR RESERVE CENTER, MINNEAPOLIS, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without any consideration other than the consideration provided for under subsection (c), to the Minneapolis-St. Paul Metropolitan Airports Commission, Minnesota (in this section referred to as the ''Commission''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 32 acres located in Minneapolis, Minnesota, and comprising the Naval Air Reserve Center, Minneapolis, Minnesota. The purpose of the conveyance is to facilitate expansion of the Minneapolis-St. Paul International Airport.

(b) ALTERNATIVE LEASE AUTHORITY.—(1) The Secretary may, in lieu of the conveyance authorized by subsection (a), elect to lease the property referred to in that subsection to the Commission if the Secretary determines that a lease of the property would better serve the interests of the United States.

(2) Notwithstanding any other provision of law, the term of the lease under this subsection may not exceed 99 years.

(3) The Secretary may not require any consideration as part of the lease under this subsection other than the consideration provided for under subsection (c).

(c) CONSIDERATION.—As consideration for the conveyance under subsection (a), or the lease under subsection (b), the Commission shall—

(1) provide for such facilities as the Secretary considers appropriate for the Naval Reserve to replace the facilities conveyed or leased under this section—

(A) by—

(i) conveying to the United States, without any consideration other than the consideration provided for under subsection (a), all right, title, and interest in and to a parcel of real property determined by the Secretary to be an appropriate location for such facilities, if the Secretary elects to make the conveyance authorized by subsection (a); or

(ii) leasing to the United States, for a term of 99 years and without any consideration other than the consideration provided for under subsection (b), a parcel of real property determined by the Secretary to be an appropriate location for such facilities, if the Secretary elects to make the lease authorized by subsection (b); and

(B) assuming the costs of designing and constructing such facilities on the parcel conveyed or leased under subparagraph (A); and

(2) assume any reasonable costs incurred by the Secretary in relocating the operations of the Naval Air Reserve Center to the facilities constructed under paragraph (1)(B).

(d) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not make the conveyance authorized by subsection (a), or enter into the lease authorized by subsection (b), until the facilities to be constructed under subsection (c) are available for the relocation of the operations of the Naval Air Reserve Center.

(e) AGREEMENT RELATING TO CONVEYANCE.—If the Secretary determines to proceed with the conveyance authorized by subsection (a), or the lease authorized by subsection (b), the Secretary and the Commission shall enter into an agreement specifying the terms and conditions under which the conveyance or lease will occur.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), or leased under subsection (b), and to be conveyed or leased under subsection (c)(1)(A), shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Commission.

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

SEC. 2830. LAND CONVEYANCE, ARMY RESERVE CENTER, PEORIA, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Peoria School District #150 of Peoria, Illinois (in this section referred to as the ''School District''), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) comprising the location of the Army Reserve Center located at 1429 Northmoor Road in Peoria, Illinois, for the purposes of staff, student and community education and training, additional maintenance and transportation facilities, and for other purposes.

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

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with subsection (a), all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

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

SEC. 2830A. LAND CONVEYANCE, SKANEATELES, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Town of Skaneateles, New York (in this section referred to as the ''Town''), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 147.10 acres in Skaneateles, New York, and commonly known as the ''Federal Farm''. The purpose of the conveyance is to permit the Town to develop the parcel for public benefit, including for recreational purposes.

(b) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used by the Town in accordance with that subsection, all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

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

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

SEC. 2830B. REAUTHORIZATION OF LAND CONVEYANCE, ARMY RESERVE CENTER, YOUNGSTOWN, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without

consideration, to the City of Youngstown, Ohio (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, that is located at 399 Miller Street in Youngstown, Ohio, and contains the Kefurt Army Reserve Center.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City retain the conveyed property for purposes of activities relating to public schools in Youngstown, Ohio.

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

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

(e) REPEAL OF SUPERSEDED AUTHORITY.—Section 2861 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 573) is repealed.

SEC. 2830C. CONVEYANCE OF UTILITY SYSTEMS, LONE STAR ARMY AMMUNITION PLANT, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey at fair market value all right, title, and interest of the United States in and to any utility system, or part thereof, including any real property associated with such system, at the Lone Star Army Ammunition Plant, Texas, to the redevelopment authority for the Red River Army Depot, Texas, in conjunction with the disposal of property at the Depot under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(b) CONSTRUCTION.—Nothing in subsection (a) may be construed to prohibit or otherwise limit the Secretary from conveying any utility system referred to in that subsection under any other provision of law, including section 2688 of title 10, United States Code.

(c) UTILITY SYSTEM DEFINED.—In this section, the term ''utility system'' has the meaning given that term in section 2688(g) of title 10, United States Code.

SEC. 2830D. MODIFICATION OF LAND CONVEYANCE AUTHORITY, FINLEY AIR FORCE STATION, FINLEY, NORTH DAKOTA.

Section 2835 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3063) is amended—

(1) by striking out subsections (a), (b), and (c) and inserting in lieu thereof the following new subsections (a), (b), and (c):

''(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to the City of Finley, North Dakota (in this section referred to as the 'City'), all right, title, and interest of the United States in and to the parcels of real property, including any improvements thereon, in the vicinity of Finley, North Dakota, described in paragraph (2).

''(2) The real property referred to in paragraph (1) is the following:

''(A) A parcel of approximately 14 acres that served as the support complex of the Finley Air Force Station and Radar Site.

''(B) A parcel of approximately 57 acres known as the Finley Air Force Station Complex.

''(C) A parcel of approximately 6 acres that includes a well site and wastewater treatment system.

''(3) The purpose of the conveyance authorized by paragraph (1) is to encourage and facilitate the economic redevelopment of Finley, North Dakota, following the closure of the Finley Air Force Station and Radar Site.

''(b) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for purposes of the economic development of Finley, North Dakota, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

''(c) ABATEMENT.—The Secretary of the Air Force may, prior to conveyance, abate any hazardous substances in the improvements to be conveyed.''.

Subtitle D—Other Matters

SEC. 2831. PURCHASE OF BUILD-TO-LEASE FAMILY HOUSING AT EIELSON AIR FORCE BASE, ALASKA.

(a) AUTHORITY TO PURCHASE.—The Secretary of the Air Force may purchase the entire interest of the developer in the military family housing project at Eielson Air Force Base, Alaska, described in subsection (b) if the Secretary determines that the purchase is in the best economic interests of the Air Force.

(b) DESCRIPTION OF PROJECT.—The military family housing project referred to in this section is the 366-unit military family housing project at Eielson Air Force Base that was constructed by the developer and is being leased by the Secretary under the authority of former subsection (g) of section 2828 of title 10, United States Code (now section 2835 of such title), as added by section 801 of the Military Construction Authorization Act, 1984 (Public Law 98–115; 97 Stat. 782).

(c) PURCHASE PRICE.—The purchase price to be paid by the Secretary under this section for the interest of the developer in the military family housing project may not exceed an amount equal to the amount of the outstanding indebtedness of the developer to the lender for the project that would have remained at the time of the purchase under this section if the developer had paid down its indebtedness to the lender for the project in accordance with the original debt instruments for the project.

(d) TIME FOR PURCHASE.—(1) Subject to paragraph (2), the Secretary may elect to make the purchase authorized by subsection (a) at any time during or after the term of the lease for the military family housing project.

(2) The Secretary may not make the purchase until 30 days after the date on which the Secretary notifies the congressional defense committees of the Secretary's election to make the purchase under paragraph (1).

SEC. 2832. BEACH REPLENISHMENT, SAN DIEGO, CALIFORNIA.

(a) PROJECT AUTHORIZED.—The Secretary of the Navy may, using funds available under subsection (b), carry out beach replenishment in and around San Diego, California. The Secretary may use sand obtained from any location for the replenishment.

(b) FUNDING.—Subject to subsection (c), the Secretary shall carry out the beach replenishment authorized by subsection (a) using the following:

(1) Amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2769) for the project authorized by section 2201(a) of that Act (110 Stat. 2766) at Naval Air Station North Island, California, that remain available for obligation and expenditure on the date of enactment of this Act.

(2) Amounts contributed to the cost of such project by the State of California and by local governments under the agreement under section 2205 of that Act (110 Stat. 2770).

(c) LIMITATION ON UNITED STATES SHARE OF COST.—The amount utilized by the Secretary under subsection (b)(1) for the beach replenishment authorized by subsection (a) may not exceed $9,630,000.

(d) TREATMENT OF CONTRIBUTIONS.—(1)(A) The Secretary shall credit any contributions that the Secretary receives from the State of California and local governments under the agreement referred to in subsection (b)(2) to the account to which amounts were appropriated pursuant to the authorization of appropriations referred to in subsection (b)(1) for the project referred to in such subsection (b)(1).

(B) Amounts credited under subparagraph (A) shall be merged with funds in the account to which credited.

(2) The amount of contributions credited under paragraph (1) may be applied only to costs of beach replenishment under this section that are incurred after the date of enactment of this Act.

(e) NOTICE AND WAIT.—The Secretary may not obligate funds to carry out the beach replenishment authorized by subsection (a) until 30 days after the date on which the Secretary submits to the congressional defense committees a report setting forth the following:

(1) An explanation why the sand originally proposed to be utilized for the purpose of beach replenishment under the project relating to Naval Air Station North Island authorized in section 2201(a)(1) of the Military Construction Authorization Act for Fiscal Year 1997 could not be utilized for that purpose.

(2) A comprehensive explanation why the beach replenishment plan at Naval Air Station North Island covered by such project was abandoned.

(3) A description of any administrative action taken against any agency or individual as a result of the abandonment of the plan.

(4) A statement of the total amount of funds available under subsection (b) for the beach replenishment authorized by subsection (a).

(5) A statement of the amount of the contributions of the State of California and local governments under the agreement referred to in subsection (b)(2).

(6) An estimate of the total cost of the beach replenishment authorized by subsection (a).

(7) The total amount of financial aid the State of California has received from the Federal Government for the purpose of beach restoration and replenishment during the 10-year period ending on the date of enactment of this Act.

(8) The amount of financial aid the State of California has requested from the Federal Government for the purpose of beach restoration or replenishment as a result of the 1997–1998 El Niño event.

(9) A current analysis that compares the costs and benefits of homeporting the U.S.S. John C. Stennis (CVN–74) at Naval Station North Island with the costs and benefits of homeporting that vessel at Naval Station Pearl Harbor, Hawaii, and the costs and benefits of homeporting that vessel at Naval Station Bremerton, Washington.

(f) REPEAL OF SUPERSEDED AUTHORITY.—Section 2205 of the Military Construction Authorization Act for Fiscal Year 1997 is repealed.

SEC. 2833. MODIFICATION OF AUTHORITY RELATING TO DEPARTMENT OF DEFENSE LABORATORY REVITALIZATION DEMONSTRATION PROGRAM.

(a) PROGRAM REQUIREMENTS.—Subsection (c) of section 2892 of the National Defense

Authorization for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 590; 10 U.S.C. 2805 note) is amended to read as follows:

''(c) PROGRAM REQUIREMENTS.—(1) Not later than 30 days before commencing the program, the Secretary shall establish procedures for the review and approval of requests from Department of Defense laboratories for construction under the program.

''(2) The laboratories at which construction may be carried out under the program may not include Department of Defense laboratories that are contractor-owned.''.

(b) REPORT.—Subsection (d) of that section is amended to read as follows:

''(d) REPORT.—Not later than February 1, 2003, the Secretary shall submit to Congress a report on the program. The report shall include the Secretary's conclusions and recommendation regarding the desirability of making the authority set forth under subsection (b) permanent.''.

(c) EXTENSION.—Subsection (g) of that section is amended by striking out ''September 30, 1998'' and inserting in lieu thereof ''September 30, 2003''.

SEC. 2834. REPORT AND REQUIREMENT RELATING TO "1 PLUS 1 BARRACKS INITIATIVE".

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to Congress a report on the costs and benefits of implementing the initiative to build single occupancy barracks rooms with a shared bath, the so-called ''1 plus 1 barracks initiative''.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A justification for the initiative referred to in subsection (a), including a description of the manner in which the initiative is designed to assure the retention of first-term enlisted members of the Armed Forces in adequate numbers.

(2) A description of the experiences of the military departments with the retention of first-term enlisted members of the Armed Forces, including—

(A) a comparison of such experiences before implementation of the initiative with such experiences after implementation of the initiative; and

(B) an analysis of the basis for any change in retention rates of such members that has arisen since implementation of the initiative.

(3) Any information indicating that the lack of single occupancy barracks rooms with a shared bath has been or is the basis of the decision of first-term members of the Armed Forces not to reenlist in the Armed Forces.

(4) Any information indicating that the lack of such barracks rooms has hampered recruitment for the Armed Forces or that the construction of such barracks rooms would substantially improve recruitment.

(5) The cost for each Armed Force of implementing the initiative, including the amount of funds obligated or expended on the initiative before the date of enactment of this Act and the amount of funds required to be expended after that date to complete the initiative.

(6) The views of each of the Chiefs of Staff of the Armed Forces regarding the initiative and regarding any alternatives to the initiative having the potential of assuring the retention of first-term enlisted members of the Armed Forces in adequate numbers.

(7) A cost-benefit analysis of the initiative.

(c) LIMITATION ON FY 2000 FUNDING REQUEST.—The Secretary of Defense may not submit to Congress any request for funding for the so-called ''1 plus 1 barracks initiative'' in fiscal year 2000 unless the Secretary certifies to Congress that further implementation of the initiative is necessary in order to assure the retention of first-term enlisted members of the Armed Forces in adequate numbers.

SEC. 2835. DEVELOPMENT OF FORD ISLAND, HAWAII.

Not later than December 1, 1998, the Secretary of Defense shall submit to the President and the congressional defense committees a report regarding the potential for development of Ford Island within the Pearl Harbor Naval Complex, Oahu, Hawaii through an integrated resourcing plan incorporating both appropriated funds and one or more public-private ventures. This report shall consider innovative resource development measures, including but not limited to, an enhanced-use leasing program similar to that of the Department of Veterans Affairs as well as the sale or other disposal of land in Hawaii under the control of the Navy as part of an overall program for Ford Island development. The report shall include proposed legislation for carrying out the measures recommended therein.

SEC. 2836. REPORT ON LEASING AND OTHER ALTERNATIVE USES OF NON-EXCESS MILITARY PROPERTY.

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

(1) The Secretary of Defense, with the support of the chiefs of staff of the Armed Forces, is calling for the closure of additional military installations in the United States as a means of eliminating excess capacity in such installations.

(2) Excess capacity in Department of Defense installations is a valuable asset, and the utilization of such capacity presents a potential economic benefit for the Department and the Nation.

(3) The experiences of the Department have demonstrated that the military departments and private businesses can carry out activities at the same military installation simultaneously.

(4) Section 2667 of title 10, United States Code, authorizes the Secretaries of the military departments to lease, upon terms that promote the national defense or are in the public interest, real property that is—

(A) under the control of such departments;

(B) not for the time needed for public use; and

(C) not excess to the requirements of the United States.

(b) REPORT.—Not later than February 1, 1999, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report setting forth the following:

(1) The number and purpose of the leases entered into under section 2667 of title 10, United States Code, during the five-year period ending on the date of enactment of this Act.

(2) The types and amounts of payments received under the leases specified in paragraph (1).

(3) The costs, if any, foregone as a result of the leases specified in paragraph (1).

(4) A discussion of the positive and negative aspects of leasing real property and surplus capacity at military installations to the private sector, including the potential impact on force protection.

(5) A description of the current efforts of the Department of Defense to identify for the private sector any surplus capacity at military installations that could be leased or otherwise used by the private sector.

(6) A proposal for any legislation that the Secretary considers appropriate to enhance the ability of the Department to utilize surplus capacity in military installations in order to improve military readiness, achieve cost savings with respect to such installations, or decrease the cost of operating such installations.

(7) An estimate of the amount of income that could accrue to the Department as a result of the enhanced authority proposed under paragraph (6) during the five-year period beginning on the effective date of such enhanced authority.

(8) A discussion of the extent to which any such income should be reserved for the use of the installations exercising such authority and of the extent to which installations are likely to enter into such leases if they cannot retain such income.

SEC. 2837. EMERGENCY REPAIRS AND STABILIZATION MEASURES, FOREST GLEN ANNEX OF WALTER REED ARMY MEDICAL CENTER, MARYLAND.

Of the amounts authorized to be appropriated by this Act, $2,000,000 may be available for the completion of roofing and other emergency repairs and stabilization measures at the historic district of the Forest Glen Annex of Walter Reed Army Medical Center, Maryland, in accordance with the plan submitted under section 2865 of the National Defense Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2806).

Subtitle E—Base Closures

SEC. 2851. MODIFICATION OF LIMITATIONS ON GENERAL AUTHORITY RELATING TO BASE CLOSURES AND REALIGNMENTS.

(a) ACTIONS COVERED BY NOTICE AND WAIT PROCEDURES.—Subsection (a) of section 2687 of title 10, United States Code, is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following new paragraphs (1) and (2)—

''(1) the closure of any military installation at which at least 225 civilian personnel are authorized to be employed;

''(2) any realignment with respect to a military installation referred to in paragraph (1) if such realignment will result in an aggregate reduction in the number of civilian personnel authorized to be employed at such military installation during the fiscal year in which notice of such realignment is submitted to Congress under subsection (b) equal to or greater than—

''(A) 750 such civilian personnel; or

''(B) the number equal to 40 percent of the total number of civilian personnel authorized to be employed at such military installation at the beginning of such fiscal year; or''.

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

(1) in paragraph (3), by inserting ''(including a consolidation)'' after ''any action''; and

(2) by adding at the end the following:

''(5) The term 'closure' includes any action to inactivate or abandon a military installation or to transfer a military installation to caretaker status.''.

SEC. 2852. PROHIBITION ON CLOSURE OF A BASE WITHIN FOUR YEARS AFTER A REALIGNMENT OF THE BASE.

(a) PROHIBITION.—(1) Chapter 159 of title 10, United States Code, is amended by inserting after section 2687 the following:

''§ 2688. Base closures and realignments: closure prohibited within four years after realignment in certain cases

''(a) PROHIBITION.—Notwithstanding any other provision of law, no action may be taken, and no funds appropriated or otherwise available to the Department of Defense may be obligated or expended, to effect or implement the closure of a military installation within 4 years after the completion of a realignment of the installation that, alone or with other causes, reduced the number of civilian personnel employed at that installation below 225.

''(b) DEFINITIONS.—In this section, the terms 'military installation', 'civilian personnel', and 'realignment' have the meanings given such terms in section 2687(e) of this title.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2687 the following:

''2688. Base closures and realignments: closure prohibited within four years after realignment in certain cases.''.

(b) CONFORMING AMENDMENT.—Section 2687(a) of such title is amended by inserting ''(other than section 2688 of this title)'' after ''Notwithstanding any other provision of law''.

SEC. 2853. SENSE OF THE SENATE ON FURTHER ROUNDS OF BASE CLOSURES.

(a) FINDINGS.—The Senate finds that:

(1) While the Department of Defense has proposed further rounds of base closures, there is no need to authorize in 1998 a new base closure commission that would not begin its work until three years from now, in 2001.

(2) While the Department of Defense has submitted a report to the Congress in response to section 2824 of the National Defense Authorization Act for Fiscal Year 1998, that report—

(A) based its estimates of the costs and savings of previous base closure rounds on data that the General Accounting Office has described as ''inconsistent'', ''unreliable'' and ''incomplete'';

(B) failed to demonstrate that the Defense Department is working effectively to improve its ability to track base closure costs and savings resulting from the 1993 and 1995 base closure rounds, which are ongoing;

(C) modeled the savings to be achieved as a result of further base closure rounds on the 1993 and 1995 rounds, which are as yet incomplete and on which the Department's information is faulty; and

(D) projected that base closure rounds in 2001 and 2005 would not produce substantial savings until 2008, a decade after the Federal Government will have achieved unified budget balance, and 5 years beyond the planning period for the current congressional budget and Future Years Defense Plan.

(3) Section 2824 required that the Congressional Budget Office and the General Accounting Office review the Defense Department's report, and—

(A) the General Accounting Office stated on May 1 that ''we are now conducting our analysis to be able to report any limitations that may exist in the required level of detail. . . . [W]e are awaiting some supporting documentation from the military services to help us finish assessing the report's information.'';

(B) the Congressional Budget Office stated on May 1 that its review is ongoing, and that ''it is important that CBO take the time necessary to provide a thoughtful and accurate evaluation of DOD's report, rather than issue a preliminary and potentially inaccurate assessment.''.

(4) The Congressional Budget Office recommended that ''The Congress could consider authorizing an additional round of base closures if the Department of Defense believes that there is a surplus of military capacity after all rounds of BRAC have been carried out. That consideration, however, should follow an interval during which DOD and independent analysts examine the actual impact of the measures that have been taken thus far.''.

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

(1) Congress should not authorize further rounds of base closures and realignments until all actions authorized by the Defense Base Closure and Realignment Act of 1990 are completed; and

(2) the Department of Defense should submit forthwith to the Congress the report required by section 2815 of Public Law 103–337, analyzing the effects of base closures and realignments on the ability of the Armed Forces to remobilize, describing the military construction projects needed to facilitate such remobilization, and discussing the assets, such as air space, that would be difficult to reacquire in the event of such remobilization.

TITLE XXIX—JUNIPER BUTTE RANGE WITHDRAWAL

SEC. 2901. SHORT TITLE.

This title may be cited as the ''Juniper Butte Range Withdrawal Act''.

SEC. 2902. WITHDRAWAL AND RESERVATION.

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this title, the lands at the Juniper Butte Range, Idaho, referred to in subsection (c), are withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral and geothermal leasing laws, but not the Materials Act of 1947 (30 U.S.C. 601–604).

(b) RESERVED USES.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Air Force for—

(1) a high hazard training area;

(2) dropping non-explosive training ordnance with spotting charges;

(3) electronic warfare and tactical maneuvering and air support; and

(4) other defense-related purposes consistent with the purposes specified in paragraphs (1), (2), and (3), including continued natural resource management and environmental remediation in accordance with section 2916.

(c) SITE DEVELOPMENT PLANS.—Site development plans shall be prepared prior to construction; site development plans shall be incorporated in the Integrated Natural Resource Management Plan identified in section 2909; and, except for any minimal improvements, development on the withdrawn lands of any facilities beyond those proposed and analyzed in the Air Force's Enhanced Training in Idaho Environmental Impact Statement, the Enhanced Training in Idaho Record of Decision dated March 10, 1998, and the site development plans shall be contingent upon review and approval of the Idaho State Director, Bureau of Land Management.

(d) GENERAL DESCRIPTION.—The public lands withdrawn and reserved by this section comprise approximately 11,300 acres of public land in Owhyee County, Idaho, as generally depicted on the map entitled ''Juniper Butte Range Withdrawal—Proposed'', dated June 1998, that will be filed in accordance with section 2903. The withdrawal is for an approximately 10,600-acre tactical training range, a 640-acre no-drop target site, four 5-acre no-drop target sites and nine 1-acre electronic threat emitter sites.

SEC. 2903. MAP AND LEGAL DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the effective date of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file a map or maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the Senate and with the Committee on Resources of the House of Representatives.

(b) INCORPORATION BY REFERENCE.—Such maps and legal description shall have the same force and effect as if included in this title.

(c) CORRECTION OF ERRORS.—The Secretary of the Interior may correct clerical and typographical errors in such map or maps and legal description.

(d) AVAILABILITY.—Copies of such map or maps and the legal description shall be available for public inspection in the office of the Idaho State Director of the Bureau of Land Management; the offices of the managers of the Lower Snake River District, Bureau Field Office and Jarbidge Field Office of the Bureau of Land Management; and the Office of the Commander, Mountain Home Air Force Base, Idaho. To the extent practicable, the Secretary of the Interior shall adopt the legal description and maps prepared by the Secretary of the Air Force in support of this title.

(e) The Secretary of the Air Force shall reimburse the Secretary of the Interior for the costs incurred by the Department of the Interior in implementing this section.

SEC. 2904. AGENCY AGREEMENT

The Bureau of Land Management and the Air Force have agreed upon additional mitigation measures associated with this land withdrawal as specified in the ''ENHANCED TRAINING IN IDAHO Memorandum of Understanding Between The Bureau of Land Management and The United States Air Force'' that is dated June 11, 1998. This agreement specifies that these mitigation measures will be adopted as part of the Air Force's Record of Decision for Enhanced Training in Idaho. Congress endorses this collaborative effort between the agencies and directs that the agreement be implemented: *Provided, however,* That the parties may, in accordance with the National Environmental Policy Act of 1969, as amended, mutually agree to modify the mitigation measures specified in the agreement in light of experience gained through the actions called for in the agreement or as a result of changed military circumstances: *Provided further,* That neither the agreement, any modification thereof, nor this section creates any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person.

SEC. 2905. RIGHT-OF-WAY GRANTS.

In addition to the withdrawal under section 2902 and in accordance with all applicable laws, the Secretary of the Interior shall process and grant the Secretary of the Air Force rights-of-way using the Department of the Interior regulations and policies in effect at the time of filing applications for the one-quarter acre electronic warfare threat emitter sites, roads, powerlines, and other ancillary facilities as described and analyzed in the Enhanced Training in Idaho Final Environmental Impact Statement, dated January 1998.

SEC. 2906. INDIAN SACRED SITES.

(a) MANAGEMENT.—In the management of the Federal lands withdrawn and reserved by this title, the Air Force shall, to the extent practicable and not clearly inconsistent with essential agency functions, (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the integrity of such sacred sites. The Air Force shall maintain the confidentiality of such sites where appropriate. The term ''sacred site'' shall mean any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion: *Provided,* That the tribe or appropriately authoritative representative of an Indian religion has informed the Air Force of the existence of such a site. The

term ''Indian tribe'' means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to Public Law 103–454 (108 Stat. 4791), and ''Indian'' refers to a member of such an Indian tribe.

(b) CONSULTATION.—Air Force officials at Mountain Home Air Force Base shall regularly consult with the Tribal Chairman of the Shoshone-Paiute Tribes of the Duck Valley Reservation to assure that tribal government rights and concerns are fully considered during the development of the Juniper Butte Range.

SEC. 2907. ACTIONS CONCERNING RANCHING OPERATIONS IN WITHDRAWN AREA.

The Secretary of the Air Force is authorized and directed to, upon such terms and conditions as the Secretary of the Air Force considers just and in the national interest, conclude and implement agreements with the grazing permittees to provide appropriate consideration, including future grazing arrangements. Upon the conclusion of these agreements, the Assistant Secretary, Land and Minerals Management, shall grant rights-of-way and approvals and take such actions as are necessary to implement promptly this title and the agreements with the grazing permittees. The Secretary of the Air Force and the Secretary of the Interior shall allow the grazing permittees for lands withdrawn and reserved by this title to continue their activities on the lands in accordance with the permits and their applicable regulations until the Secretary of the Air Force has fully implemented the agreement with the grazing permittees under this section. Upon the implementation of these agreements, the Bureau of Land Management is authorized and directed, subject to the limitations included in this section, to terminate grazing on the lands withdrawn.

SEC. 2908. MANAGEMENT OF WITHDRAWN AND RESERVED LANDS.

(a) IN GENERAL.—Except as provided in section 2916(d), during the withdrawal and reservation of any lands under this title, the Secretary of the Air Force shall manage such lands for purposes relating to the uses set forth in section 2902(b).

(b) MANAGEMENT ACCORDING TO PLAN.—The lands withdrawn and reserved by this title shall be managed in accordance with the provisions of this title under the integrated natural resources management plan prepared under section 2909.

(c) AUTHORITY TO CLOSE LAND.—If the Secretary of the Air Force determines that military operations, public safety, or the interests of national security require the closure to public use of any road, trail or other portion of the lands withdrawn by this title that are commonly in public use, the Secretary of the Air Force may take such action: *Provided,* That such closures shall be limited to the minimum areas and periods required for the purposes specified in this subsection. During closures, the Secretary of the Air Force shall keep appropriate warning notices posted and take appropriate steps to notify the public about the closure.

(d) LEASE AUTHORITY.—The Secretary of the Air Force may enter into leases for State lands with the State of Idaho in support of the Juniper Butte Range and operations at the Juniper Butte Range.

(e) PREVENTION AND SUPPRESSION OF FIRE.—

(1) The Secretary of the Air Force shall take appropriate precautions to prevent and suppress brush fires and range fires that occur within the boundaries of the Juniper Butte Range, as well as brush and range fires occurring outside the boundaries of the Range resulting from military activities.

(2) Notwithstanding section 2465 of title 10, United States Code, the Secretary of the Air Force may obligate funds appropriated or otherwise available to the Secretary of the Air Force to enter into contracts for firefighting.

(3)(A) The memorandum of understanding under section 2910 shall provide for the Bureau of Land Management to assist the Secretary of the Air Force in the suppression of the fires described in paragraph (1).

(B) The memorandum of understanding shall provide that the Secretary of the Air Force reimburse the Bureau of Land Management for any costs incurred by the Bureau of Land Management under this paragraph.

(f) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this title or the Act of July 31, 1947 (commonly known as the ''Materials Act of 1947'') (30 U.S.C. 601 et seq.), the Secretary of the Air Force may use, from the lands withdrawn and reserved by this title, sand, gravel, or similar mineral material resources of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs of the Juniper Butte Range.

SEC. 2909. INTEGRATED NATURAL RESOURCE MANAGEMENT PLAN.

(a) REQUIREMENT.—

(1) Not later than 2 years after the date of enactment of this title, the Secretary of the Air Force shall, in cooperation with the Secretary of the Interior, the State of Idaho and Owyhee County, develop an integrated natural resources management plan to address the management of the resources of the lands withdrawn and reserved by this title during their withdrawal and reservation under this title. Additionally, the Integrated Natural Resource Management Plan will address mitigation and monitoring activities by the Air Force for State and Federal lands affected by military training activities associated with the Juniper Butte Range. The foregoing will be done cooperatively between the Air Force and the Bureau of Land Management, the State of Idaho and Owyhee County.

(2) Except as otherwise provided under this title, the integrated natural resources management plan under this section shall be developed in accordance with, and meet the requirements of, section 101 of the Sikes Act (16 U.S.C. 670a).

(3) Site development plans shall be prepared prior to construction of facilities. These plans shall be reviewed by the Bureau of Land Management for Federal lands and the State of Idaho for State lands for consistency with the proposal assessed in the Enhanced Training in Idaho Environmental Impact Statement. The portion of the site development plans describing reconfigurable or replacement targets may be conceptual.

(b) ELEMENTS.—The integrated natural resources management plan under subsection (a) shall—

(1) include provisions for the proper management and protection of the natural, cultural, and other resources and values of the lands withdrawn and reserved by this title and for the use of such resources in a manner consistent with the uses set forth in section 2902(b);

(2) permit livestock grazing at the discretion of the Secretary of the Air Force in accordance with section 2907 or any other authorities relating to livestock grazing that are available to that Secretary;

(3) permit fencing, water pipeline modifications and extensions, and the construction of aboveground water reservoirs, and the maintenance and repair of these items on the lands withdrawn and reserved by this title, and on other lands under the jurisdiction of the Bureau of Land Management; and

(4) otherwise provide for the management by the Secretary of the Air Force of any lands withdrawn and reserved by this title while retained under the jurisdiction of that Secretary under this title.

(c) PERIODIC REVIEW.—The Secretary of the Air Force shall, in cooperation with the Secretary of the Interior and the State of Idaho, review the adequacy of the provisions of the integrated natural resources management plan developed under this section at least once every 5 years after the effective date of the plan.

SEC. 2910. MEMORANDUM OF UNDERSTANDING.

(a) REQUIREMENT.—The Secretary of the Air Force, the Secretary of the Interior, and the Governor of the State of Idaho shall jointly enter into a memorandum of understanding to implement the integrated natural resources management plan required under section 2909.

(b) TERM.—The memorandum of understanding under subsection (a) shall apply to any lands withdrawn and reserved by this title until their relinquishment by the Secretary of the Air Force under this title.

(c) MODIFICATION.—The memorandum of understanding under subsection (a) may be modified by agreement of all the parties specified in that subsection.

SEC. 2911. MAINTENANCE OF ROADS.

The Secretary of the Air Force shall enter into agreements with the Owyhee County Highway District, Idaho, and the Three Creek Good Roads Highway District, Idaho, under which the Secretary of the Air Force shall pay the costs of road maintenance incurred by such districts that are attributable to Air Force operations associated with the Juniper Butte Range.

SEC. 2912. MANAGEMENT OF WITHDRAWN AND ACQUIRED MINERAL RESOURCES.

Except as provided in subsection 2908(f), the Secretary of the Interior shall manage all withdrawn and acquired mineral resources within the boundaries of the Juniper Butte Range in accordance with the Act of February 28, 1958 (known as the Engle Act; 43 U.S.C. 155–158).

SEC. 2913. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn and reserved by this title shall be conducted in accordance with the provision of section 2671 of title 10, United States Code.

SEC. 2914. WATER RIGHTS.

(a) LIMITATION.—The Secretary of the Air Force shall not seek or obtain any water rights associated with any water pipeline modified or extended, or aboveground water reservoir constructed, for purposes of consideration under section 2907.

(b) NEW RIGHTS.—

(1) Nothing in this title shall be construed to establish a reservation in favor of the United States with respect to any water or water right on the lands withdrawn and reserved by this title.

(2) Nothing in this title shall be construed to authorize the appropriation of water on the lands withdrawn and reserved by this title by the United States after the date of enactment of this title unless such appropriation is carried out in accordance with the laws of the State of Idaho.

(c) APPLICABILITY.—This section may not be construed to affect any water rights acquired by the United States before the date of enactment of this title.

SEC. 2915. DURATION OF WITHDRAWAL.

(a) TERMINATION.—

(1) Except as otherwise provided in this section and section 2916, the withdrawal and reservation of lands by this title shall, unless extended as provided herein, terminate at one minute before midnight on the 25th

anniversary of the date of the enactment of this title.

(2) At the time of termination, the previously withdrawn lands shall not be open to the general land laws including the mining laws and the mineral and geothermal leasing laws until the Secretary of the Interior publishes in the Federal Register an appropriate order which shall state the date upon which such lands shall be opened.

(b) RELINQUISHMENT.—

(1) If the Secretary of the Air Force determines under subsection (c) of this section that the Air Force has no continuing military need for any lands withdrawn and reserved by this title, the Secretary of the Air Force shall submit to the Secretary of the Interior a notice of intent to relinquish jurisdiction over such lands back to the Secretary of the Interior.

(2) The Secretary of the Interior may accept jurisdiction over any lands covered by a notice of intent to relinquish jurisdiction under paragraph (1) if the Secretary of the Interior determines that the Secretary of the Air Force has completed the environmental review required under section 2916(a) and the conditions under section 2916(c) have been met.

(3) If the Secretary of the Interior decides to accept jurisdiction over lands under paragraph (2) before the date of termination, as provided for in subsection (a)(1) of this section, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(A) revoke the withdrawal and reservation of such lands under this title;

(B) constitute official acceptance of administrative jurisdiction over the lands by the Secretary of the Interior; and

(C) state the date upon which such lands shall be opened to the operation of the general land laws, including the mining laws and the mineral and geothermal leasing laws, if appropriate.

(4) The Secretary of the Interior shall manage any lands relinquished under this subsection as multiple use status lands.

(5) If the Secretary of the Interior declines pursuant to paragraph (b)(2) of this section to accept jurisdiction of any parcel of the land proposed for relinquishment, that parcel shall remain under the continued administration of the Secretary of the Air Force pursuant to section 2916(d).

(c) EXTENSION.—

(1) IN GENERAL.—In the case of any lands withdrawn and reserved by this title that the Air Force proposes to include in a notice of extension because of continued military need under paragraph (2) of this subsection, the Secretary of the Air Force shall prior to issuing the notice under paragraph (2)—

(A) evaluate the environmental effects of the extension of the withdrawal and reservation of such lands in accordance with all applicable laws and regulations; and

(B) hold at least one public meeting in the State of Idaho regarding that evaluation.

(2) NOTICE OF NEED FOR EXTENSION OF WITHDRAWAL.—

(A) Not later than 2 years before the termination of the withdrawal and reservation of lands by this title under subsection (a), the Secretary of the Air Force shall notify Congress and the Secretary of the Interior as to whether or not the Air Force has a continuing military need for any of the lands withdrawn and reserved by this title, and not previously relinquished under this section, after the termination date as specified in subsection (a) of this section.

(B) The Secretary of the Air force shall specify in the notice under subparagraph (A) the duration of any extension or further extension of withdrawal and reservation of such lands under this title: *Provided however,* That the duration of each extension or further extension shall not exceed 25 years.

(C) The notice under subparagraph (A) shall be published in the Federal Register and a newspaper of local distribution with the opportunity for comments, within a 60-day period, which shall be provided to the Secretary of the Air Force and the Secretary of the Interior.

(3) EFFECT OF NOTIFICATION.—

(A) Subject to subparagraph (B), in the case of any lands withdrawn and reserved by this title that are covered by a notice of extension under subsection (c)(2), the withdrawal and reservation of such lands shall extend under the provisions of this title after the termination date otherwise provided for under subsection (a) for such period as is specified in the notice under subsection (c)(2).

(B) Subparagraph (A) shall not apply with respect to any lands covered by a notice referred to in that paragraph until 90 legislative days after the date on which the notice with respect to such lands is submitted to Congress under paragraph (2).

SEC. 2916. ENVIRONMENTAL REMEDIATION OF RELINQUISHED WITHDRAWN LANDS OR UPON TERMINATION OF WITHDRAWAL.

(a) ENVIRONMENTAL REVIEW.—

(1) Before submitting under section 2915 a notice of an intent to relinquish jurisdiction over lands withdrawn and reserved by this title, and in all cases not later than 2 years prior to the date of termination of withdrawal and reservation, the Secretary of the Air Force shall, in consultation with the Secretary of the Interior, complete a review that fully characterizes the environmental conditions of such lands (including any water and air associated with such lands) in order to identify any contamination on such lands.

(2) The Secretary of the Air Force shall submit to the Secretary of the Interior a copy of the review prepared with respect to any lands under paragraph (1). The Secretary of the Air Force shall also submit at the same time any notice of intent to relinquish jurisdiction over such lands under section 2915.

(3) The Secretary of the Air Force shall submit a copy of any such review to Congress.

(b) ENVIRONMENTAL REMEDIATION OF LANDS.—The Secretary of the Air Force shall, in accordance with applicable State and Federal law, carry out and complete environmental remediation—

(1) before relinquishing jurisdiction to the Secretary of the Interior over any lands identified in a notice of intent to relinquish under subsection 2915(b); or

(2) prior to the date of termination of the withdrawal and reservation, except as provided under subsection (d) of this section.

(c) POSTPONEMENT OF RELINQUISHMENT.—The Secretary of the Interior shall not accept jurisdiction over any lands that are the subject of activities under subsection (b) of this section until the Secretary of the Interior determines that environmental conditions on the lands are such that—

(1) all necessary environmental remediation has been completed by the Secretary of the Air Force;

(2) the lands are safe for nonmilitary uses; and

(3) the lands could be opened consistent with the Secretary of the Interior's public land management responsibilities.

(d) JURISDICTION WHEN WITHDRAWAL TERMINATES.—If the determination required by section (c) cannot be achieved for any parcel of land subject to the withdrawal and reservation prior to the termination date of the withdrawal and reservation, the Secretary of the Air Force shall retain administrative jurisdiction over such parcels of land notwithstanding the termination date for the limited purposes of—

(1) environmental remediation activities under subsection (b); and,

(2) any activities relating to the management of such lands after the termination of the withdrawal reservation for military purposes that are provided for in the integrated natural resources management plan under section 2909.

(e) REQUEST FOR APPROPRIATIONS.—The Secretary of the Air Force shall request an appropriation pursuant to section 2919 sufficient to accomplish the remediation under this title.

SEC. 2917. DELEGATION OF AUTHORITY.

(a) AIR FORCE FUNCTIONS.—Except for executing the agreement referred to in section 2907, the Secretary of the Air Force may delegate that Secretary's functions under this title.

(b) INTERIOR FUNCTIONS.—

(1) Except as provided in paragraph (2), the Secretary of the Interior may delegate that Secretary's functions under this title.

(2) The order referred to in section 2915(b)(3) may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Interior.

(3) The approvals granted by the Bureau of Land Management shall be pursuant to the decisions of the Secretary of the Interior, or the Assistant Secretary for Land and Minerals Management.

SEC. 2918. SENSE OF SENATE REGARDING MONITORING OF WITHDRAWN LANDS.

(a) FINDING.—The Senate finds that there is a need for the Department of the Air Force, the Bureau of Land Management, the State of Idaho, and Owyhee County to develop a cooperative effort to monitor the impact of military activities on the natural, cultural, and other resources and values of the lands withdrawn and reserved by this title as well as other Federal and State lands affected by military activities associated with the Juniper Butte Range.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Air Force should ensure that the budgetary planning of the Department of the Air Force makes available sufficient funds to assure Air Force participation in the cooperative effort developed by the Department of the Air Force, the Bureau of Land Management, and the State of Idaho to monitor the impact of military activities on the natural, cultural, and other resources and values of the lands withdrawn and reserved by this title as well as other Federal and State lands affected by military activities associated with the Juniper Butte Range.

SEC. 2919. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Department of Defense Authorization Act for Fiscal Year 1999 (S. 2060), passed by the Senate on June 25, 1998, is as follows:

S. 2060

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Defense Authorization Act for Fiscal Year 1999''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
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Sec. 302. Working capital funds.
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Sec. 311. Special Operations Command counterproliferation and counterterrorism activities.
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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

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

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

(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1999 for procurement for the Army as follows:

(1) For aircraft, $1,466,508,000.

(2) For missiles, $1,175,539,000.

(3) For weapons and tracked combat vehicles, $1,443,108,000.

(4) For ammunition, $1,010,155,000.

(5) For other procurement, $3,565,927,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1999 for procurement for the Navy as follows:

(1) For aircraft, $7,499,934,000.

(2) For weapons, including missiles and torpedoes, $1,370,045,000.

(3) For shipbuilding and conversion, $6,067,272,000.

(4) For other procurement, $4,052,012,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1999 for procurement for the Marine Corps in the amount of $910,558,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for procurement of ammunition for the Navy and the Marine Corps in the amount of $476,539,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1999 for procurement for the Air Force as follows:

(1) For aircraft, $8,303,839,000.

(2) For missiles, $2,354,745,000.

(3) For ammunition, $384,161,000.

(4) For other procurement, $6,792,081,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1999 for Defense-wide procurement in the amount of $2,029,250,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1999 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

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

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

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

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

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

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

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1999 for procurement for the Inspector General of the Department of Defense in the amount of $1,300,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 1999 the amount of $780,150,000 for—

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

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

SEC. 108. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 1999 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $402,387,000.

SEC. 109. DEFENSE EXPORT LOAN GUARANTEE PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1999 for the Department of Defense for carrying out the Defense Export Loan Guarantee Program under section 2540 of title 10, United States Code, in the total amount of $1,250,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR LONGBOW HELLFIRE MISSILE PROGRAM.

Beginning with the fiscal year 1999 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract for the procurement of the Longbow Hellfire missile. The contract may be for a term of five years.

SEC. 112. CONDITION FOR AWARD OF MORE THAN ONE MULTIYEAR CONTRACT FOR THE FAMILY OF MEDIUM TACTICAL VEHICLES.

Before awarding a multiyear procurement contract for the production of the Family of Medium Tactical Vehicles to more than one contractor under the authority of section 112(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1648), the Secretary of the Army shall certify in writing to the congressional defense committees that—

(1) the total quantity of Family of Medium Tactical Vehicles trucks required by the Army to be delivered in any 12-month period exceeds the production capacity of any single prime contractor; or

(2)(A) the total cost of the procurements to the Army under all such contracts over the period of the contracts will be the same as or lower than the amount that would be the total cost of the procurements if only one such contract were awarded; and

(B) the vehicles to be produced by all contractors under the contracts will be produced with common components that will be interchangeable among similarly configured models.

SEC. 113. ARMORED SYSTEM MODERNIZATION.

(a) LIMITATION.—Of the funds authorized to be appropriated under section 101(3), $20,300,000 of the funds available for the M1A1D Application Integration Kit may not be obligated for the procurement of the Kit until 30 days after the Secretary of the Army submits the report required under subsection (b).

(b) REPORT.—Not later than January 31, 1999, the Secretary of the Army shall submit a report on armored system modernization to the congressional defense committees. The report shall contain an assessment of the current acquisition and fielding strategies for the M1A2 Abrams Tank and M2A3 Bradley Fighting Vehicle and an assessment of alternatives to those strategies. The report shall specifically include an assessment of an alternative fielding strategy that provides for placing all of the armored vehicles configured in the latest variant into one heavy corps. The assessment of each alternative strategy shall include the following:

(1) The relative effects on warfighting capabilities in terms of operational effectiveness and training and support efficiencies, taking into consideration the joint warfighting context.

(2) How the alternative strategy would facilitate the transition to the Future Scout and Cavalry System, the Future Combat System, or other armored systems for the future force structure known as the Army After Next.

(3) How the alternative strategy fits into the context of overall armored system modernization through 2020.

(4) Budgetary implications.

(5) Implications for the national technology and industrial base.

SEC. 114. REACTIVE ARMOR TILES.

(a) LIMITATION.—None of the funds authorized to be appropriated under section 101(3) or 102(b) may be obligated for the procurement of reactive armor tiles until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees the study required by subsection (c).

(b) EXCEPTION.—The limitation in subsection (a) does not apply to the obligation of any funds for the procurement of armor tiles for an armored vehicle for which the Secretary of the Army or, in the case of the Marine Corps, the Secretary of the Navy, had established a requirement for such tiles before the date of the enactment of this Act.

(c) STUDY REQUIRED.—(1) The Secretary of Defense shall contract with an entity independent of the Department of Defense to conduct a study of the present and future operational requirements of the Army and the Marine Corps for reactive armor tiles for

armored vehicles and to submit to the Secretary a report on the results of the study.

(2) The study shall include the following:

(A) A detailed assessment of the operational requirements of the Army and the Marine Corps for reactive armor tiles for each of the armored vehicles presently in use, including the requirements for each vehicle in its existing configurations and in configurations proposed for the vehicle.

(B) For each armored vehicle, an analysis of the costs and benefits of the procurement and installation of the tiles, including a comparison of those costs and benefits with the costs and benefits of any existing upgrade program for the armored vehicle.

(3) The entity carrying out the study shall request the views of the Secretary of the Army and the Secretary of the Navy.

(d) SUBMISSION TO CONGRESS.—Not later than April 1, 1999, the Secretary of Defense shall submit to the congressional defense committees—

(1) the report on the study;

(2) the comments of the Secretary of the Army and the Secretary of the Navy on the study; and

(3) for each vehicle for which it is determined that a requirement for reactive armor tiles exists, the Secretary's recommendations as to the number of vehicles to be equipped with the tiles.

SEC. 115. ANNUAL REPORTING OF COSTS ASSOCIATED WITH TRAVEL OF MEMBERS OF CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSION.

(a) INFORMATION TO BE INCLUDED IN ANNUAL REPORT ON CHEMICAL DEMILITARIZATION PROGRAM.—Section 1412(g)(2) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(g)(2)) is amended by adding at the end the following:

''(C) An accounting of all funds expended (for the fiscal year covered by the report) for travel and associated travel costs for Citizens' Advisory Commissioners under section 172(g) of Public Law 102–484 (50 U.S.C. 1521 note).''.

(b) TECHNICAL AMENDMENT.—Section 1412(g) of section 1412 of such Act is amended by striking out ''(g) PERIODIC REPORTS.—'' and inserting in lieu thereof ''(g) ANNUAL REPORT.—''.

SEC. 116. EXTENSION OF AUTHORITY TO CARRY OUT ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

Section 193(a) of the Armament Retooling and Manufacturing Support Act of 1992 (subtitle H of title I of Public Law 102–484; 10 U.S.C. 2501 note) is amended by striking out ''During fiscal years 1993 through 1998'' and inserting in lieu thereof ''During fiscal years 1993 through 1999''.

SEC. 117. ALTERNATIVE TECHNOLOGIES FOR DESTRUCTION OF ASSEMBLED CHEMICAL WEAPONS.

(a) PROGRAM MANAGEMENT.—The program manager for the Assembled Chemical Weapons Assessment shall continue to manage the development and testing (including demonstration and pilot-scale testing) of technologies for the destruction of lethal chemical munitions that are potential or demonstrated alternatives to incineration. In performing such function, the program manager shall act independently of the program manager for the baseline chemical demilitarization program and shall report to the Under Secretary of Defense for Acquisition and Technology.

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

(A) the technology has been demonstrated successful; and

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

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

(A) Establish program requirements.

(B) Prepare procurement documentation.

(C) Develop environmental documentation.

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

(E) Prepare to award a contract for the design, construction, and operation of a pilot facility for the technology to the provider team for the technology not later than June 1, 1999.

(c) INDEPENDENT EVALUATION.—The Under Secretary of Defense for Acquisition and Technology shall provide for two evaluations of the cost and schedule of the Assembled Chemical Weapons Assessment to be performed, and for each such evaluation to be submitted to the Under Secretary, not later than September 30, 1999. One of the evaluations shall be performed by a nongovernmental organization qualified to make such an evaluation, and the other evaluation shall be performed separately by the Cost Analysis Improvement Group of the Department of Defense.

(d) PILOT FACILITIES CONTRACTS.—(1) The Under Secretary of Defense for Acquisition and Technology shall determine whether to proceed with pilot-scale testing of a technology referred to in paragraph (2) in time to award a contract for the design, construction, and operation of a pilot facility for the technology to the provider team for the technology not later than December 30, 1999. If the Under Secretary determines to proceed with such testing, the Under Secretary shall (exercising the acquisition authority of the Secretary of Defense) so award a contract not later than such date.

(2) Paragraph (1) applies to an alternative technology for the destruction of lethal chemical munitions, other than incineration, that the Under Secretary—

(A) certifies in writing to Congress is—

(i) as safe and cost effective for disposing of assembled chemical munitions as is incineration of such munitions; and

(ii) is capable of completing the destruction of such munitions on or before the later of the date by which the destruction of the munitions would be completed if incineration were used or the deadline date for completing the destruction of the munitions under the Chemical Weapons Convention; and

(B) determines as satisfying the Federal and State environmental and safety laws that are applicable to the use of the technology and to the design, construction, and operation of a pilot facility for use of the technology.

(3) The Under Secretary shall consult with the National Research Council in making determinations and certifications for the purpose of paragraph (2).

(4) In this subsection, the term ''Chemical Weapons Convention'' means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, opened for signature on January 13, 1993, together with related annexes and associated documents.

(e) FUNDING.—(1) Of the total amount authorized to be appropriated under section 107, $18,000,000 shall be available for the program manager for the Assembled Chemical Weapons Assessment for the following:

(A) Demonstrations of alternative technologies under the Assembled Chemical Weapons Assessment.

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

(i) continued development of the technology leading to deployment of the technology for use;

(ii) satisfaction of requirements for environmental permits;

(iii) demonstration, testing, and evaluation;

(iv) initiation of actions to design a pilot plant;

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

(vi) educational outreach to the public to engender support for the deployment.

(C) The independent evaluation of cost and schedule required under subsection (c).

(2) Funds authorized to be appropriated under section 107(1) are authorized to be used for awarding contracts in accordance with subsection (d) and for taking any other action authorized in this section.

(f) ASSEMBLED CHEMICAL WEAPONS ASSESSMENT DEFINED.—In this section, the term ''Assembled Chemical Weapons Assessment'' means the pilot program carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104–208; 110 Stat. 3009–101; 50 U.S.C. 1521 note).

Subtitle C—Navy Programs

SEC. 121. CVN–77 NUCLEAR AIRCRAFT CARRIER PROGRAM.

Of the amount authorized to be appropriated under section 102(a)(3) for fiscal year 1999, $124,500,000 is available for the advance procurement and advance construction of components (including nuclear components) for the CVN–77 nuclear aircraft carrier program.

SEC. 122. INCREASED AMOUNT TO BE EXCLUDED FROM COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

Section 123(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1650) is amended by striking out ''$272,400,000'' and inserting in lieu thereof ''$557,600,000''.

SEC. 123. MULTIYEAR PROCUREMENT AUTHORITY FOR THE MEDIUM TACTICAL VEHICLE REPLACEMENT.

Beginning with the fiscal year 1999 program year, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract for the procurement of the Medium Tactical Vehicle Replacement. The contract may be for a term of five years.

SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR CERTAIN AIRCRAFT PROGRAMS.

Beginning with the fiscal year 1999 program year, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into multiyear contracts for the procurement of the following aircraft:

(1) The AV–8B aircraft.

(2) The E–2C aircraft.

(3) The T–45 aircraft.

Subtitle D—Air Force Programs

SEC. 131. JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM.

(a) AMOUNT FOR FOLLOW-ON OPTIONS.—Of the amount authorized to be appropriated under section 103(1) for the Joint Surveillance Target Attack Radar System (JSTARS) program, $72,000,000 is available for funding the following options:

(1) Advance procurement of long-lead items for two additional E–8C JSTARS aircraft.

(2) Payment of expenses associated with termination of production of JSTARS aircraft, together with augmentation of other

funding for the program for development of an improved joint surveillance target attack radar, known as the radar technology insertion program.

(b) LIMITATION.—None of the funds available in accordance with subsection (a) for funding an option described in that subsection may be obligated until 30 days after the date on which the Secretary of Defense submits to Congress a plan for using the funds. The plan shall specify the option selected, the reasons for the selection of that option, and details about how the funds are to be used for that option.

SEC. 132. LIMITATION ON REPLACEMENT OF ENGINES ON MILITARY AIRCRAFT DERIVED FROM BOEING 707 AIRCRAFT.

None of the funds authorized to be appropriated under this title may be obligated or expended for the replacement of engines on aircraft of the Department of Defense that are derived from the Boeing 707 aircraft until the Secretary of Defense has submitted the analysis required by section 133 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1652).

SEC. 133. F–22 AIRCRAFT PROGRAM.

(a) LIMITATION ON ADVANCE PROCUREMENT.—(1) Amounts available for the Department of Defense for any fiscal year for the F–22 aircraft program may not be obligated for advance procurement for the six Lot II F–22 aircraft before the date that is 30 days after date that is applicable under paragraph (2) or (3).

(2) The applicable date for the purposes of paragraph (1) is the date on which the Secretary of Defense submits a certification under subsection (b)(1) unless the Secretary submits a report under subsection (b)(2).

(3) If the Secretary submits a report under subsection (b)(2), the applicable date for the purposes of paragraph (1) is the later of—

(A) the date on which the Secretary of Defense submits the report; or

(B) the date on which the Director of Operational Test and Evaluation submits the certification required under subsection (c).

(b) CERTIFICATION BY SECRETARY OF DEFENSE.—(1) Upon the completion of 433 hours of flight testing of F–22 flight test vehicles, the Secretary of Defense shall submit to the congressional defense committees a certification of the completion of that amount of flight testing. A certification is not required under this paragraph if the Secretary submits a report under paragraph (2).

(2) If the Secretary determines that a number of hours of flight testing of F–22 flight test vehicles less than 433 hours provides the Defense Acquisition Board with a sufficient basis for deciding to proceed into production of Lot II F–22 aircraft, the Secretary may submit a report to the congressional defense committees upon the completion of that lesser number of hours of flight testing. A report under this paragraph shall contain the following:

(A) A certification of the number of hours of flight testing completed.

(B) The reasons for the Secretary's determination that the lesser number of hours is a sufficient basis for a decision by the board.

(C) A discussion of the extent to which the Secretary's determination is consistent with each decision made by the Defense Acquisition Board since January 1997 in the case of a major aircraft acquisition program that the amount of flight testing completed for the program was sufficient or not sufficient to justify a decision to proceed into low-rate initial production.

(D) A determination by the Secretary that it is more financially advantageous for the Department to proceed into production of Lot II F–22 aircraft than to delay production until completion of 433 hours of flight testing, together with the reasons for that determination.

(c) CERTIFICATION BY THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.—Upon the completion of 183 hours of the flight testing of F–22 flight test vehicles provided for in the test and evaluation master plan for the F–22 aircraft program, as in effect on October 1, 1997, the Director of Operational Test and Evaluation shall submit to the congressional defense committees a certification of the completion of that flight testing.

SEC. 134. C–130J AIRCRAFT PROGRAM.

Not later than March 1, 1999, the Secretary of Defense shall review the C–130J aircraft program and submit a report on the program to the congressional defense committees. The report shall include at least the following:

(1) A discussion of the testing planned and the testing conducted under the program, including—

(A) the testing schedule intended at the beginning of the program;

(B) the testing schedule as of when the testing commenced; and

(C) an explanation of the time taken for the testing.

(2) The cost and schedule of the program, including—

(A) whether the Department has exercised or plans to exercise contract options for fiscal years 1996, 1997, 1998, and 1999;

(B) when the Department expects the aircraft to be delivered and how the delivery dates compare to the delivery dates specified in the contract;

(C) whether the Department expects to make any modification to the negotiated contract price for these aircraft, and the amount and basis for any such modification; and

(D) whether the Department expects the reported delays and overruns in the development of the aircraft to have any other impact on the cost, schedule, or performance of the aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1999 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,838,145,000.

(2) For the Navy, $8,219,997,000.

(3) For the Air Force, $13,673,993,000.

(4) For Defense-wide activities, $9,583,822,000, of which—

(A) $249,106,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $25,245,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) FISCAL YEAR 1999.—Of the amounts authorized to be appropriated by section 201, $4,186,817,000 shall be available for basic research and applied research projects.

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

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. CRUSADER SELF-PROPELLED ARTILLERY SYSTEM PROGRAM.

(a) LIMITATION.—Of the amount authorized to be appropriated for the Army pursuant to section 201(1), not more than $223,000,000 may be obligated for the Crusader self-propelled artillery system program until 30 days after the date on which the Secretary of the Army submits the report required under subsection (b).

(b) REQUIREMENT FOR REPORT.—The Secretary of the Army shall submit to the congressional defense committees a report on the Crusader self-propelled artillery system. The report shall include the following:

(1) An assessment of the risks associated with the current Crusader program technology.

(2) The total requirements for the Crusader system, taking into consideration revisions in force structure resulting from the redesign of heavy and light divisions to achieve a force structure known as the Army After Next.

(3) The potential for reducing the weight of the Crusader system by as much as 50 percent.

(4) The potential for using alternative propellants for the artillery projectile for the Crusader system and the effects on the overall program schedule that would result from taking the actions and time necessary to develop mature technologies for alternative propellants.

(5) An analysis of the costs and benefits of delaying procurement of Crusader to avoid affordability issues associated with the current schedule and to allow for maturation of weight and propellant technologies.

(c) SUBMISSION OF REPORT.—The Secretary of the Army shall submit the report not later than March 1, 1999.

SEC. 212. CVN–77 NUCLEAR AIRCRAFT CARRIER PROGRAM.

(a) AMOUNT FOR NEW TECHNOLOGIES.—Of the amounts authorized to be appropriated under section 201(2) for aircraft carrier system development, $50,000,000 shall be available only for research, development, test, and evaluation, and for acquisition, of technologies described in subsection (b) for use in the CVN–77 nuclear aircraft carrier program.

(b) TECHNOLOGIES.—The technologies for which amounts are available under subsection (a) are technologies that are designed—

(1) for a transition from the CVN–77 aircraft carrier program to the CV(X) aircraft carrier program; and

(2) for—

(A) demonstrating enhanced capabilities for the CV(X) aircraft carrier program; or

(B) mitigating the cost or technical risks of that program.

SEC. 213. UNMANNED AERIAL VEHICLE PROGRAMS.

(a) TERMINATION OF DARK STAR PROGRAM.—The Secretary of Defense shall terminate the Dark Star unmanned aerial vehicle program. Except as provided in subsection (b), funds available for that program may be obligated after the date of the enactment of this Act only for costs necessary for terminating the program.

(b) GLOBAL HAWK PROGRAM.—Of the unobligated balance of the funds available for the Dark Star unmanned aerial vehicle program, $32,500,000 shall be available for the procurement of three Global Hawk unmanned aerial vehicles. However, none of the funds made available for the Global Hawk unmanned aerial vehicle program under the preceding sentence may be obligated or expended for that program until phase II testing of the Global Hawk unmanned aerial vehicle has been completed.

SEC. 214. AIRBORNE LASER PROGRAM.

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

(1) The development plan of the Department of Defense for the Airborne Laser Program does not include the basic validation of certain key technologies until 2002, which is shortly before the program is scheduled to

enter the engineering and manufacturing development phase of development.

(2) It is possible that the technical risk of the Airborne Laser Program could be substantially reduced by restructuring the program to include a technology demonstration using a low power laser device to collect optical data in an operationally representative environment.

(3) Department of Defense officials are currently planning to have expended approximately $1,300,000,000 on the Airborne Laser Program by the end of fiscal year 2002, and a total of $6,300,000,000 by the end of fiscal year 2008 for the development of the system and the procurement of seven airborne laser aircraft.

(4) Due to the likely vulnerability of an airborne laser system to air defense threats, the limited lethal range of the laser device, and other operational limitations of the system, the utility of the airborne laser system will be severely restricted under a wide range of operational scenarios.

(b) ASSESSMENT OF TECHNICAL AND OPERATIONAL LIMITATIONS.—The Secretary of Defense shall conduct an assessment of the technical obstacles and operational shortcomings expected for the Airborne Laser Program. In conducting the assessment, the Secretary shall—

(1) require the Panel on Reducing Risk in Ballistic Missile Defense Test Programs to evaluate the adequacy of the test program for the Airborne Laser Program; and

(2) establish an independent team of persons from outside the Department of Defense who are experts in relevant fields to review the operational limitations and issues associated with the Airborne Laser Program.

(c) REPORT ON ASSESSMENT.—Not later than March 15, 1999, the Secretary shall submit a report on the assessment to Congress. The report shall include the Secretary's findings and any recommendations that the Secretary considers appropriate.

(d) FUNDING FOR PROGRAM.—Of the amount authorized to be appropriated under section 201(3), $195,219,000 shall be available for the Airborne Laser Program.

(e) LIMITATION.—Of the amount made available pursuant to subsection (d), not more than $150,000,000 may be obligated until 30 days after the Secretary submits the report required under subsection (c).

SEC. 215. ENHANCED GLOBAL POSITIONING SYSTEM PROGRAM.

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

(1) Section 152(b) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1578) prohibits the obligation of funds, after September 30, 2000, to modify or procure any Department of Defense aircraft, ship, armored vehicle, or indirect-fire weapon system that is not equipped with a Global Positioning System receiver.

(2) Section 279(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 243) requires the Secretary of Defense to prepare a plan for enhancing the Global Positioning System and to provide in that plan for—

(A) the development of capabilities to deny hostile military forces the ability to use the Global Positioning System without hindering the ability of United States military forces and civil users to have access to and use of the system; and

(B) the development and acquisition of receivers for the Global Positioning System and other techniques for weapons and weapon systems that provide substantially improved resistance to jamming and other forms of electronic interference or disruption.

(3) Section 2281 of title 10, United States Code, requires the Secretary of Defense—

(A) to develop appropriate measures for preventing hostile use of the Global Positioning System so as to make it unnecessary for the Secretary to use the selective availability feature of the system continuously while not hindering the use of the Global Positioning System by the United States and its allies for military purposes;

(B) to ensure that the Armed Forces of the United States have the capability to use the Global Positioning System effectively despite hostile attempts to prevent the use of the system by such forces; and

(C) to develop measures for preventing hostile use of the Global Positioning System in a particular area without hindering peaceful civil use of the system elsewhere.

(b) POLICY ON PRIORITY FOR DEVELOPMENT OF ENHANCED GPS SYSTEM.—The development of an enhanced Global Positioning System is an urgent national security priority.

(c) DEVELOPMENT REQUIRED.—To fulfill the requirements described in subsection (a), the Secretary of Defense shall develop an enhanced Global Positioning System in accordance with the priority declared in subsection (b). The enhanced Global Positioning System shall consist of the following elements:

(1) An evolved satellite system that includes dynamic frequency reconfiguration and regional-level directional signal enhancements.

(2) Enhanced receivers and user equipment that are capable of providing military users with direct access to encrypted Global Positioning System signals.

(3) To the extent funded by the Secretary of Transportation, additional civil frequencies and other enhancements for civil users.

(d) SENSE OF CONGRESS REGARDING FUNDING.—It is the sense of Congress that—

(1) the Secretary of Defense should ensure that the future-years defense program provides for sufficient funding to develop and deploy an enhanced Global Positioning System system in accordance with the priority declared in subsection (b); and

(2) the Secretary of Transportation should provide sufficient funding to support additional civil frequencies for the Global Positioning System and other enhancements of the system for civil users.

(e) PLAN FOR DEVELOPMENT OF ENHANCED GLOBAL POSITIONING SYSTEM.—Not later than April 15, 1999, the Secretary of Defense shall submit to Congress a plan for carrying out the requirements of subsection (c).

(f) DELAYED EFFECTIVE DATE FOR LIMITATION ON PROCUREMENT OF SYSTEMS NOT GPS-EQUIPPED.—Section 152(b) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1578) is amended by striking out ''2000'' and inserting in lieu thereof ''2005''.

(g) FUNDING FROM AUTHORIZED APPROPRIATIONS FOR FISCAL YEAR 1999.—Of the amounts authorized to be appropriated under section 201(3), $44,000,000 shall be available to establish and carry out an enhanced Global Positioning System program.

SEC. 216. MANUFACTURING TECHNOLOGY PROGRAM.

(a) COMPETITION AND COST SHARING.—Subsection (d) of section 2525 of title 10, United States Code, is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

''(2) Except as provided in paragraph (3), the costs of a project carried out under the program shall be shared by the Department of Defense and the other parties to the grant, contract, cooperative agreement, or other transaction involved if any results of the project are likely to have an immediate and direct commercial application. The cost share—

''(A) in the case of a grant, contract, cooperative agreement, or other transaction that is awarded using a competitive selection process, shall be the cost share proposed in the application or offer selected for the award; or

''(B) in a case in which there is only one applicant or offeror, shall be the cost share negotiated with the applicant or offeror that provides the best value for the Government.

''(3)(A) Cost-sharing is not required of the non-Federal Government parties to a grant, contract, cooperative agreement, or other transaction under paragraph (2) if the project is determined as being sufficiently high risk to discourage cost-sharing by non-Federal Government sources.

''(B) A determination under subparagraph (A) that cost-sharing is not required in the case of a particular grant, contract, cooperative agreement or other transaction shall be made by—

''(i) the Secretary of the military department awarding the grant or entering into the contract, cooperative agreement, or other transaction; or

''(ii) the Secretary of Defense for any other grant, contract, cooperative agreement, or transaction.

''(C) The transaction file for a case in which cost-sharing is determined as not being required shall include written documentation of the reasons for the determination.''.

(b) FIVE-YEAR PLAN.—Subsection (e)(2) of such section is amended to read as follows:

''(2) The plan shall include the following:

''(A) An assessment of the effectiveness of the program.

''(B) An assessment of the extent to which the costs of projects are being shared by the following:

''(i) Commercial enterprises in the private sector.

''(ii) Department of Defense program offices, including weapon system program offices.

''(iii) Departments and agencies of the Federal Government outside the Department of Defense.

''(iv) Institutions of higher education.

''(v) Other institutions not operated for profit.

''(vi) Other sources.''.

SEC. 217. AUTHORITY FOR USE OF MAJOR RANGE AND TEST FACILITY INSTALLATIONS BY COMMERCIAL ENTITIES.

(a) PERMANENT AUTHORITY.—Subsection (g) of section 2681 of title 10, United States Code, is repealed.

(b) REPEAL OF EXECUTED REPORTING REQUIREMENT.—Subsection (h) of such section is repealed.

SEC. 218. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845(c) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note) is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2001''.

SEC. 219. NATO ALLIANCE GROUND SURVEILLANCE CONCEPT DEFINITION.

Amounts authorized to be appropriated under subtitle A are available for a NATO alliance ground surveillance concept definition that is based on the Joint Surveillance Target Attack Radar System (Joint STARS) Radar Technology Insertion Program (RTIP) sensor of the United States, as follows:

(1) Of the amount authorized to be appropriated under section 201(1), $6,400,000.

(2) Of the amount authorized to be appropriated under section 201(3), $3,500,000.

SEC. 220. NATO COMMON-FUNDED CIVIL BUDGET.

Of the amount authorized to be appropriated by section 201(1), $750,000 shall be available for contributions for the common-funded Civil Budget of NATO.

SEC. 221. PERSIAN GULF ILLNESSES.

(a) ADDITIONAL AMOUNT FOR PERSIAN GULF ILLNESSES.—The total amount authorized to be appropriated under this title for research and development relating to Persian Gulf illnesses is the total amount authorized to be appropriated for such purpose under the other provisions of this title plus $10,000,000.

(b) REDUCED AMOUNT FOR ARMY COMMERCIAL OPERATIONS AND SUPPORT SAVINGS PROGRAM.—Of the amount authorized to be appropriated under section 201(1), $23,600,000 shall be available for the Army Commercial Operations and Support Savings Program.

SEC. 222. DOD/VA COOPERATIVE RESEARCH PROGRAM.

(a) AVAILABILITY OF FUNDS.—(1) The amount authorized to be appropriated by section 201(4) is hereby increased by $10,000,000.

(2) Of the amount authorized to be appropriated by section 201(4), as increased by paragraph (1), $10,000,000 shall be available for the DOD/VA Cooperative Research Program.

(b) OFFSET.—(1) The amount authorized to be appropriated by section 201(2) is hereby decreased by $10,000,000.

(2) Of the amount authorized to be appropriated by section 201(2), as decreased by paragraph (1), not more than $18,500,000 shall be available for the Commercial Operations and Support Savings Program.

(c) EXECUTIVE AGENT.—The Secretary of Defense, acting through the Army Medical Research and Materiel Command and the Naval Operational Medicine Institute, shall be the executive agent for the utilization of the funds made available by subsection (a).

SEC. 223. LOW COST LAUNCH DEVELOPMENT PROGRAM.

Of the total amount authorized to be appropriated under section 201(3), $5,000,000 is available for the Low Cost Launch Development Program.

Subtitle C—Other Matters

SEC. 231. POLICY WITH RESPECT TO BALLISTIC MISSILE DEFENSE COOPERATION.

As the United States proceeds with efforts to develop defenses against ballistic missile attack, it should seek to foster a climate of cooperation with Russia on matters related to missile defense. In particular, the United States and its NATO allies should seek to cooperate with Russia in such areas as early warning.

SEC. 232. REVIEW OF PHARMACOLOGICAL INTERVENTIONS FOR REVERSING BRAIN INJURY.

(a) REVIEW AND REPORT REQUIRED.—The Assistant Secretary of Defense for Health Affairs shall review research on pharmacological interventions for reversing brain injury and, not later than March 31, 1999, submit a report on the results of the review to Congress.

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

(1) The potential for pharmacological interventions for reversing brain injury to reduce mortality and morbidity in cases of head injuries incurred in combat or resulting from exposures to chemical weapons or agents.

(2) The potential utility of such interventions for the Armed Forces.

(3) A conclusion regarding whether funding for research on such interventions should be included in the budget for the Department of Defense for fiscal year 2000.

SEC. 233. LANDMINES.

(a) AVAILABILITY OF FUNDS.—(1) Of the amounts authorized to be appropriated in section 201, $17,200,000 shall be available for activities relating to the identification, adaptation, modification, research, and development of existing and new tactics, technologies, and operational concepts that—

(A) would provide a combat capability that is comparable to the combat capability provided by anti-personnel landmines, including anti-personnel landmines used in mixed mine systems; and

(B) comply with the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

(2) The amount available under paragraph (1) shall be derived as follows:

(A) $12,500,000 shall be available from amounts authorized to be appropriated by section 201(1).

(B) $4,700,000 shall be available from amounts authorized to be appropriated by section 201(4).

(b) STUDIES.—(1) Not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall enter into a contract with each of two appropriate scientific organizations for purposes of identifying existing and new tactics, technologies, and concepts referred to in subsection (a).

(2) Each contract shall require the organization concerned to submit a report to the Secretary and to Congress, not later than one year after the execution of such contract, describing the activities under such contract and including recommendations with respect to the adaptation, modification, and research and development of existing and new tactics, technologies, and concepts identified under such contract.

(3) Amounts available under subsection (a) shall be available for purposes of the contracts under this subsection.

(c) REPORTS.—Not later than April 1 of each of 1999 through 2001, the Secretary shall submit to the congressional defense committees a report describing the progress made in identifying and deploying tactics, technologies, and concepts referred to in subsection (a).

(d) DEFINITIONS.—In this section:

(1) ANTI-PERSONNEL LANDMINE.—The term ''anti-personnel landmine'' has the meaning given the term ''anti-personnel mine'' in Article 2 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

(2) MIXED MINE SYSTEM.—The term ''mixed mine system'' includes any system in which an anti-vehicle landmine or other munition is constructed with or used with one or more anti-personnel landmines, but does not include an anti-handling device as that term is defined in Article 2 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) AMOUNTS AUTHORIZED.—Funds are hereby authorized to be appropriated for fiscal year 1999 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $17,395,563,000.

(2) For the Navy, $22,001,302,000.

(3) For the Marine Corps, $2,621,703,000.

(4) For the Air Force, $19,213,404,000.

(5) For the Special Operations Command, $1,251,503,000.

(6) For Defense-wide activities, $9,025,598,000.

(7) For the Army Reserve, $1,217,622,000.

(8) For the Naval Reserve, $943,639,000.

(9) For the Marine Corps Reserve, $134,593,000.

(10) For the Air Force Reserve, $1,759,696,000.

(11) For the Army National Guard, $2,476,815,000.

(12) For the Air National Guard, $3,113,933,000.

(13) For the Defense Inspector General, $130,764,000.

(14) For the United States Court of Appeals for the Armed Forces, $7,324,000.

(15) For Environmental Restoration, Army, $370,640,000.

(16) For Environmental Restoration, Navy, $274,600,000.

(17) For Environmental Restoration, Air Force, $372,100,000.

(18) For Environmental Restoration, Defense-wide, $23,091,000.

(19) For Environmental Restoration, Formerly Used Defense Sites, $195,000,000.

(20) For Overseas Humanitarian, Demining, and CINC Initiatives, $50,000,000.

(21) For Drug Interdiction and Counterdrug Activities, Defense-wide, $727,582,000.

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

(23) For Medical Programs, Defense, $9,653,435,000.

(24) For Cooperative Threat Reduction programs, $440,400,000.

(25) For Overseas Contingency Operations Transfer Fund, $746,900,000.

(26) For Impact Aid, $35,000,000.

(b) GENERAL LIMITATION.—Notwithstanding paragraphs (1) through (25) of subsection (a), the total amount authorized to be appropriated for fiscal year 1999 under those paragraphs is $93,875,207,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1999 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, Air Force, $30,800,000.

(2) For Defense Working-Capital Fund, Defense-wide, $63,700,000.

(3) For the National Defense Sealift Fund, $669,566,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1999 from the Armed Forces Retirement Home Trust Fund the sum of $70,745,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

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

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1999 in amounts as follows:

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

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

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

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

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

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

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

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 311. SPECIAL OPERATIONS COMMAND COUNTERPROLIFERATION AND COUNTERTERRORISM ACTIVITIES.

Of the amount authorized to be appropriated under section 301(a)(5), the $18,500,000 available for the Special Operations Command that is not needed for the operation of six of the patrol coastal craft of the Department of Defense in the Caribbean Sea and Eastern Pacific Ocean in support of the drug interdiction efforts of the United States Southern Command by reason of section 331 shall be available for increased training and related operations in support of that command's counterproliferation of weapons of mass destruction and the command's counterterrorism activities. The amount available under the preceding sentence is in addition to other funds authorized to be appropriated under section 301(a)(5) for the Special Operations Command for such purposes.

SEC. 312. TAGGING SYSTEM FOR IDENTIFICATION OF HYDROCARBON FUELS USED BY THE DEPARTMENT OF DEFENSE.

(a) AUTHORITY TO CONDUCT PILOT PROGRAM.—The Secretary of Defense may conduct a pilot program using existing technology to determine—

(1) the feasibility of tagging hydrocarbon fuels used by the Department of Defense for the purposes of analyzing and identifying such fuels;

(2) the deterrent effect of such tagging on the theft and misuse of fuels purchased by the Department; and

(3) the extent to which such tagging assists in determining the source of surface and underground pollution in locations having separate fuel storage facilities of the Department and of civilian companies.

(b) SYSTEM ELEMENTS.—The tagging system under the pilot program shall have the following characteristics:

(1) The tagging system does not harm the environment.

(2) Each chemical used in the tagging system is—

(A) approved for use under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

(B) substantially similar to the fuel to which added, as determined in accordance with criteria established by the Environmental Protection Agency for the introduction of additives into hydrocarbon fuels.

(3) The tagging system permits a determination if a tag is present and a determination if the concentration of a tag has changed in order to facilitate identification of tagged fuels and detection of dilution of tagged fuels.

(4) The tagging system does not impair or degrade the suitability of tagged fuels for their intended use.

(c) REPORT.—Not later than 30 days after the completion of the pilot program, the Secretary shall submit to Congress a report setting forth the results of the pilot program and including any recommendations for legislation relating to the tagging of hydrocarbon fuels by the Department that the Secretary considers appropriate.

(d) FUNDING.—Of the amounts authorized to be appropriated under section 301(a)(6) for operation and maintenance for defense-wide activities, not more than $5,000,000 shall be available for the pilot program.

SEC. 313. PILOT PROGRAM FOR ACCEPTANCE AND USE OF LANDING FEES CHARGED FOR USE OF DOMESTIC MILITARY AIRFIELDS BY CIVIL AIRCRAFT.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of each military department may carry out a pilot program to demonstrate the use of landing fees as a source of funding for the operation and maintenance of airfields of the department.

(b) IMPOSITION OF LANDING FEES.—Under a pilot program carried out under this section, the Secretary of a military department may prescribe and impose landing fees for use of any military airfield of the department in the United States by civil aircraft during fiscal years 1999 and 2000. No fee may be charged under the pilot program for a landing after September 30, 2000.

(c) USE OF PROCEEDS.—Amounts received for a fiscal year in payment of landing fees imposed under the pilot program for use of a military airfield shall be credited to the appropriation that is available for that fiscal year for the operation and maintenance of the military airfield, shall be merged with amounts in the appropriation to which credited, and shall be available for that military airfield for the same period and purposes as the appropriation is available.

(d) REPORT.—Not later than March 31, 2000, the Secretary of Defense shall submit to Congress a report on the pilot programs carried out under this section by the Secretaries of the military departments. The report shall specify the amounts of fees received and retained by each military department under the pilot program as of December 31, 1999.

SEC. 314. NATO COMMON-FUNDED MILITARY BUDGET.

Of the amount authorized to be appropriated by section 30(a)(1), $227,377,000 shall be available for contributions for the common-funded Military Budget of NATO.

Subtitle C—Environmental Provisions

SEC. 321. TRANSPORTATION OF POLYCHLORINATED BIPHENYLS FROM ABROAD FOR DISPOSAL IN THE UNITED STATES.

(a) AUTHORITY.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following:

"§ 2646. Transportation of polychlorinated biphenyls from abroad; disposal

"(a) AUTHORITY TO TRANSPORT.—(1) Subject to paragraph (2), the Secretary of the Defense and the Secretaries of the military departments may provide for the transportation into the customs territory of the United States of polychlorinated biphenyls generated by or under the control of the Department of Defense for purposes of their disposal, treatment, or storage in the customs territory of the United States.

"(2) Polychlorinated biphenyls may be transported into the customs territory of the United States under paragraph (1) only if the Administrator of the Environmental Protection Agency determines that the transportation will not result in an unreasonable risk of injury to health or the environment.

"(b) DISPOSAL.—(1) The disposal, treatment, and storage of polychlorinated biphenyls transported into the customs territory of the United States under subsection (a) shall be governed by the provisions of the Toxic Substances Control Act (15 U.S.C. 2601 et seq.).

"(2) A chemical waste landfill may not be used for the disposal, treatment, or storage of polychlorinated biphenyls transported into the customs territory of the United States under subsection (a) unless the landfill meets all of the technical requirements specified in section 761.75(b)(3) of title 40, Code of Federal Regulations, as in effect on the date that was one year before the date of enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

"(c) CUSTOMS TERRITORY OF THE UNITED STATES DEFINED.—In this section, the term 'customs territory of the United States' has the meaning given that term in General Note 2. of the Harmonized Tariff Schedule of the United States.".

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

"2646. Transportation of polychlorinated biphenyls from abroad; disposal.".

SEC. 322. MODIFICATION OF DEADLINE FOR SUBMITTAL TO CONGRESS OF ANNUAL REPORTS ON ENVIRONMENTAL ACTIVITIES.

Section 2706 of title 10, United States Code, is amended by striking out "not later than 30 days" each place it appears in subsections (a), (b), (c), and (d) and inserting in lieu thereof "not later than 45 days".

SEC. 323. SUBMARINE SOLID WASTE CONTROL.

(a) SOLID WASTE DISCHARGE REQUIREMENTS.—Subsection (c)(2) of section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902) is amended—

(1) in subparagraph (A), by adding at the end the following:

"(iii) With regard to submersibles, nonplastic garbage that has been compacted and weighted to ensure negative buoyancy."; and

(2) in subparagraph (B)(ii), by striking out "subparagraph (A)(ii)" and inserting in lieu thereof "clauses (ii) and (iii) of subparagraph (A)".

(b) CONFORMING AMENDMENT.—Subsection (e)(3)(A) of that section is amended by striking out "garbage that contains more than the minimum amount practicable of".

SEC. 324. PAYMENT OF STIPULATED PENALTIES ASSESSED UNDER CERCLA.

The Secretary of Defense may pay, from amounts in the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) 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), not more than $15,000 as payment of pay stipulated civil penalties assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) against McClellan Air Force Base, California.

SEC. 325. AUTHORITY TO PAY NEGOTIATED SETTLEMENT FOR ENVIRONMENTAL CLEANUP OF FORMERLY USED DEFENSE SITES IN CANADA.

(a) FINDINGS.—Congress makes the following findings with respect to the authorization of payment of settlement with Canada in subsection (b) regarding environmental cleanup at formerly used defense sites in Canada:

(1) A unique and longstanding national security alliance exists between the United States and Canada.

(2) The sites covered by the settlement were formerly used by the United States and Canada for their mutual defense.

(3) There is no formal treaty or international agreement between the United States and Canada regarding the environmental cleanup of the sites.

(4) Environmental contamination at some of the sites could pose a substantial risk to the health and safety of the United States citizens residing in States near the border between the United States and Canada.

(5) The United States and Canada reached a negotiated agreement for an ex-gratia reimbursement of Canada in full satisfaction of claims of Canada relating to environmental contamination which agreement was embodied in an exchange of Notes between the Government of the United States and the Government of Canada.

(6) There is a unique factual basis for authorizing a reimbursement of Canada for environmental cleanup at sites in Canada after the United States departure from such sites.

(7) The basis for and authorization of such reimbursement does not extend to similar claims by other nations.

(8) The Government of Canada is committed to spending the entire $100,000,000 of the reimbursement authorized in subsection (b) in the United States, which will benefit United States industry and United States workers.

(b) AUTHORITY TO MAKE PAYMENTS.—(1) Subject to paragraph (3), the Secretary of Defense may, using funds specified under subsection (c), make a payment described in paragraph (2) in each of fiscal years 1999 through 2008 for purposes of the ex-gratia reimbursement of Canada in full satisfaction of any and all claims asserted against the United States by Canada for environmental cleanup of sites in Canada that were formerly used for the mutual defense of the United States and Canada.

(2) A payment referred to in paragraph (1) is a payment of $10,000,000, in constant fiscal year 1996 dollars, into the Foreign Military Sales Trust Account for purposes of Canada.

(3) A payment may be made under paragraph (1) in any fiscal year after fiscal year 1999 only if the Secretary of Defense submits to Congress with the budget for such fiscal year under section 1105 of title 31, United States Code, evidence that the cumulative amount expended by the Government of Canada for environmental cleanup activities in Canada during any fiscal years before such fiscal year in which a payment under that paragraph was authorized was an amount equal to or greater than the aggregate amount of the payments under that paragraph during such fiscal years.

(c) SOURCE OF FUNDS.—A payment may be made under subsection (b) in a fiscal year from amounts appropriated pursuant to the authorization of appropriations for the Department of Defense for such fiscal year for Operation and Maintenance, Defense-Wide.

SEC. 326. SETTLEMENT OF CLAIMS OF FOREIGN GOVERNMENTS FOR ENVIRONMENTAL CLEANUP OF OVERSEAS SITES FORMERLY USED BY THE DEPARTMENT OF DEFENSE.

(a) NOTICE OF NEGOTIATIONS.—The President shall notify Congress before entering into any negotiations for the ex-gratia settlement of the claims of a government of another country against the United States for environmental cleanup of sites in that country that were formerly used by the Department of Defense.

(b) AUTHORIZATION REQUIRED FOR USE FUNDS FOR PAYMENT OF SETTLEMENT.—Notwithstanding any other provision of law, no funds may be utilized for any payment under an ex-gratia settlement of any claims described in subsection (a) unless the use of the funds for that purpose is specifically authorized by law, treaty, or international agreement.

SEC. 327. ARCTIC MILITARY ENVIRONMENTAL COOPERATION PROGRAM.

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

(1) The Secretary of Defense has developed a program to address environmental matters relating to the military activities of the Department of Defense in the Arctic region. The program is known as the ''Arctic Military Environmental Cooperation Program''.

(2) The Secretary has carried out the Arctic Military Environmental Cooperation Program using funds appropriated for Cooperative Threat Reduction programs.

(b) ACTIVITIES UNDER PROGRAM.—(1) Subject to paragraph (2), activities under the Arctic Military Environmental Cooperation Program shall include cooperative activities on environmental matters in the Arctic region with the military departments and agencies of other countries, including the Russian Federation.

(2) Activities under the Arctic Military Environmental Cooperation Program may not include any activities for purposes for which funds for Cooperative Threat Reduction programs have been denied, including the purposes for which funds were denied by section 1503 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2732).

(c) AVAILABILITY OF FISCAL YEAR 1999 FUNDS.—(1) Of the amount authorized to be appropriated by section 301(a)(6), $4,000,000 shall be available for carrying out the Arctic Military Environmental Program.

(2) Amounts available for the Arctic Military Environmental Cooperation Program under paragraph (1) may not be obligated or expended for that Program until 45 days after the date on which the Secretary of Defense submits to the congressional defense committees a plan for the Program under paragraph (3).

(3) The plan for the Arctic Military Environmental Cooperation Program under this paragraph shall include the following:

(A) A statement of the overall goals and objectives of the Program.

(B) A statement of the proposed activities under the Program and the relationship of such activities to the national security interests of the United States.

(C) An assessment of the compatibility of the activities set forth under subparagraph (B) with the purposes of the Cooperative Threat Reduction programs of the Department of Defense (including with any prohibitions and limitations applicable to such programs).

(D) An estimate of the funding to be required and requested in future fiscal years for the activities set forth under subparagraph (B).

(E) A proposed termination date for the Program.

SEC. 328. SENSE OF SENATE REGARDING OIL SPILL PREVENTION TRAINING FOR PERSONNEL ON BOARD NAVY VESSELS.

(a) FINDINGS.—The Senate makes the following findings:

(1) There have been six significant oil spills in Puget Sound, Washington, in 1998, five at Puget Sound Naval Shipyard (including three from the U.S.S. Kitty Hawk, one from the U.S.S. Carl Vinson, and one from the U.S.S. Sacramento) and one at Naval Station Everett from the U.S.S. Paul F. Foster.

(2) Navy personnel on board vessels, and not shipyard employees, were primarily responsible for a majority of these oil spills at Puget Sound Naval Shipyard.

(3) Oil spills have the potential to damage the local environment, killing microscopic organisms, contributing to air pollution, harming plants and marine animals, and increasing overall pollution levels in Puget Sound.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Navy should take immediate action to significantly reduce the risk of vessel oil spills, including the minimization of fuel oil transfers, the assurance of proper training and qualifications of all Naval personnel in occupations that may contribute to or minimize the risk of shipboard oil spills, and the improvement of liaison with local authorities concerning oil spill prevention and response activities.

Subtitle D—Counter-Drug Activities

SEC. 331. PATROL COASTAL CRAFT FOR DRUG INTERDICTION BY SOUTHERN COMMAND.

Of the funds authorized to be appropriated under section 301(a)(21), relating to drug interdiction and counter-drug activities, $18,500,000 shall be available for the equipping and operation of six of the Cyclone class coastal defense ships of the Department of Defense in the Caribbean Sea and Eastern Pacific Ocean in support of the drug interdiction efforts of the United States Southern Command.

SEC. 332. PROGRAM AUTHORITY FOR DEPARTMENT OF DEFENSE SUPPORT FOR COUNTER-DRUG ACTIVITIES.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended by striking out ''through 1999'' and inserting in lieu thereof ''through 2004''.

(b) BASES AND FACILITIES SUPPORT.—(1) Subsection (b)(4) of such section is amended by inserting ''of the Department of Defense or any Federal, State, local, or foreign law enforcement agency'' after ''counter-drug activities''.

(2) Section 1004 of such Act is further amended by adding at the end the following:

''(h) CONGRESSIONAL NOTIFICATION OF FACILITIES PROJECTS.—(1) Not later than 21 days before obligating funds for beginning the work on a project described in paragraph (2), the Secretary of Defense shall submit to the congressional defense committees a notification of the project, including the scope and estimated total cost of the project.

''(2) Paragraph (1) applies to a project for the modification or repair of a Department of Defense facility for the purpose set forth in subsection (b)(4) that is estimated to cost more than $500,000.''.

SEC. 333. SOUTHWEST BORDER FENCE.

(a) LIMITATION OF FUNDING FOR EXPANSION.—None of the funds authorized to be appropriated for the Department of Defense by this Act may be used to expand the Southwest border fence until the Secretary of Defense submits the report required by subsection (b).

(b) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the extent to which the Southwest border fence has reduced the illegal transportation of narcotics and other drugs into the United States.

(c) SOUTHWEST BORDER FENCE DEFINED.—In this section, the term ''Southwest border fence'' means the fence that was constructed, at Department of Defense expense, along the southwestern border of the United States for the purpose of preventing or reducing the illegal transportation of narcotics and other drugs into the United States.

SEC. 334. REVISION AND CLARIFICATION OF AUTHORITY FOR FEDERAL SUPPORT OF NATIONAL GUARD DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

(a) PROCUREMENT OF EQUIPMENT.—Subsection (a)(3) of section 112 of title 32, United States Code, is amended by striking out ''and leasing of equipment'' and inserting in lieu thereof ''and equipment, and the leasing of equipment,''.

(b) TRAINING AND READINESS.—Subsection (b)(2) of such section is amended to read as follows:

''(2)(A) A member of the National Guard serving on full-time National Guard duty under orders authorized under paragraph (1) shall participate in the training required under section 502(a) of this title in addition to the duty performed for the purpose authorized under that paragraph. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing duty for the purpose of carrying out drug interdiction and counter-drug activities.

''(B) Appropriations available for the Department of Defense for drug interdiction and counter-drug activities may be used for

paying costs associated with a member's participation in training described in subparagraph (A). The appropriation shall be reimbursed in full, out of appropriations available for paying those costs, for the amounts paid. Appropriations available for paying those costs shall be available for making the reimbursements.''.

(c) ASSISTANCE TO YOUTH AND CHARITABLE ORGANIZATIONS.—Subsection (b)(3) of such section is amended to read as follows:

''(2) A unit or member of the National Guard of a State may be used, pursuant to a State drug interdiction and counter-drug activities plan approved by the Secretary of Defense under this section, to provide services or other assistance (other than air transportation) to an organization eligible to receive services under section 508 of this title if—

''(A) the State drug interdiction and counter-drug activities plan specifically recognizes the organization as being eligible to receive the services or assistance;

''(B) in the case of services, the provision of the services meets the requirements of paragraphs (1) and (2) of subsection (a) of section 508 of this title; and

''(C) the services or assistance is authorized under subsection (b) or (c) of such section or in the State drug interdiction and counter-drug activities plan.''.

(d) DEFINITION OF DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.—Subsection (i)(1) of such section is amended by inserting after ''drug interdiction and counter-drug law enforcement activities'' the following: '', including drug demand reduction activities,''.

SEC. 335. SENSE OF CONGRESS REGARDING PRIORITY OF DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

It is the sense of Congress that the Secretary of Defense should revise the Global Military Force Policy of the Department of Defense—

(1) to treat the international drug interdiction and counter-drug activities of the department as a military operation other than war, thereby elevating the priority given such activities under the policy to the next priority below the priority given to war under the policy and to the same priority as is given to peacekeeping operations under the policy; and

(2) to allocate the assets of the department to drug interdiction and counter-drug activities in accordance with the priority given those activities.

Subtitle E—Other Matters

SEC. 341. LIQUIDITY OF WORKING-CAPITAL FUNDS.

(a) INCREASED CASH BALANCES.—The Secretary of Defense shall administer the working-capital funds of the Department of Defense during fiscal year 1999 so as to ensure that the total amount of the cash balances in such funds on September 30, 1999, exceeds the total amount of the cash balances in such funds on September 30, 1998, by $1,300,000,000.

(b) ACTIONS REGARDING UNBUDGETED LOSSES AND GAINS.—(1) In order to achieve the increase in cash balances in working-capital funds required under subsection (a), the Under Secretary of Defense (Comptroller) shall—

(A) assess surcharges on the rates charged to Department of Defense activities for the performance of depot-level maintenance and repair workloads for those activities in fiscal year 1999 as necessary to recoup for the working-capital funds the amounts of any operational losses that are incurred in the performance of those workloads in excess of the amounts of the losses that are budgeted for fiscal year 1999; and

(B) return to Department of Defense activities any amounts that—

(i) are realized for the working-capital funds for depot-level maintenance and repair workloads in excess of the estimated revenues budgeted for the performance of those workloads that originate in those activities; and

(ii) are not needed to achieve the required increase in cash balances.

(2) The Under Secretary of Defense (Comptroller) shall prescribe policies and procedures for carrying out paragraph (1). The policies and procedures shall include a prohibition on applying assessments of surcharges to a Department of Defense activity more frequently than once every six months.

(c) WAIVER.—(1) The Secretary of Defense may waive the requirements of this section upon certifying to Congress, in writing, that the waiver is necessary to meet requirements associated with—

(A) a contingency operation (as defined in section 101(a)(13) of title 10, United States Code); or

(B) an operation of the Armed Forces that commenced before October 1, 1998, and continues during fiscal year 1999.

(2) The waiver authority under paragraph (1) may not be delegated to any official other than the Deputy Secretary of Defense.

(3) The waiver authority under paragraph (1) does not apply to the limitation in subsection (d) or the limitation in section 2208(l)(3) of title 10, United States Code (as added by subsection (e)).

(d) FISCAL YEAR 1999 LIMITATION ON ADVANCE BILLINGS.—(1) The total amount of the advance billings rendered or imposed for the working-capital funds of the Department of Defense and the Defense Business Operations Fund in fiscal year 1999—

(A) for the Department of the Navy, may not exceed $500,000,000; and

(B) for the Department of the Air Force, may not exceed $500,000,000.

(2) In paragraph (1), the term ''advance billing'' has the meaning given such term in section 2208(l) of title 10, United States Code.

(e) PERMANENT LIMITATION ON ADVANCE BILLINGS.—(1) Section 2208(l) of title 10, United States Code, is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

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

''(3) The total amount of the advance billings rendered or imposed for all working-capital funds of the Department of Defense in a fiscal year may not exceed $1,000,000,000.''.

(2) Section 2208(l)(3) of such title, as added by paragraph (1), applies to fiscal years after fiscal year 1999.

(f) SEMIANNUAL REPORT.—(1) The Under Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives—

(A) not later than May 1, 1999, a report on the administration of this section for the 6-month period ending on March 31, 1999; and

(B) not later than November 1, 1999, a report on the administration of this section for the 6-month period ending on September 30, 1999.

(2) Each report shall include, for the 6-month period covered by the report, the following:

(A) The profit and loss status of each working-capital fund activity.

(B) The actions taken by the Secretary of each military department to use assessments of surcharges to correct for unbudgeted losses and gains.

SEC. 342. TERMINATION OF AUTHORITY TO MANAGE WORKING-CAPITAL FUNDS AND CERTAIN ACTIVITIES THROUGH THE DEFENSE BUSINESS OPERATIONS FUND.

(a) REVISION OF CERTAIN DBOF PROVISIONS AND REENACTMENT TO APPLY TO WORKING-CAPITAL FUNDS GENERALLY.—Section 2208 of title 10, United States Code, is amended by adding at the end the following:

''(m) CAPITAL ASSET SUBACCOUNTS.—Amounts charged for depreciation of capital assets shall be credited to a separate capital asset subaccount established within a working-capital fund.

''(n) SEPARATE ACCOUNTING, REPORTING, AND AUDITING OF FUNDS AND ACTIVITIES.—The Secretary of Defense, with respect to the working-capital funds of each Defense Agency, and the Secretary of each military department, with respect to the working-capital funds of the military department, shall provide in accordance with this subsection for separate accounting, reporting, and auditing of funds and activities managed through the working-capital funds.

''(o) CHARGES FOR GOODS AND SERVICES PROVIDED THROUGH THE FUND.—(1) Charges for goods and services provided for an activity through a working-capital fund shall include the following:

''(A) Amounts necessary to recover the full costs of the goods and services provided for that activity.

''(B) Amounts for depreciation of capital assets, set in accordance with generally accepted accounting principles.

''(2) Charges for goods and services provided through a working-capital fund may not include the following:

''(A) Amounts necessary to recover the costs of a military construction project (as defined in section 2801(b) of this title), other than a minor construction project financed by the fund pursuant to section 2805(c)(1) of this title.

''(B) Amounts necessary to cover costs incurred in connection with the closure or realignment of a military installation.

''(C) Amounts necessary to recover the costs of functions designated by the Secretary of Defense as mission critical, such as ammunition handling safety, and amounts for ancillary tasks not directly related to the mission of the function or activity managed through the fund.

''(p) PROCEDURES FOR ACCUMULATION OF FUNDS.—The Secretary of Defense, with respect to each working-capital fund of a Defense Agency, and the Secretary of a military department, with respect to each working-capital fund of the military department, shall establish billing procedures to ensure that the balance in that working-capital fund does not exceed the amount necessary to provide for the working-capital requirements of that fund, as determined by the Secretary concerned.

''(q) ANNUAL REPORTS AND BUDGET.—The Secretary of Defense, with respect to each working-capital fund of a Defense Agency, and the Secretary of each military department, with respect to each working-capital fund of the military department, shall annually submit to Congress, at the same time that the President submits the budget under section 1105 of title 31, the following:

''(1) A detailed report that contains a statement of all receipts and disbursements of the fund (including such a statement for each subaccount of the fund) for the fiscal year ending in the year preceding the year in which the budget is submitted.

''(2) A detailed proposed budget for the operation of the fund for the fiscal year for which the budget is submitted.

''(3) A comparison of the amounts actually expended for the operation of the fund for the fiscal year referred to in paragraph (1) with the amount proposed for the operation of the fund for that fiscal year in the President's budget.

''(4) A report on the capital asset subaccount of the fund that contains the following information:

''(A) The opening balance of the subaccount as of the beginning of the fiscal year in which the report is submitted.

''(B) The estimated amounts to be credited to the subaccount in the fiscal year in which the report is submitted.

''(C) The estimated amounts of outlays to be paid out of the subaccount in the fiscal year in which the report is submitted.

''(D) The estimated balance of the subaccount at the end of the fiscal year in which the report is submitted.

''(E) A statement of how much of the estimated balance at the end of the fiscal year in which the report is submitted will be needed to pay outlays in the immediately following fiscal year that are in excess of the amount to be credited to the subaccount in the immediately following fiscal year.''.

(b) REPEAL OF AUTHORITY TO MANAGE THROUGH THE DEFENSE BUSINESS OPERATIONS FUND.—(1) Section 2216a of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 131 of such title is amended by striking out the item relating to section 2216a.

SEC. 343. CLARIFICATION OF AUTHORITY TO RETAIN RECOVERED COSTS OF DISPOSALS IN WORKING-CAPITAL FUNDS.

Section 2210(a) of title 10, United States Code, is amended to read as follows:

''(a)(1) A working-capital fund established pursuant to section 2208 of this title may retain so much of the proceeds of disposals of property referred to in paragraph (2) as is necessary to recover the expenses incurred by the fund in disposing of such property. Proceeds from the sale or disposal of such property in excess of amounts necessary to recover the expenses may be credited to current applicable appropriations of the Department of Defense.

''(2) Paragraph (1) applies to disposals of supplies, material, equipment, and other personal property that were not financed by stock funds established under section 2208 of this title.''.

SEC. 344. BEST COMMERCIAL INVENTORY PRACTICES FOR MANAGEMENT OF SECONDARY SUPPLY ITEMS.

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

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

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

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

SEC. 345. INCREASED USE OF SMART CARDS.

(a) FUNDING FOR INCREASED USE GENERALLY.—Of the funds available for the Navy for fiscal year 1999 for operation and maintenance, the Secretary of the Navy shall allocate sufficient amounts, up to $25,000,000, to making significant progress toward ensuring that smart cards having a multi-application, multi-technology automated reading capability are issued and used throughout the Navy and the Marine Corps for purposes for which such cards are suitable.

(b) DEPLOYMENT OF SMART CARDS.—(1) Not later than March 31, 1999, the Secretary of the Navy shall equip with smart card technology at least one carrier battle group, one carrier air wing, and one amphibious readiness group (including the Marine Corps units embarked on the vessels of such battle and readiness groups) in each of the United States Atlantic Command and the United States Pacific Command.

(2) None of the funds appropriated pursuant to any authorization of appropriations in this Act may be expended after March 31, 1999, for the procurement of the Joint Uniformed Services Identification card for, or for the issuance of such card to, members of the Navy or the Marine Corps until the Secretary of the Navy certifies in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that the Secretary has completed the issuance of smart cards in accordance with paragraph (1).

(c) PLAN.—Not later than March 31, 1999, the Secretary of the Navy shall submit to the congressional defense committees a plan for equipping all operational naval units with smart card technology. The Secretary shall include in the plan estimates of the costs of, and the savings to be derived from, carrying out the plan.

(d) SMART CARD DEFINED.—In this section, the term ''smart card'' means a credit card size device that contains one or more integrated-circuits.

SEC. 346. PUBLIC-PRIVATE COMPETITION IN THE PROVISION OF SUPPORT SERVICES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Defense should take action to initiate public-private competitions pursuant to Office of Management and Budget Circular A–76 for functions of the Department of Defense involving not fewer than a number of employees equivalent to 30,000 full-time employees for each of fiscal years 1999, 2000, 2001, 2002, 2003, and 2004.

(b) SMALL FUNCTIONS QUALIFIED FOR A WAIVER OF THE NOTIFICATION AND REPORTING REQUIREMENTS FOR CONVERSION TO CONTRACTOR PERFORMANCE.—(1) Section 2461(d) of title 10, United States Code, is amended by striking out ''20 or fewer'' and inserting in lieu thereof ''50 or fewer''.

(2) Notwithstanding any other provision of law, no study, notification, or report may be required pursuant to subsection (a), (b), or (c) of section 2461 of title 10, United States Code, or Office of Management and Budget Circular A–76 for functions that are being performed by 50 or fewer Department of Defense civilian employees.

(c) BEST OVERALL VALUE TO THE TAXPAYER.—Section 2462(a) of title 10, United States Code, is amended by striking out ''at a cost that is lower'' and all that follows through the period at the end and inserting in lieu thereof: ''at a lower cost than the cost at which the Department can provide the same supply or service or at a better overall value than the value that the Department can provide for the same supply or service. Each determination regarding relative cost or relative overall value shall be based on an objective evaluation of cost and performance-related factors and shall include the consideration of any cost differential required by law, Executive order, or regulation.''.

(d) EFFECTIVE DATE.—Subsections (b) and (c), and the amendments made by such subsections, shall take effect on January 1, 2001.

SEC. 347. CONDITION FOR PROVIDING FINANCIAL ASSISTANCE FOR SUPPORT OF ADDITIONAL DUTIES ASSIGNED TO THE ARMY NATIONAL GUARD.

(a) COMPETITIVE SOURCE SELECTION.—Section 113(b) of title 32, United States Code, is amended to read as follows:

''(b) COVERED ACTIVITIES.—(1) Except as provided in paragraph (2), financial assistance may be provided for the performance of an activity by the Army National Guard under subsection (a) only if—

''(A) the activity is carried out in the performance of a responsibility of the Secretary of the Army under paragraph (6), (10), or (11) of section 3013(b) of title 10; and

''(B) the Army National Guard was selected to perform the activity under competitive procedures that permit all responsible private-sector sources to submit offers and be considered for selection to perform the activity on the basis of the offers.

''(2) Paragraph (1)(B) does not apply to an activity that, on the date of the enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, was performed for the Federal Government by employees of the Federal Government or employees of a State.''.

(b) PROSPECTIVE APPLICABILITY.—Subparagraph (B) of section 113(b)(1) of title 32, United States Code (as amended by subsection (a) of this section), does not apply to—

(1) financial assistance provided under that section before October 1, 1998; or

(2) financial assistance for an activity that, on or before May 8, 1998, the Secretary of the Army identified in writing as being under consideration for supporting with financial assistance under such section.

SEC. 348. REPEAL OF PROHIBITION ON JOINT USE OF GRAY ARMY AIRFIELD, FORT HOOD, TEXAS.

Section 319 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 3855), relating to a prohibition on the joint military-civilian use of Robert Gray Army Airfield, Fort Hood, Texas, is repealed.

SEC. 349. INVENTORY MANAGEMENT OF IN-TRANSIT SECONDARY ITEMS.

(a) REQUIREMENT FOR PLAN.—Not later than March 1, 1999, the Secretary of Defense shall submit to Congress a plan to address problems with Department of Defense management of the department's inventories of in-transit secondary items as follows:

(1) The vulnerability of in-transit secondary items to loss through fraud, waste, and abuse.

(2) Loss of oversight of in-transit secondary items, including any loss of oversight when items are being transported by commercial carriers.

(3) Loss of accountability for in-transit secondary items due to either a delay of delivery of the items or a lack of notification of a delivery of the items.

(b) CONTENT OF PLAN.— The plan shall include, for each of the problems described in subsection (a), the following information:

(1) The actions to be taken to correct the problems.

(2) Statements of objectives.

(3) Performance measures and schedules.

(4) An identification of any resources that may be necessary for correcting the problem, together with an estimate of the annual costs.

(c) GAO REVIEWS.—(1) Not later than 60 days after the date on which the Secretary of Defense submits the plan to Congress, the Comptroller General shall review the plan and submit to Congress any comments that the Comptroller General considers appropriate regarding the plan.

(2) The Comptroller General shall monitor any implementation of the plan and, not later than one year after the date referred to in paragraph (1), submit to Congress an assessment of the extent to which the plan has been implemented.

SEC. 350. PERSONNEL REDUCTIONS IN ARMY MATERIEL COMMAND.

Not later than March 31, 1999, the Comptroller General shall submit to the congressional defense committees a report concerning—

(1) the effect that the quadrennial defense review's proposed personnel reductions in the Army Materiel Command will have on workload and readiness if implemented; and

(2) the projected cost savings from such reductions and the manner in which such savings are expected to be achieved.

SEC. 351. PROHIBITIONS REGARDING EVALUATION OF MERIT OF SELLING MALT BEVERAGES AND WINE IN COMMISSARY STORES AS EXCHANGE SYSTEM MERCHANDISE.

Neither the Secretary of Defense nor any other official of the Department of Defense may—

(1) by contract or otherwise, conduct a survey of eligible patrons of the commissary store system to determine patron interest in having commissary stores sell malt beverages and wine as exchange store merchandise; or

(2) conduct a demonstration project to evaluate the merit of selling malt beverages and wine in commissary stores as exchange store merchandise.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1999, as follows:

(1) The Army, 480,000.

(2) The Navy, 372,696.

(3) The Marine Corps, 172,200.

(4) The Air Force, 370,882.

SEC. 402. LIMITED EXCLUSIONS OF JOINT DUTY OFFICERS FROM LIMITATIONS ON NUMBER OF GENERAL AND FLAG OFFICERS.

(a) ONE ADDITIONAL EXEMPTION FROM PERCENTAGE LIMITATION ON NUMBER OF LIEUTENANT GENERALS AND VICE ADMIRALS.—Section 525(b)(4)(B) of title 10, United States Code, is amended by striking out ''six'' and inserting in lieu thereof ''seven''.

(b) EXTENSION OF AUTHORITY TO EXCLUDE UP TO 12 JOINT DUTY OFFICERS FROM LIMITATION ON AUTHORIZED GENERAL AND FLAG OFFICER STRENGTH.—Section 526(b)(2) of such title is amended by striking out ''October 1, 1998'' and inserting in lieu thereof ''October 1, 2002''.

SEC. 403. LIMITATION ON DAILY AVERAGE OF PERSONNEL ON ACTIVE DUTY IN GRADES E–8 AND E–9.

(a) FISCAL YEAR BASIS FOR APPLICATION OF LIMITATION.—The first sentence of section 517(a) of title 10, United States Code, is amended—

(1) by striking out ''a calendar year'' and inserting in lieu thereof ''a fiscal year''; and

(2) by striking out ''January 1 of that year'' and inserting in lieu thereof ''the first day of that fiscal year''.

(b) CORRECTION OF CROSS REFERENCE.—Such sentence is further amended by striking out ''Except as provided in section 307 of title 37, the'' and inserting in lieu thereof ''The''.

SEC. 404. REPEAL OF PERMANENT END STRENGTH REQUIREMENT FOR SUPPORT OF TWO MAJOR REGIONAL CONTINGENCIES.

(a) REPEAL.—Section 691 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 39 of such title is amended by striking out the item relating to section 691.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1999, as follows:

(1) The Army National Guard of the United States, 357,000.

(2) The Army Reserve, 208,000.

(3) The Naval Reserve, 90,843.

(4) The Marine Corps Reserve, 40,018.

(5) The Air National Guard of the United States, 106,991.

(6) The Air Force Reserve, 74,242.

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

(b) WAIVER AUTHORITY.—The Secretary of Defense may vary an end strength authorized by subsection (a) by not more than 2 percent.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1999, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 21,763.

(2) The Army Reserve, 11,804.

(3) The Naval Reserve, 15,590.

(4) The Marine Corps Reserve, 2,362.

(5) The Air National Guard of the United States, 10,930.

(6) The Air Force Reserve, 991.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The reserve components of the Army and the Air Force are authorized strengths for military technicians (dual status) as of September 30, 1999, as follows:

(1) For the Army Reserve, 5,205.

(2) For the Army National Guard of the United States, 22,179.

(3) For the Air Force Reserve, 9,761.

(4) For the Air National Guard of the United States, 22,408.

SEC. 414. EXCLUSION OF ADDITIONAL RESERVE COMPONENT GENERAL AND FLAG OFFICERS FROM LIMITATION ON NUMBER OF GENERAL AND FLAG OFFICERS WHO MAY SERVE ON ACTIVE DUTY.

Section 526(d) of title 10, United States Code, is amended to read as follows:

''(d) EXCLUSION OF CERTAIN RESERVE OFFICERS.—(1) Subject to paragraph (2), the limitations of this section do not apply to the following reserve component general or flag officers:

''(A) A general or flag officer who is on active duty for training.

''(B) A general or flag officer who is on active duty under a call or order specifying a period of less than 180 days.

''(C) A general or flag officer who is on active duty under a call or order specifying a period of more than 179 days.

''(2) The number of general or flag officers of an armed force that are excluded from the applicability of the limitations of this section under paragraph (1)(C) at any one time may not exceed the number equal to three percent of the number specified for that armed force under subsection (a).''.

SEC. 415. INCREASE IN NUMBERS OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) OFFICERS.—The table in section 12011(a) of title 10, United States Code, is amended to read as follows:

''Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	791	140
Lieutenant Colonel or Commander	1,524	520	713	90
Colonel or Navy Captain	438	188	297	30''.

(b) SENIOR ENLISTED MEMBERS.—The table in section 12012(a) of title 10, United States Code, is amended to read as follows:

''Grade	Army	Navy	Air Force	Marine Corps
E–9	623	202	395	20
E–8	2,585	429	997	94''.

SEC. 416. CONSOLIDATION OF STRENGTH AUTHORIZATIONS FOR ACTIVE STATUS NAVAL RESERVE FLAG OFFICERS OF THE NAVY MEDICAL DEPARTMENT STAFF CORPS.

Section 12004(c) of subtitle E of title 10, United States Code, is amended—

(1) in the table in paragraph (1)—

(A) by striking out the item relating to the Medical Corps and inserting in lieu thereof the following:

''Medical Department staff corps ... 9''; and

(B) by striking out the items relating to the Dental Corps, the Nurse Corps, and the Medical Service Corps; and

(2) by adding at the end the following:

''(4)(A) For the purposes of paragraph (1), the Medical Department staff corps referred to in the table are as follows:

''(i) The Medical Corps.

''(ii) The Dental Corps.

''(iii) The Nurse Corps.

''(iv) The Medical Service Corps.

''(B) Each of the Medical Department staff corps is authorized one rear admiral (lower

half) within the strength authorization distributed to the Medical Department staff corps under paragraph (1). The Secretary of the Navy shall distribute the remainder of the strength authorization for the Medical Department staff corps under that paragraph among those staff corps as the Secretary determines appropriate to meet the needs of the Navy.''.

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1999 a total of $70,434,386,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1999.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. STREAMLINED SELECTIVE RETENTION PROCESS FOR REGULAR OFFICERS.

(a) REPEAL OF REQUIREMENT FOR DUPLICATIVE BOARD.—Section 1183 of title 10, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—(1) Section 1182(c) of such title is amended by striking out ''send the record of proceedings to a board of review convened under section 1183 of this title'' and inserting in lieu thereof ''recommend to the Secretary concerned that the officer not be retained on active duty''.

(2) Section 1184 of such title is amended by striking out ''board of review convened under section 1183 of this title'' and inserting in lieu thereof ''board of inquiry convened under section 1182 of this title''.

(c) CLERICAL AMENDMENTS.—(1) The heading for section 1184 of such title is amended by striking out ''**review**'' and inserting in lieu thereof ''**inquiry**''.

(2) The table of sections at the beginning of chapter 60 of such title is amended by striking out the items relating to sections 1183 and 1184 and inserting in lieu thereof the following:

''1184. Removal of officer: action by Secretary upon recommendation of board of inquiry.''.

SEC. 502. PERMANENT APPLICABILITY OF LIMITATIONS ON YEARS OF ACTIVE NAVAL SERVICE OF NAVY LIMITED DUTY OFFICERS IN GRADES OF COMMANDER AND CAPTAIN.

(a) COMMANDERS.—Section 633 of title 10, United States Code, is amended—

(1) by striking out ''Except an officer'' and all that follows through ''or section 6383 of this title applies'' and inserting in lieu thereof ''Except an officer of the Navy or Marine Corps who is an officer designated for limited duty to whom section 5596(e) or 6383 of this title applies''; and

(2) by striking out the second sentence.

(b) CAPTAINS.—Section 634 of such title is amended—

(1) by inserting ''an officer of the Navy who is designated for limited duty to whom section 6383(a)(4) of this title applies and except'' in the first sentence after ''Except''; and

(2) by striking out the second sentence.

(c) YEARS OF ACTIVE NAVAL SERVICE.—Section 6383(a) of such title is amended by striking out paragraph (5).

(d) LIMITATIONS ON SELECTIVE RETENTIONS.—Section 6383(k) of such title is amended by striking out the last sentence.

SEC. 503. INVOLUNTARY SEPARATION PAY DENIED FOR OFFICER DISCHARGED FOR FAILURE OF SELECTION FOR PROMOTION REQUESTED BY THE OFFICER.

(a) INELIGIBILITY FOR SEPARATION PAY.—Section 1174(a) of title 10, United States Code, is amended by adding at the end the following:

''(3) Notwithstanding paragraphs (1) and (2), an officer discharged for twice failing of selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer submitted a request not to be selected for promotion to any selection board that considered and did not select the officer for promotion to that grade.''.

(b) REPORT OF SELECTION BOARD TO NAME OFFICERS REQUESTING NONSELECTION.—Section 617 of such title is amended by adding at the end the following:

''(c) A selection board convened under section 611(a) of this title shall include in its report to the Secretary concerned the name of any regular officer considered and not recommended by the board for promotion who submitted to the board a request not to be selected for promotion.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to selection boards convened under section 611(a) of title 10, United States Code, on or after that date.

SEC. 504. TERM OF OFFICE OF THE CHIEF OF THE AIR FORCE NURSE CORPS.

Section 8069(b) of title 10, United States Code, is amended in the third sentence by striking out ''and'' and inserting in lieu thereof the following: ''except that the Secretary may increase the limit to four years in any case in which the Secretary determines that special circumstances justify a longer term of service in the position. An officer appointed as Chief''.

SEC. 505. ATTENDANCE OF RECIPIENTS OF NAVAL RESERVE OFFICERS' TRAINING CORPS SCHOLARSHIPS AT PARTICIPATING COLLEGES OR UNIVERSITIES.

Section 2107 of title 10, United States Code, is amended by adding at the end the following:

''(i)(1) Notwithstanding any other provision of law or any policy or regulation of the Department of Defense or of the Department of the Navy, recipients of Naval Reserve Officers' Training Corps scholarships who live in a State which has more scholarship awardees than slots available under the Navy quotas in their State colleges and universities may attend any college or university of their choice in their State to which they have been accepted, so long as the college or university is a participant in the Naval Reserve Officers' Training Corps program.

''(2) The Department of Defense and the Department of the Navy are prohibited from setting maximum limits on the number of Naval Reserve Officers' Training Corps scholarship students who can be enrolled at any college or university participating in the Naval Reserve Officers' Training Corps program in such State.''.

Subtitle B—Reserve Component Matters

SEC. 511. SERVICE REQUIRED FOR RETIREMENT OF NATIONAL GUARD OFFICER IN HIGHER GRADE.

(a) REVISION OF REQUIREMENT.—Subparagraph (E) of section 1370(d)(3) of title 10, United States Code, is amended to read as follows:

''(E) To the extent authorized by the Secretary of the military department concerned, a person who, after having been found qualified for Federal recognition in a higher grade by a board under section 307 of title 32, serves in a position for which that grade is the minimum authorized grade and is appointed as a reserve officer in that grade may be credited for the purposes of subparagraph (A) as having served in that grade. The period of the service for which credit is afforded under the preceding sentence may only be the period for which the person served in the position after the Senate provides advice and consent for the appointment.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to appointments to higher grades that take effect after that date.

SEC. 512. REDUCED TIME-IN-GRADE REQUIREMENT FOR RESERVE GENERAL AND FLAG OFFICERS INVOLUNTARILY TRANSFERRED FROM ACTIVE STATUS.

(a) MINIMUM SERVICE IN ACTIVE STATUS.—Section 1370(d)(3) of title 10, United States Code, as amended by section 511, is further amended by adding at the end the following new subparagraph:

''(F) A person covered by subparagraph (A) who has completed at least six months of satisfactory service in a grade above colonel or (in the case of the Navy) captain and, while serving in an active status in such grade, is involuntarily transferred (other than for cause) from active status may be credited with satisfactory service in the grade in which serving at the time of such transfer, notwithstanding failure of the person to complete three years of service in that grade.''.

(b) EFFECTIVE DATE.—Subparagraph (F) of such section, as added by subsection (a), shall take effect on the date of the enactment of this Act and shall apply with respect to transfers referred to in such subparagraph that are made on or after that date.

SEC. 513. ELIGIBILITY OF ARMY AND AIR FORCE RESERVE BRIGADIER GENERALS TO BE CONSIDERED FOR PROMOTION WHILE ON INACTIVE STATUS LIST.

(a) WAIVER OF ACTIVE STATUS REQUIREMENT.—Chapter 1405 of title 10, United States Code, is amended by adding at the end the following:

''§ 14318. Officers on inactive status list: eligibility of Army and Air Force reserve brigadier generals for consideration for promotion

''(a) WAIVER OF ONE-YEAR ACTIVE STATUS RULE.—The Secretary concerned may waive the eligibility requirements in section 14301(a) of this title (and the requirement in section 140101(a) of this title that an officer be on a reserve active-status list) in the case of a general officer referred to in subsection (b) and authorize the officer to be considered for promotion under this chapter by a promotion board convened under section 14101(a) of this title.

''(b) APPLICABILITY.—Subsection (a) applies to a reserve officer of the Army or Air Force who—

''(1) is on the inactive status list of the Standby Reserve in the grade of brigadier general pursuant to a transfer under section 14314(a)(2) of this title;

''(2) has been on the inactive status list pursuant to the transfer for less than one year as of the date of the convening of the promotion board that is to consider the officer for promotion; and

''(3) during the one-year period ending on the date of the transfer to the inactive status list, continuously performed service on either the reserve active-status list, the active-duty list, or a combination of both lists.''.

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

''14318. Officers on inactive status list: eligibility of Army and Air Force reserve brigadier generals for consideration for promotion.''.

SEC. 514. COMPOSITION OF SELECTIVE EARLY RETIREMENT BOARDS FOR REAR ADMIRALS OF THE NAVAL RESERVE AND MAJOR GENERALS OF THE MARINE CORPS RESERVE.

Section 14705(b) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b) BOARDS.—''; and

(2) by adding at the end the following:

''(2) In the case of a board convened to consider the early retirement of officers in the grade of rear admiral in the Naval Reserve or major general in the Marine Corps Reserve, the Secretary of the Navy may prescribe the composition of the board notwithstanding section 14102(b) of this title. In doing so, however, the Secretary shall ensure that each regular commissioned officer of the Navy or the Marine Corps appointed to the board holds a permanent grade higher than the grade of the officers under consideration by the board and that at least one member of the board is a reserve officer who holds the grade of rear admiral or major general.''.

SEC. 515. USE OF RESERVES FOR EMERGENCIES INVOLVING WEAPONS OF MASS DESTRUCTION.

(a) ORDER TO ACTIVE DUTY.—(1) Section 12304 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting ''or is necessary to provide assistance referred to in subsection (b)'' after ''to augment the active forces for any operational mission''.

(B) in subsection (b)—

(i) by striking out ''(b)'' and inserting in lieu thereof ''(c) LIMITATIONS.—(1)''; and

(ii) by striking out '', or to provide'' and inserting in lieu thereof ''or, except as provided in subsection (b), to provide'';

(C) by redesignating subsection (c) as paragraph (2); and

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

''(b) SUPPORT FOR RESPONSES TO CERTAIN EMERGENCIES.—The authority under subsection (a) includes authority to order a unit or member to active duty to provide assistance in responding to an emergency involving a use or threatened use of a weapon of mass destruction.''.

(2) Subsection (i) of such section is amended to read as follows:

''(i) DEFINITIONS.—For purposes of this section:

''(1) The term 'Individual Ready Reserve mobilization category' means, in the case of any reserve component, the category of the Individual Ready Reserve described in section 10144(b) of this title.

''(2) The term 'weapon of mass destruction' has the meaning given such term in section 1402 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1)).''.

(3) Such section is further amended—

(A) in subsection (a), by inserting ''AUTHORITY.—'' after ''(a)'';

(B) in subsection (d), by inserting ''EXCLUSION FROM STRENGTH LIMITATIONS.—'' after ''(d)'';

(C) in subsection (e), by inserting ''POLICIES AND PROCEDURES.—'' after ''(e)'';

(D) in subsection (f), by inserting ''NOTIFICATION OF CONGRESS.—'' after ''(f)'';

(E) in subsection (g), by inserting ''TERMINATION OF DUTY.—'' after ''(g)''; and

(F) in subsection (h), by inserting ''RELATIONSHIP TO WAR POWERS RESOLUTION.—'' after ''(h)''.

(b) USE OF ACTIVE GUARD AND RESERVE PERSONNEL.—Section 12310 of title 10, United States Code, is amended by adding at the end the following:

''(c)(1) A Reserve on active duty as described in subsection (a), or a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32 in connection with functions referred to in subsection (a), may perform any duties in support of emergency preparedness programs to prepare for or to respond to any emergency involving the use of a weapon of mass destruction (as defined in section 1402 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1))).

''(2) The costs of the pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for a Reserve performing duties under the authority of paragraph (1) shall be paid from the appropriation that is available to pay such costs for other members of the reserve component of that Reserve who are performing duties as described in subsection (a).''.

Subtitle C—Other Matters

SEC. 521. ANNUAL MANPOWER REQUIREMENTS REPORT.

Section 115a(a) of title 10, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: ''The Secretary of Defense shall submit an annual manpower requirements report to Congress each year, not later than 45 days after the date on which the President submits the budget for the next fiscal year to Congress under section 1105(a) of title 31.''.

SEC. 522. FOUR-YEAR EXTENSION OF CERTAIN FORCE REDUCTION TRANSITION PERIOD MANAGEMENT AND BENEFITS AUTHORITIES.

(a) ACTIVE FORCE EARLY RETIREMENT.—Section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended by striking out ''October 1, 1999'' and inserting in lieu thereof ''October 1, 2003''.

(b) SPECIAL SEPARATION BENEFITS PROGRAM.—Section 1174a(h) of title 10, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2003''.

(c) VOLUNTARY SEPARATION INCENTIVE.—Section 1175(d)(3) of such title is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2003''.

(d) SELECTIVE EARLY RETIREMENT BOARDS.—Section 638a(a) of such title, is amended by striking out ''nine-year period'' and inserting in lieu thereof ''13-year period''.

(e) RETIRED GRADE.—Section 1370(a)(2)(A) of such title is amended by striking out ''nine-year period'' and inserting in lieu thereof ''13-year period''.

(f) MINIMUM COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT.—Sections 3911(b), 6323(a)(2), and 8911(b) of such title are amended by striking out ''nine-year period'' and inserting in lieu thereof ''13-year period''.

(g) TRAVEL, TRANSPORTATION, AND STORAGE BENEFITS.—(1) Subsections (c)(1)(C) and (f)(2)(B)(v) of section 404 of title 37, United States Code, and subsections (a)(2)(B)(v) and (g)(1)(C) of section 406 of such title are amended by striking out ''nine-year period'' and inserting in lieu thereof ''13-year period''.

(2) Section 503(c)(1) of the National Defense Authorization Act for Fiscal Year 1991 (37 U.S.C. 406 note) is amended by striking out ''nine-year period'' and inserting in lieu thereof ''13-year period''.

(h) EDUCATIONAL LEAVE FOR PUBLIC AND COMMUNITY SERVICE.—Section 4463(f) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143a note) is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2003''.

(i) HEALTH BENEFITS.—Section 1145 of title 10, United States Code, is amended—

(1) in subsections (a)(1) and (c)(1), by striking out ''nine-year period'' and inserting in lieu thereof ''13-year period''; and

(2) in subsection (e), by striking out ''five-year period'' and inserting in lieu thereof ''nine-year period''.

(j) COMMISSARY AND EXCHANGE BENEFITS.—Section 1146 of such title is amended—

(1) by striking out ''nine-year period'' in the first sentence and inserting in lieu thereof ''13-year period''; and

(2) by striking out ''five-year period'' in the second sentence and inserting in lieu thereof ''nine-year period''.

(k) USE OF MILITARY HOUSING.—Section 1147(a) of such title 10 is amended—

(1) in paragraph (1), by striking out ''nine-year period'' and inserting in lieu thereof ''13-year period''; and

(2) in paragraph (2), by striking out ''five-year period'' and inserting in lieu thereof ''nine-year period''.

(l) CONTINUED ENROLLMENT OF DEPENDENTS IN DEFENSE DEPENDENTS' EDUCATION SYSTEM.—Section 1407(c)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(c)(1)) is amended by striking out ''nine-year period'' and inserting in lieu thereof ''13-year period''.

(m) GUARD AND RESERVE TRANSITION INITIATIVES.—Title XLIV of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is amended—

(1) in section 4411, by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2003''; and

(2) in section 4416(b)(1), by striking out ''October 1, 1999'' and inserting in lieu thereof ''October 1, 2003''.

(n) RETIRED PAY FOR NONREGULAR SERVICE-AGE AND SERVICE REQUIREMENTS.—(1) Section 12731(f) of title 10, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2003''.

(2) Subsections (a)(1)(B) and (b) of section 12731a of such title are amended by striking out ''October 1, 1999'' and inserting in lieu thereof ''October 1, 2003''.

(o) REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR RETENTION OF GRADE UPON VOLUNTARY RETIREMENT.—Section 1370(d) of such title is amended by adding at the end the following new paragraph:

''(5) The Secretary of Defense may authorize the Secretary of a military department to reduce the three-year period required by paragraph (3)(A) to a period not less than two years in the case of retirements effective during the period beginning on the date of the enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 and ending September 30, 2003. The number of the reserved commissioned officers of an armed force in the same grade for whom a reduction is made during any fiscal year in the period of service-in-grade otherwise required under this paragraph may not exceed the number equal to two percent of the strength authorized for that fiscal year for reserve commissioned officers of that armed force in an active status in that grade.''.

(p) AFFILIATION WITH GUARD AND RESERVE UNITS; WAIVER OF CERTAIN LIMITATIONS.—Section 1150(a) of such title is amended by striking out ''nine-year period'' and inserting in lieu thereof ''13-year period''.

(q) TIME FOR USE OF MONTGOMERY G.I. BILL ENTITLEMENT.—Section 16133(b)(1)(B) of such title is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2003''.

SEC. 523. CONTINUATION OF ELIGIBILITY FOR VOLUNTARY SEPARATION INCENTIVE AFTER INVOLUNTARY LOSS OF MEMBERSHIP IN READY OR STANDBY RESERVE.

(a) PERIOD OF ELIGIBILITY.—Subsection (a) of section 1175 of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking out '', for the period of time the member is serving in a reserve component''; and

(3) by adding at the end the following:

''(2)(A) Except as provided in subparagraph (B), a financial incentive provided a member under this section shall be paid for the period equal to twice the number of years of service of the member, computed as provided in subsection (e)(5).

''(B) If, before the expiration of the period otherwise applicable under subparagraph (A) to a member receiving a financial incentive under this section, the member is separated from a reserve component or is transferred to the Retired Reserve, the period for payment of a financial incentive to the member under this section shall terminate on the date of the separation or transfer unless—

''(i) the separation or transfer is required by reason of the age or number of years of service of the member;

''(ii) the separation or transfer is required by reason of the failure of selection for promotion or the medical disqualification of the member, except in a case in which the Secretary of Defense or the Secretary of Transportation determines that the basis for the separation or transfer is a result of a deliberate action taken by the member with the intent to avoid retention in the Ready Reserve or Standby Reserve; or

''(iii) in the case of a separation, the member is separated from the reserve component for appointment or enlistment in or transfer to another reserve component of an armed force for service in the Ready Reserve or Standby Reserve of that armed force.''.

(b) REPEAL OF SUPERSEDED PROVISION.—Subsection (e)(1) of such section is amended by striking out the second sentence.

SEC. 524. REPEAL OF LIMITATIONS ON AUTHORITY TO SET RATES AND WAIVE REQUIREMENT FOR REIMBURSEMENT OF EXPENSES INCURRED FOR INSTRUCTION AT SERVICE ACADEMIES OF PERSONS FROM FOREIGN COUNTRIES.

(a) UNITED STATES MILITARY ACADEMY.—Section 4344(b) of title 10, United States Code, is amended—

(1) in the second sentence of paragraph (2), by striking out '', except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States''; and

(2) by striking out paragraph (3).

(b) NAVAL ACADEMY.—Section 6957(b) of such title is amended—

(1) in the second sentence of paragraph (2), by striking out '', except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a midshipman appointed from the United States''; and

(2) by striking out paragraph (3).

(c) AIR FORCE ACADEMY.—Section 9344(b) of such title is amended—

(1) in the second sentence of paragraph (2), by striking out '', except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States''; and

(2) by striking out paragraph (3).

SEC. 525. REPEAL OF RESTRICTION ON CIVILIAN EMPLOYMENT OF ENLISTED MEMBERS.

(a) REPEAL.—Section 974 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of such title is amended by striking out the item relating to section 974.

SEC. 526. EXTENSION OF REPORTING DATES FOR COMMISSION ON MILITARY TRAINING AND GENDER-RELATED ISSUES.

(a) INTERIM REPORT.—Subsection (e)(1) of section 562 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1754; 10 U.S.C. 113 note) is amended by striking out ''April 15, 1998'' and inserting in lieu thereof ''October 15, 1998''.

(b) FINAL REPORT.—Subsection (e)(2) of such section is amended by striking out ''September 16, 1998'' and inserting in lieu thereof ''March 15, 1999''.

SEC. 527. MORATORIUM ON CHANGES OF GENDER-RELATED POLICIES AND PRACTICES PENDING COMPLETION OF THE WORK OF THE COMMISSION ON MILITARY TRAINING AND GENDER-RELATED ISSUES.

Notwithstanding any other provision of law, officials of the Department of Defense are prohibited from implementing any change of policy or official practice in the department regarding separation or integration of members of the Armed Forces on the basis of gender that is within the responsibility of the Commission on Military Training and Gender-Related Issues to review under subtitle F of title V of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1750), before the date on which the commission terminates under section 564 of such Act.

SEC. 528. TRANSITIONAL COMPENSATION FOR ABUSED DEPENDENT CHILDREN NOT RESIDING WITH THE SPOUSE OR FORMER SPOUSE OF A MEMBER CONVICTED OF DEPENDENT ABUSE.

(a) ENTITLEMENT NOT CONDITIONED ON FORFEITURE OF SPOUSAL COMPENSATION.—Subsection (d) of section 1059 of title 10, United States Code, is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following:

''(1) If the individual was married at the time of the commission of the dependent-abuse offense resulting in the separation, the spouse or former spouse to whom the individual was married at that time shall be paid such compensation, including an amount (determined under subsection (f)(2)) for each, if any, dependent child of the individual described in subsection (b) who resides in the same household as that spouse or former spouse.'';

(2) in paragraph (2)—

(A) by striking out ''(but for subsection (g)) would be eligible'' and inserting in lieu thereof ''is or, but for subsection (g), would be eligible''; and

(B) by striking out ''such compensation'' and inserting in lieu thereof ''compensation under this section''; and

(3) in paragraph (4), by striking out ''For purposes of paragraphs (2) and (3)'' and inserting in lieu thereof ''For purposes of this subsection''.

(b) AMOUNT OF PAYMENT.—Subsection (f)(2) of such section is amended by striking out ''has custody of a dependent child or children of the member'' and inserting in lieu thereof ''has custody of a dependent child of the member who resides in the same household as that spouse or former spouse''.

(c) PROSPECTIVE APPLICABILITY.—No benefits shall accrue by reason of the amendments made by this section for any month that begins before the date of the enactment of this Act.

SEC. 529. PILOT PROGRAM FOR TREATING GED AND HOME SCHOOL DIPLOMA RECIPIENTS AS HIGH SCHOOL GRADUATES FOR DETERMINATIONS OF ELIGIBILITY FOR ENLISTING IN THE ARMED FORCES.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall establish a pilot program to assess whether the Armed Forces could better meet recruiting requirements by treating GED recipients and home school diploma recipients as having graduated from high school with a high school diploma for the purpose of determining the eligibility of those persons to enlist in the Armed Forces. The Secretary of each military department shall administer the pilot program for the armed force or armed forces under the jurisdiction of the Secretary.

(b) ELIGIBLE RECIPIENTS.—(1) Under the pilot program, a person shall be treated as having graduated from high school with a high school diploma for the purpose described in subsection (a) if the person—

(A) has completed a general education development program while participating in the National Guard Challenge Program and is a GED recipient; or

(B) is a home school diploma recipient and provides a transcript demonstrating completion of high school to the military department involved under the pilot program.

(2) For the purposes of this section, a person is a GED recipient if the person, after completing a general education development program, has obtained certification of high school equivalency by meeting State requirements and passing a State approved exam that is administered for the purpose of providing an appraisal of the person's achievement or performance in the broad subject matter areas usually required for high school graduates.

(3) For the purposes of this section, a person is a home school diploma recipient if the person has received a diploma for completing a program of education through the high school level at a home school, without regard to whether the home school is treated as a private school under the law of the State in which located.

(c) ANNUAL LIMIT ON NUMBER.—Not more than 1,250 GED recipients, and not more than 1,250 home school diploma recipients, enlisted by an armed force in any fiscal year may be treated under the pilot program as having graduated from high school with a high school diploma.

(d) PERIOD FOR PILOT PROGRAM.—The pilot program shall be in effect for five fiscal years beginning on October 1, 1998.

(e) REPORT.—(1) Not later than February 1, 2004, the Secretary of Defense shall submit a report on the pilot program to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(2)(A) The report shall include the assessment of the Secretary of Defense, and any assessment of any of the Secretaries of the military departments, regarding the value of, and any necessity for, authority to treat GED recipients and home school diploma recipients as having graduated from high school with a high school diploma for the purpose of determining the eligibility of those persons to enlist in the Armed Forces.

(B) The Secretary shall also set forth in the report, by armed force for each fiscal year of the pilot program, a comparison of the performance of the persons who enlisted in that armed force during the fiscal year as GED or home school diploma recipients treated under the pilot program as having graduated from high school with a high school diploma with the performance of the persons who enlisted in that armed force during the same fiscal year after having graduated from high school with a high school diploma, with respect to the following:

(i) Attrition.

(ii) Discipline.

(iii) Adaptability to military life.

(iv) Aptitude for mastering the skills necessary for technical specialties.

(v) Reenlistment rates.

(f) REFERENCE TO NATIONAL GUARD CHALLENGE PROGRAM.—The National Guard Challenge Program referred to in this section is a program conducted under section 509 of title 32, United States Code.

(g) STATE DEFINED.—In this section, the term ''State'' has the meaning given that term in section 509(l)(1) of title 32, United States Code.

SEC. 530. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO CERTAIN PERSONS.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary of the military department concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) DISTINGUISHED-SERVICE CROSS.—Subsection (a) applies to award of the Distinguished-Service Cross of the Army as follows:

(1) To Isaac Camacho of El Paso, Texas, for extraordinary heroism in actions at Camp Hiep Hoa in Vietnam on November 24, 1963, while serving as a member of the Army.

(2) To Bruce P. Crandall of Mesa, Arizona, for extraordinary heroism in actions at Landing Zone X-Ray in Vietnam on November 14, 1965, while serving as a member of the Army.

(3) To Leland B. Fair of Jessieville, Arkansas, for extraordinary heroism in actions in the Philippine Islands on July 4, 1945, while serving as a member of the Army.

(c) DISTINGUISHED-SERVICE MEDAL.—Subsection (a) applies to award of the Distinguished-Service Medal of the Army to Richard P. Sakakida of Fremont, California, for exceptionally meritorious service while a prisoner of war in the Philippine Islands from May 7, 1942, to September 14, 1945, while serving as a member of the Army.

(d) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to award of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual (not covered by section 573(d) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1757)) concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate, before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

SEC. 531. PROHIBITION ON ENTRY INTO CORRECTIONAL FACILITIES FOR PRESENTATION OF DECORATIONS TO PERSONS WHO COMMIT CERTAIN CRIMES BEFORE PRESENTATION.

(a) PROHIBITION.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following:

''§ 1132. Presentation of decorations: prohibition on entering into correctional facilities for certain presentations

''(a) PROHIBITION.—No member of the armed forces may enter into a Federal, State, or local correctional facility for purposes of presenting a decoration to a person who has been convicted of a serious violent felony.

''(b) DEFINITIONS.—In this section:

''(1) The term 'decoration' means any decoration or award that may be presented or awarded to a member of the armed forces.

''(2) The term 'serious violent felony' has the meaning given that term in section 3359(c)(2)(F) of title 18.''.

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

''1132. Presentation of decorations: prohibition on entering into correctional facilities for certain presentations.''.

SEC. 532. ADVANCEMENT OF BENJAMIN O. DAVIS, JUNIOR, TO GRADE OF GENERAL.

(a) AUTHORITY.—The President is authorized to advance Benjamin O. Davis, Junior, to the grade of general on the retired list of the Air Force.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—An advancement of Benjamin O. Davis, Junior, to the grade of general on the retired list of the Air Force under subsection (a) shall not increase or change the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the said Benjamin O. Davis, Junior.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 1999.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services by section 203(a) of such title to become effective during fiscal year 1999 shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 1999, the rates of basic pay of members of the uniformed services are increased by 3.6 percent.

(c) OFFSETTING REDUCTIONS IN AUTHORIZATIONS OF APPROPRIATIONS.—(1) Notwithstanding any other provision of title I, the total amount authorized to be appropriated under title II is hereby reduced by $150,000,000.

(2) Notwithstanding any other provision of title II, the total amount authorized to be appropriated under title II is hereby reduced by $275,000,000.

SEC. 602. RATE OF PAY FOR CADETS AND MIDSHIPMEN AT THE SERVICE ACADEMIES.

(a) INCREASED RATE.—Section 203(c) of title 37, United States Code, is amended by striking out ''$558.04'' and inserting in lieu thereof ''$600.00''.

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

SEC. 603. PAYMENTS FOR MOVEMENTS OF HOUSEHOLD GOODS ARRANGED BY MEMBERS.

(a) MONETARY ALLOWANCE AUTHORIZED.—Subsection (b)(1) of section 406 of title 37, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking out '', or reimbursement therefor,''; and

(B) by inserting after the second sentence the following: ''Alternatively, a member may be paid reimbursement or a monetary allowance under subparagraph (F).''; and

(2) by adding at the end the following:

''(F) A member entitled to transportation of baggage and household effects under subparagraph (A) may, as an alternative to the provision of transportation, be paid reimbursement or, at the member's request, a monetary allowance in advance for the cost of transportation of the baggage and household effects. The monetary allowance may be paid only if the amount of the allowance does not exceed the cost that would be incurred by the Government under subparagraph (A) for the transportation of the baggage and household effects. Appropriations available to the Department of Defense, the Department of Transportation, and the Department of Health and Human Services for providing transportation of baggage or household effects of members of the uniformed services shall be available to pay a reimbursement or monetary allowance under this subparagraph. The Secretary concerned may prescribe the manner in which the risk of liability for damage, destruction, or loss of baggage or household effects arranged, packed, crated, or loaded by a member is allocated among the member, the United States, and any contractor when a reimbursement or monetary allowance is elected under this subparagraph.''.

(b) REPEAL OF SUPERSEDED PROVISION.—Such section is further amended by striking out subsection (j).

SEC. 604. LEAVE WITHOUT PAY FOR SUSPENDED ACADEMY CADETS AND MIDSHIPMEN.

(a) AUTHORITY.—Section 702 of title 10, United States Code, is amended—

(1) by designating the second sentence of subsection (b) as subsection (d);

(2) by redesignating subsection (b) as subsection (c); and

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

''(b) LEAVE WITHOUT PAY.—(1) Under regulations prescribed under subsection (d), the Superintendent of the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the United States Coast Guard Academy may order a cadet or midshipman of the Academy to be placed on leave involuntarily for any period during which the cadet or midshipman is suspended from duty at the Academy—

''(A) pending separation from the Academy;

''(B) pending return to the Academy to repeat an academic semester or year; or

''(C) for other good cause.

''(2) A cadet or midshipman placed on involuntary leave under paragraph (1) is not entitled to any pay under section 230(c) of title 37 for the period of the leave.

''(3) A return of a cadet or midshipman to a pay status at the Academy from an involuntary leave status under paragraph (1) does not restore any entitlement of the cadet or midshipman to pay for the period of the involuntary leave.''.

(b) SUBSECTION HEADINGS.—Such section, as amended by subsection (a), is further amended—

(1) in subsection (a), by inserting ''GRADUATION LEAVE.—'' after ''(a)'';

(2) in subsection (c), by inserting ''INAPPLICABLE LEAVE PROVISIONS.—'' after ''(c)''; and

(3) in subsection (d), by inserting ''REGULATIONS.—'' after ''(d)''.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. THREE-MONTH EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of title 37, United States Code, as redesignated by section 622, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking out ''October 1, 1999'' and inserting in lieu thereof ''January 1, 2000''.

SEC. 612. THREE-MONTH EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

SEC. 613. THREE-MONTH EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out ''September 30, 1999,'' and inserting in lieu thereof ''December 31, 1999,''.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(c) ENLISTMENT BONUSES FOR MEMBERS WITH CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(d) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(e) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''December 31, 1999''.

(f) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of title 37, United States Code, is amended by striking out ''October 1, 1999'' and inserting in lieu thereof ''October 1, 1998, and the 15-month period beginning on that date and ending on December 31, 1999''.

SEC. 614. ELIGIBILITY OF RESERVES FOR SELECTIVE REENLISTMENT BONUS WHEN REENLISTING OR EXTENDING TO PERFORM ACTIVE GUARD AND RESERVE DUTY.

Section 308(a)(1)(D) of title 37, United States Code, is amended by inserting after ''a regular component of the service concerned'' the following: '', or in a reserve component of the service concerned in the case of a member reenlisting or extending to perform active Guard and Reserve duty (as defined in section 101(d)(6) of title 10),''.

SEC. 615. REPEAL OF TEN-PERCENT LIMITATION ON PAYMENTS OF SELECTIVE REENLISTMENT BONUSES IN EXCESS OF $20,000.

Section 308(b) of title 37, United States Code, is amended—

(1) by striking out paragraph (2); and

(2) in paragraph (1), by striking out ''(1)''.

SEC. 616. INCREASE OF MAXIMUM AMOUNT AUTHORIZED FOR ARMY ENLISTMENT BONUS.

Section 308f(a) of title 37, United States Code, is amended by striking out ''$4,000'' and inserting in lieu thereof ''$6,000''.

SEC. 617. EDUCATION LOAN REPAYMENT PROGRAM FOR HEALTH PROFESSIONS OFFICERS SERVING IN SELECTED RESERVE.

(a) ELIGIBLE PERSONS.—Subsection (b)(2) of section 16302 of title 10, United States Code, is amended by inserting '', or is enrolled in a program of education leading to professional qualifications,'' after ''possesses professional qualifications''.

(b) INCREASED BENEFITS.—Subsection (c) of such section is amended—

(1) in paragraph (2), by striking out ''$3,000'' and inserting in lieu thereof ''$20,000''; and

(2) in paragraph (3), by striking out ''$20,000'' and inserting in lieu thereof ''$50,000''.

SEC. 618. INCREASE IN AMOUNT OF BASIC EDUCATIONAL ASSISTANCE UNDER ALL-VOLUNTEER FORCE PROGRAM FOR PERSONNEL WITH CRITICALLY SHORT SKILLS OR SPECIALTIES.

Section 3015(d) of title 38, United States Code, is amended by striking out ''$700'' and inserting in lieu thereof ''$950''.

SEC. 619. RELATIONSHIP OF ENTITLEMENTS TO ENLISTMENT BONUSES AND BENEFITS UNDER THE ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM.

(a) ENTITLEMENTS NOT EXCLUSIVE.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following:

''§ 3019A. Relationship to entitlement to certain enlistment bonuses

''The entitlement of an individual to benefits under this chapter is not affected by receipt by that individual of an enlistment bonus under section 308a or 308f of title 37.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3019 the following:

''3019A. Relationship to entitlement to certain enlistment bonuses.''.

(b) REPEAL OF RELATED LIMITATION.—Section 8013(a) of Public Law 105–56 (111 Stat. 1222) is amended—

(1) by striking out ''of this Act—'' and all that follows through ''nor shall any amounts'' and inserting in lieu thereof ''of this Act enlists in the armed services for a period of active duty of less that three years, nor shall any amounts''; and

(2) in the first proviso, by striking out ''in the case of a member covered by clause (1),''.

SEC. 620. HARDSHIP DUTY PAY.

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

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

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

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

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

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

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

''305. Special pay: hardship duty pay.''.

SEC. 620A. INCREASED HAZARDOUS DUTY PAY FOR AERIAL FLIGHT CREWMEMBERS IN PAY GRADES E–4 TO E–9.

(a) RATES.—The table in section 301(b) of title 37, United States Code, is amended by striking out the items relating to pay grades E–4, E–5, E–6, E–7, E–8, and E–9, and inserting in lieu thereof the following:

''E–9	240
E–8	240
E–7	240
E–6	215
E–5	190
E–4	165''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect on October 1, 1998, and shall apply with respect to months beginning on or after that date.

SEC. 620B. DIVING DUTY SPECIAL PAY FOR DIVERS HAVING DIVING DUTY AS A NONPRIMARY DUTY.

(a) ELIGIBILITY FOR MAINTAINING PROFICIENCY.—Section 304(a)(3) of title 37, United States Code, is amended to read as follows:

''(3) either—

''(A) actually performs diving duty while serving in an assignment for which diving is a primary duty; or

''(B) meets the requirements to maintain proficiency as described in paragraph (2) while serving in an assignment that includes diving duty other than as a primary duty.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1998, and shall apply with respect to months beginning on or after that date.

SEC. 620C. RETENTION INCENTIVES INITIATIVE FOR CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTIES.

(a) REQUIREMENT FOR NEW INCENTIVES.—The Secretary of Defense shall establish and provide for members of the Armed Forces qualified in critically short military occupational specialties a series of new incentives that the Secretary considers potentially effective for increasing the rates at which those members are retained in the Armed Forces for service in such specialties.

(b) CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTIES.—For the purposes of this section, a military occupational specialty is a critically short military occupational specialty for an armed force if the number of members retained in that armed force in fiscal year 1998 for service in that specialty is less than 50 percent of the number of members of that armed force that were projected to be retained in that armed

force for service in the specialty by the Secretary of the military department concerned as of October 1, 1997.

(c) INCENTIVES.—It is the sense of Congress that, among the new incentives established and provided under this section, the Secretary of Defense should include the following incentives:

(1) Family support and leave allowances.

(2) Increased special reenlistment or retention bonuses.

(3) Repayment of educational loans.

(4) Priority of selection for assignment to preferred permanent duty station or for extension at permanent duty station.

(5) Modified leave policies.

(6) Special consideration for Government housing or additional housing allowances.

(d) RELATIONSHIP TO OTHER INCENTIVES.—Incentives provided under this section are in addition to any special pay or other benefit that is authorized under any other provision of law.

(e) REPORTS.—(1) Not later than December 1, 1998, the Secretary of Defense shall submit to the congressional defense committees a report that identifies, for each of the Armed Forces, the critically short military occupational specialties to which incentives under this section are to apply.

(2) Not later than April 15, 1999, the Secretary of Defense shall submit to the congressional defense committees a report that specifies, for each of the Armed Forces, the incentives that are to be provided under this section.

Subtitle C—Travel and Transportation Allowances

SEC. 621. TRAVEL AND TRANSPORTATION FOR REST AND RECUPERATION IN CONNECTION WITH CONTINGENCY OPERATIONS AND OTHER DUTY.

Section 411c of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(B) by inserting ''IN GENERAL.—(1)'' after ''(a)'';

(2) in subsection (b), by striking out ''(b) The transportation authorized by this section'' and inserting in lieu thereof ''(2) The transportation authorized by paragraph (1)''; and

(3) by adding at the end the following:

''(b) CONTINGENCY OPERATIONS AND OTHER SPECIAL SITUATIONS.—(1) Under uniform regulations prescribed by the Secretaries concerned, a member of the armed forces serving a tour of duty at a duty station, and under conditions, described in paragraph (2) may be paid for or provided transportation to a location described in subsection (a)(1) as part of a program of rest and recuperation specifically authorized for members of the armed forces serving under those conditions at that duty station by the Secretary concerned in advance of the commencement of the member's travel.

''(2) Paragraph (1) applies to a member of the armed forces serving at a duty station outside the United States if—

''(A) the member is participating in a contingency operation at or from that duty station; or

''(B) the payment for or provision of transportation would be in the best interests of members of the armed forces and the United States because of unusual conditions at the duty station, as determined by the Secretary concerned.

''(3) Transportation may not be paid for or provided to a member under this subsection for travel that begins—

''(A) more than 24 months after the commencement of the tour of duty for which the transportation is authorized; or

''(B) after the tour of duty ends.

''(4) The transportation authorized by this subsection is limited to one round-trip during any tour of at least 6, but less than 24, consecutive months.

''(5) Transportation paid for or provided to a member under this subsection may not be counted as transportation for which the member is eligible under subsection (a).''.

SEC. 622. PAYMENT FOR TEMPORARY STORAGE OF BAGGAGE OF DEPENDENT STUDENT NOT TAKEN ON ANNUAL TRIP TO OVERSEAS DUTY STATION OF SPONSOR.

Section 430(b) of title 37, United States Code, is amended by striking out the second sentence and inserting in lieu thereof the following: ''The allowance authorized by this section may be prescribed by the Secretaries concerned as transportation in kind or reimbursement therefor, including an amount for the temporary storage of any baggage not taken with the child on the annual trip if determined advantageous to the Government.''.

SEC. 623. COMMERCIAL TRAVEL OF RESERVES AT FEDERAL SUPPLY SCHEDULE RATES FOR ATTENDANCE AT INACTIVE DUTY TRAINING ASSEMBLIES.

(a) AUTHORITY.—Chapter 1217 of title 10, United States Code is amended by adding at the end the following:

''§ 12603. Commercial travel at Federal supply schedule rates for attendance at inactive duty training assemblies

''(a) FEDERAL SUPPLY SCHEDULE TRAVEL.—Commercial travel under Federal supply schedules is authorized for the travel of a Reserve to the location of inactive duty training to be performed by the Reserve or from that location upon completion of the training.

''(b) REGULATIONS.—The Secretary of Defense shall prescribe in regulations the requirements, conditions, and restrictions for travel under the authority of subsection (a) that the Secretary considers appropriate. The regulations shall include policies and procedures for preventing abuses of the travel authority.

''(c) REIMBURSEMENT NOT AUTHORIZED.—A Reserve is not entitled to Government reimbursement for the cost of travel authorized under subsection (a).

''(d) TREATMENT OF TRANSPORTATION AS USE BY MILITARY DEPARTMENTS.—For the purposes of section 201(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)), travel authorized under subsection (a) shall be treated as transportation for the use of a military department.''.

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

''12603. Commercial travel at Federal supply schedule rates for attendance at inactive duty training assemblies.''.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

SEC. 631. PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

(a) PAID UP AT 30 YEARS OF SERVICE AND AGE 70.—Section 1452 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j) COVERAGE PAID UP AT 30 YEARS AND ATTAINMENT OF AGE 70.—(1) Coverage of a survivor of a member under the Plan shall be considered paid up as of the end of the later of—

''(A) the 360th month in which the member's retired pay has been reduced under this section; or

''(B) the month in which the member attains 70 years of age.

''(2) The retired pay of a member shall not be reduced under this section to provide coverage of a survivor under the Plan after the month when the coverage is considered paid up under paragraph (1).''.

(b) EFFECTIVE DATE.—Section 1452(j) of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 2003.

SEC. 632. COURT-REQUIRED SURVIVOR BENEFIT PLAN COVERAGE EFFECTUATED THROUGH ELECTIONS AND DEEMED ELECTIONS.

(a) ELIMINATION OF DISPARITY IN EFFECTIVE DATE PROVISIONS.—Section 1448(b)(3) of title 10, United States Code, is amended—

(1) in subparagraph (C)—

(A) by striking out the second sentence; and

(B) by striking out ''EFFECTIVE DATE,'' in the heading; and

(2) by adding at the end the following:

''(E) EFFECTIVE DATE.—An election under this paragraph—

''(i) in the case of a person required (as described in section 1450(f)(3)(B) of this title) to make the election, is effective as of the first day of the first month which begins after the date of the court order or filing that requires the election; and

''(ii) in all other cases, is effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.''.

(b) CONFORMITY BY CROSS REFERENCE.—Section 1450(f)(3)(D) of such title is amended by striking out ''the first day of the first month which begins after the date of the court order or filing involved'' and inserting in lieu thereof ''the day referred to in section 1448(b)(3)(E)(i) of this title''.

SEC. 633. RECOVERY, CARE, AND DISPOSITION OF REMAINS OF MEDICALLY RETIRED MEMBER WHO DIES DURING HOSPITALIZATION THAT BEGINS WHILE ON ACTIVE DUTY.

(a) IN GENERAL.—Section 1481(a)(7) of title 10, United States Code, is amended to read as follows:

''(7) A person who—

''(A) dies as a retired member of an armed force under the Secretary's jurisdiction during a continuous hospitalization of the member as a patient in a United States hospital that began while the member was on active duty for a period of more than 30 days; or

''(B) is not covered by subparagraph (A) and, while in a retired status by reason of eligibility to retire under chapter 61 of this title, dies during a continuous hospitalization of the person that began while the person was on active duty as a Regular of an armed force, or a member of an armed force without component, under the Secretary's jurisdiction.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of the enactment of this Act and applies with respect to deaths occurring on or after that date.

SEC. 634. SURVIVOR BENEFIT PLAN OPEN ENROLLMENT PERIOD.

(a) PERSONS NOT CURRENTLY PARTICIPATING IN SURVIVOR BENEFIT PLAN.—

(1) ELECTION OF SBP COVERAGE.—An eligible retired or former member may elect to participate in the Survivor Benefit Plan during the open enrollment period specified in subsection (d).

(2) ELECTION OF SUPPLEMENTAL ANNUITY COVERAGE.—An eligible retired or former member who elects under paragraph (1) to participate in the Survivor Benefit Plan may also elect during the open enrollment period to participate in the Supplemental Survivor Benefit Plan.

(3) ELIGIBLE RETIRED OR FORMER MEMBER.—For purposes of paragraphs (1) and (2), an eligible retired or former member is a member

or former member of the uniformed services who on the day before the first day of the open enrollment period is not a participant in the Survivor Benefit Plan and—

(A) is entitled to retired pay; or

(B) would be entitled to retired pay under chapter 1223 of title 10, United States Code (or chapter 67 of such title as in effect before October 5, 1994), but for the fact that such member or former member is under 60 years of age.

(4) STATUS UNDER SBP OF PERSONS MAKING ELECTIONS.—

(A) STANDARD ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(A) shall be treated for all purposes as providing a standard annuity under the Survivor Benefit Plan.

(B) RESERVE-COMPONENT ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(B) shall be treated for all purposes as providing a reserve-component annuity under the Survivor Benefit Plan.

(b) MANNER OF MAKING ELECTIONS.—

(1) IN GENERAL.—An election under this section must be made in writing, signed by the person making the election, and received by the Secretary concerned before the end of the open enrollment period. Except as provided in paragraph (2), any such election shall be made subject to the same conditions, and with the same opportunities for designation of beneficiaries and specification of base amount, that apply under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be. A person making an election under subsection (a) to provide a reserve-component annuity shall make a designation described in section 1448(e) of title 10, United States Code.

(2) ELECTION MUST BE VOLUNTARY.—An election under this section is not effective unless the person making the election declares the election to be voluntary. An election to participate in the Survivor Benefit Plan under this section may not be required by any court. An election to participate or not to participate in the Survivor Benefit Plan is not subject to the concurrence of a spouse or former spouse of the person.

(c) EFFECTIVE DATE FOR ELECTIONS.—Any such election shall be effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

(d) OPEN ENROLLMENT PERIOD DEFINED.—The open enrollment period is the one-year period beginning on March 1, 1999.

(e) EFFECT OF DEATH OF PERSON MAKING ELECTION WITHIN TWO YEARS OF MAKING ELECTION.—If a person making an election under this section dies before the end of the two-year period beginning on the effective date of the election, the election is void and the amount of any reduction in retired pay of the person that is attributable to the election shall be paid in a lump sum to the person who would have been the deceased person's beneficiary under the voided election if the deceased person had died after the end of such two-year period.

(f) APPLICABILITY OF CERTAIN PROVISIONS OF LAW.—The provisions of sections 1449, 1453, and 1454 of title 10, United States Code, are applicable to a person making an election, and to an election, under this section in the same manner as if the election were made under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be.

(g) PREMIUMS FOR OPEN ENROLLMENT ELECTION.—

(1) PREMIUMS TO BE CHARGED.—The Secretary of Defense shall prescribe in regulations premiums which a person electing under this section shall be required to pay for participating in the Survivor Benefit Plan pursuant to the election. The total amount of the premiums to be paid by a person under the regulations shall be equal to the sum of—

(A) the total amount by which the retired pay of the person would have been reduced before the effective date of the election if the person had elected to participate in the Survivor Benefit Plan (for the same base amount specified in the election) at the first opportunity that was afforded the member to participate under chapter 73 of title 10, United States Code;

(B) interest on the amounts by which the retired pay of the person would have been so reduced, computed from the dates on which the retired pay would have been so reduced at such rate or rates and according to such methodology as the Secretary of Defense determines reasonable; and

(C) any additional amount that the Secretary determines necessary to protect the actuarial soundness of the Department of Defense Military Retirement Fund against any increased risk for the fund that is associated with the election.

(2) PREMIUMS TO BE CREDITED TO RETIREMENT FUND.—Premiums paid under the regulations shall be credited to the Department of Defense Military Retirement Fund.

(h) DEFINITIONS.—In this section:

(1) The term ''Survivor Benefit Plan'' means the program established under subchapter II of chapter 73 of title 10, United States Code.

(2) The term ''Supplemental Survivor Benefit Plan'' means the program established under subchapter III of chapter 73 of title 10, United States Code.

(3) The term ''retired pay'' includes retainer pay paid under section 6330 of title 10, United States Code.

(4) The terms ''uniformed services'' and ''Secretary concerned'' have the meanings given those terms in section 101 of title 37, United States Code.

(5) The term ''Department of Defense Military Retirement Fund'' means the Department of Defense Military Retirement Fund established under section 1461(a) of title 10, United States Code.

SEC. 635. ELIGIBILITY FOR PAYMENTS OF CERTAIN SURVIVORS OF CAPTURED AND INTERNED VIETNAMESE OPERATIVES WHO WERE UNMARRIED AND CHILDLESS AT DEATH.

Section 657(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2585) is amended by adding at the end the following:

''(3) In the case of a decedent who had not been married at the time of death—

''(A) to the surviving parents; or

''(B) if there are no surviving parents, to the surviving siblings by blood of the decedent, in equal shares.''.

SEC. 636. CLARIFICATION OF RECIPIENT OF PAYMENTS TO PERSONS CAPTURED OR INTERNED BY NORTH VIETNAM.

Section 657(f)(1) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2585) is amended by striking out ''The actual disbursement'' and inserting in lieu thereof ''Notwithstanding any agreement (including a power of attorney) to the contrary, the actual disbursement''.

SEC. 637. PRESENTATION OF UNITED STATES FLAG TO MEMBERS OF THE ARMED FORCES.

(a) ARMY.—(1) Chapter 353 of title 10, United States Code, is amended by inserting after the table of sections the following:

''§ 3681. Presentation of flag upon retirement at end of active duty service

''(a) REQUIREMENT.—The Secretary of the Army shall present a United States flag to a member of any component of the Army upon the release of the member from active duty for retirement.

''(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for a presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or section 6141 or 8681 of this title.

''(c) NO COST TO RECIPIENT.—The presentation of a flag under his section shall be at no cost to the recipient.''.

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 3684 the following:

''3681. Presentation of flag upon retirement at end of active duty service.''.

(b) NAVY AND MARINE CORPS.—(1) Chapter 561 of title 10, United States Code, is amended by inserting after the table of sections the following:

''§ 6141. Presentation of flag upon retirement at end of active duty service

''(a) REQUIREMENT.—The Secretary of the Navy shall present a United States flag to a member of any component of the Navy or Marine Corps upon the release of the member from active duty for retirement or for transfer to the Fleet Reserve or the Fleet Marine Corps Reserve.

''(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for a presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or section 3681 or 8681 of this title.

''(c) NO COST TO RECIPIENT.—The presentation of a flag under his section shall be at no cost to the recipient.''.

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 6151 the following:

''6141. Presentation of flag upon retirement at end of active duty service.''.

(c) AIR FORCE.—(1) Chapter 853 of title 10, United States Code, is amended by inserting after the table of sections the following:

''§ 8681. Presentation of flag upon retirement at end of active duty service

''(a) REQUIREMENT.—The Secretary of the Air Force shall present a United States flag to a member of any component of the Air Force upon the release of the member from active duty for retirement.

''(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for a presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or section 3681 or 6141 of this title.

''(c) NO COST TO RECIPIENT.—The presentation of a flag under his section shall be at no cost to the recipient.''.

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 8684 the following:

''8681. Presentation of flag upon retirement at end of active duty service.''.

(d) REQUIREMENT FOR ADVANCE APPROPRIATIONS.—The Secretary of a military department may present flags under authority provided the Secretary in section 3681, 6141, or 8681 title 10, United States Code (as added by this section), only to the extent that funds for such presentations are appropriated for that purpose in advance.

(e) EFFECTIVE DATE.—Sections 3681, 6141, and 8681 of title 10, United States Code (as added by this section shall take effect on October 1, 1998, and shall apply with respect to releases described in those sections on or after that date.

SEC. 638. ELIMINATION OF BACKLOG OF UNPAID RETIRED PAY.

(a) REQUIREMENT.—The Secretary of the Army shall take such actions as are necessary to eliminate, by December 31, 1998, the backlog of unpaid retired pay for members and former members of the Army (including members and former members of the Army Reserve and the Army National Guard).

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the backlog of unpaid retired pay. The report shall include the following:

(1) The actions taken under subsection (a).

(2) The extent of the remaining backlog.

(3) A discussion of any additional actions that are necessary to ensure that retired pay is paid in a timely manner.

(c) FUNDING.—Of the amount authorized to be appropriated under section 421, $1,700,000 shall be available for carrying out this section.

Subtitle E—Other Matters

SEC. 641. DEFINITION OF POSSESSIONS OF THE UNITED STATES FOR PAY AND ALLOWANCES PURPOSES.

Section 101(2) of title 37, United States Code, is amended by striking out ''the Canal Zone,''.

SEC. 642. FEDERAL EMPLOYEES' COMPENSATION COVERAGE FOR STUDENTS PARTICIPATING IN CERTAIN OFFICER CANDIDATE PROGRAMS.

(a) PERIODS OF COVERAGE.—Subsection (a)(2) of section 8140 of title 5, United States Code, is amended to read as follows:

''(2) during the period of the member's attendance at training or a practice cruise under chapter 103 of title 10, beginning when the authorized travel to the training or practice cruise begins and ending when authorized travel from the training or practice cruise ends.''.

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

''(b) For the purpose of this section, an injury, disability, death, or illness of a member referred to in subsection (a) may be considered as incurred or contracted in line of duty only if the injury, disability, or death is incurred, or the illness is contracted, by the member during a period described in that subsection. Subject to review by the Secretary of Labor, the Secretary of the military department concerned (under regulations prescribed by that Secretary), shall determine whether an injury, disability, or death was incurred, or an illness was contracted, by a member in line of duty.''.

(c) CLARIFICATION OF CASUALTIES COVERED.—Subsection (a) of such section, as amended by subsection (a) of this section, is further amended by inserting '', or an illness contracted,'' after ''death incurred'' in the matter preceding paragraph (1).

(d) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act and apply with respect to injuries, illnesses, disabilities, and deaths incurred or contracted on or after that date.

SEC. 643. AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE FOR EDUCATION OF CERTAIN DEFENSE DEPENDENTS OVERSEAS.

Section 1407(b) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(b)) is amended—

(1) by striking out ''(b) Under such circumstances as he may by regulation prescribe, the Secretary of Defense'' and inserting in lieu thereof ''(b) TUITION AND ASSISTANCE WHEN SCHOOLS UNAVAILABLE.—(1) Under such circumstances as the Secretary of Defense may prescribe in regulations, the Secretary''; and

(2) by adding at the end the following:

''(2)(A) The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service of the Navy, may provide financial assistance to sponsors of dependents in overseas areas where schools operated by the Secretary of Defense under subsection (a) are not reasonably available in order to assist the sponsors to defray the costs incurred by the sponsors for the attendance of the dependents at schools in such areas other than schools operated by the Secretary of Defense.

''(B) The Secretary of Defense and the Secretary of Transportation shall each prescribe regulations relating to the availability of financial assistance under subparagraph (A). Such regulations shall, to the maximum extent practicable, be consistent with Department of State regulations relating to the availability of financial assistance for the education of dependents of Department of State personnel overseas.''.

SEC. 644. VOTING RIGHTS OF MILITARY PERSONNEL.

(a) GUARANTEE OF RESIDENCY.—Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

''SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become resident in or a resident of any other State.

''(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.''.

(b) STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.—(1) Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(A) by inserting ''(a) ELECTIONS FOR FEDERAL OFFICES.—'' before ''Each State shall—''; and

(B) by adding at the end the following:

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

''(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.''.

(2) The heading of title I of such Act is amended by striking out "FOR FEDERAL OFFICE".

TITLE VII—HEALTH CARE

SEC. 701. DEPENDENTS' DENTAL PROGRAM.

(a) INFLATION-INDEXED PREMIUM.—(1) Section 1076a(b)(2) of title 10, United States Code, is amended—

(A) by inserting ''(A)'' after ''(2)''; and

(B) by adding at the end the following:

''(B) Effective as of January 1 of each year, the amount of the premium required under subparagraph (A) shall be increased by the percent equal to the lesser of—

''(i) the percent by which the rates of basic pay of members of the uniformed services are increased on such date; or

''(ii) the sum of one-half percent and the percent computed under section 5303(a) of title 5 for the increase in rates of basic pay for statutory pay systems for pay periods beginning on or after such date.''.

(2) The amendment made by subparagraph (B) of paragraph (1) shall take effect on January 1, 1999, and shall apply to months after 1998 as if such subparagraph had been in effect since December 31, 1993.

(b) OFFER OF PLAN UNDER TRICARE.—(1) Section 1097 of such title is amended by adding at the end the following:

''(f) DEPENDENTS' DENTAL PLAN.—A basic dental benefits plan established for eligible dependents under section 1076a of this title may be offered under the TRICARE program.''.

(2) Subsection (e) of such section is amended by adding at the end the following: ''Charges for a basic dental benefits plan offered under the TRICARE program pursuant to subsection (f) shall be those provided for under section 1076a of this title.''.

SEC. 702. EXTENSION OF AUTHORITY FOR USE OF PERSONAL SERVICES CONTRACTS FOR PROVISION OF HEALTH CARE AT MILITARY ENTRANCE PROCESSING STATIONS AND ELSEWHERE OUTSIDE MEDICAL TREATMENT FACILITIES.

Section 1091(a)(2) of title 10, United States Code, is amended in the second sentence by striking out ''the end of the one-year period beginning on the date of the enactment of this paragraph'' and inserting in lieu thereof ''June 30, 1999''.

SEC. 703. TRICARE PRIME AUTOMATIC ENROLLMENTS AND RETIREE PAYMENT OPTIONS.

(a) PROCEDURES.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1097 the following new section:

''§ 1097a. TRICARE Prime: automatic enrollments; payment options

''(a) AUTOMATIC ENROLLMENT OF CERTAIN DEPENDENTS.—Each dependent of a member of the uniformed services in grade E4 or below who is entitled to medical and dental care under section 1076(a)(2)(A) of this title and resides in the catchment area of a facility of a uniformed service offering TRICARE Prime shall be automatically enrolled in TRICARE Prime at the facility. The Secretary concerned shall provide written notice of the enrollment to the member. The enrollment of a dependent of the member may be terminated by the member or the dependent at any time.

''(b) AUTOMATIC RENEWAL OF ENROLLMENTS OF COVERED BENEFICIARIES.—(1) An enrollment of a covered beneficiary in TRICARE Prime shall be automatically renewed upon the expiration of the enrollment unless the renewal is declined.

''(2) Not later than 15 days before the expiration date for an enrollment of a covered beneficiary in TRICARE Prime, the Secretary concerned shall—

''(A) transmit a written notification of the pending expiration and renewal of enrollment to the covered beneficiary or, in the case of a dependent of a member of the uniformed services, to the member; and

''(B) afford the beneficiary or member, as the case may be, an opportunity to decline the renewal of enrollment.

''(c) PAYMENT OPTIONS FOR RETIREES.—A member or former member of the uniformed services eligible for medical care and dental care under section 1074(b) of this title may elect to have any fee payable by the member or former member for an enrollment in TRICARE Prime withheld from the member's retired pay, retainer pay, or equivalent pay, as the case may be, or to be paid from a financial institution through electronic transfers of funds. The fee shall be paid in accordance with the election.

''(d) REGULATIONS.—The administering Secretaries shall prescribe regulations, including procedures, for carrying out this section.

''(e) DEFINITIONS.—In this section:

''(1) The term 'TRICARE Prime' means the managed care option of the TRICARE program.

''(2) The term 'catchment area', with respect to a facility of a uniformed service, means the service area of the facility, as designated under regulations prescribed by the administering Secretaries.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1097 the following new item:

1097a. TRICARE Prime: automatic enrollments; payment options.''.

(b) DEADLINE FOR IMPLEMENTATION.—The regulations required under subsection (d) of section 1097a of title 10, United States Code (as added by subsection (a)), shall be prescribed to take effect not later than January 1, 1999. The section shall be applied under TRICARE Prime on and after the date on which the regulations take effect.

SEC. 704. LIMITED CONTINUED CHAMPUS COVERAGE FOR PERSONS UNAWARE OF A LOSS OF CHAMPUS COVERAGE RESULTING FROM ELIGIBILITY FOR MEDICARE.

(a) CONTINUATION OF ELIGIBILITY.—The eligibility of a person described in subsection (b) for care under CHAMPUS may be continued under regulations prescribed by the administering Secretaries if it is determined under the regulations that the continuation of the eligibility is appropriate in order to ensure that the person has adequate access to health care.

(b) ELIGIBLE PERSONS.—Subsection (a) applies to a person who—

(1) has been eligible for health care under CHAMPUS;

(2) loses eligibility for health care under CHAMPUS solely by reason of paragraph (1) of section 1086(d), United States Code;

(3) is unaware of the loss of eligibility; and

(4) satisfies the conditions set forth in subparagraphs (A) and (B) of paragraph (2) of such section 1086(d) at the time health care is provided under CHAMPUS pursuant to a continuation of eligibility in accordance with this section.

(c) PERIOD OF CONTINUED ELIGIBILITY.—A continuation of eligibility under this section shall apply with regard to health care provided on or after October 1, 1998, and before July 1, 1999.

(d) DEFINITIONS.—In this section:

(1) The term ''administering Secretaries'' has the meaning given such term in paragraph (3) of section 1072 of title 10, United States Code.

(2) The term ''CHAMPUS'' means the Civilian Health and Medical Program of the Uniformed Services, as defined in paragraph (4) of such section.

SEC. 705. ENHANCED DEPARTMENT OF DEFENSE ORGAN AND TISSUE DONOR PROGRAM.

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

(1) Organ and tissue transplantation is one of the most remarkable medical success stories in the history of medicine.

(2) Each year, the number of people waiting for organ or tissue transplantation increases. It is estimated that there are approximately 39,000 patients, ranging in age from babies to those in retirement, awaiting transplants of kidneys, hearts, livers, and other solid organs.

(3) The Department of Defense has made significant progress in increasing the awareness of the importance of organ and tissue donations among members of the Armed Forces.

(4) The inclusion of organ and tissue donor elections in the Defense Enrollment Eligibility Reporting System (DEERS) central database through the Real-time Automated Personnel Identification System (RAPIDS) represents a major step in ensuring that organ and tissue donor elections are a matter of record and are accessible in a timely manner.

(b) RESPONSIBILITIES OF THE SECRETARY OF DEFENSE.—The Secretary of Defense shall ensure that the advanced systems developed for recording Armed Forces members' personal data and information (such as the SMARTCARD, MEDITAG, and Personal Information Carrier) include the capability to record organ and tissue donation elections.

(c) RESPONSIBILITIES OF THE SECRETARIES OF THE MILITARY DEPARTMENTS.—The Secretaries of the military departments shall ensure that—

(1) appropriate information about organ and tissue donation is provided to each recruit and officer candidate of the Armed Forces during initial training;

(2) members of the Armed Forces are given recurring, specific opportunities to elect to be organ or tissue donors during service in the Armed Forces and upon retirement; and

(3) members of the Armed Forces electing to be organ or tissue donors are encouraged to advise their next of kin concerning the donation decision and any subsequent change of that decision.

(d) RESPONSIBILITIES OF THE SURGEONS GENERAL OF THE MILITARY DEPARTMENT.—The Surgeons General of the Armed Forces shall ensure that—

(1) appropriate training is provided to enlisted and officer medical personnel to facilitate the effective operation of organ and tissue donation activities under garrison conditions and, to the extent possible, under operational conditions; and

(2) medical logistical activities can, to the extent possible without jeopardizing operational requirements, support an effective organ and tissue donation program.

(e) REPORT.—Not later than September 1, 1999, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the status of the implementation of this section.

SEC. 706. JOINT DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS REVIEWS RELATING TO INTERDEPARTMENTAL COOPERATION IN THE DELIVERY OF MEDICAL CARE.

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

(1) The military health care system of the Department of Defense and the Veterans Health Administration of the Department of Veterans Affairs are national institutions that collectively manage more than 1,500 hospitals, clinics, and health care facilities worldwide to provide services to more than 11,000,000 beneficiaries.

(2) In the post-Cold War era, these institutions are in a profound transition that involves challenging opportunities.

(3) During the period from 1988 to 1998, the number of military medical personnel has declined by 15 percent and the number of military hospitals has been reduced by one-third.

(4) During the two years since 1996, the Department of Veterans Affairs has revitalized its structure by decentralizing authority into 22 Veterans Integrated Service Networks.

(5) In the face of increasing costs of medical care, increased demands for health care services, and increasing budgetary constraints, the Department of Defense and the Department of Veterans Affairs have embarked on a variety of dynamic and innovative cooperative programs ranging from shared services to joint venture operations of medical facilities.

(6) In 1984, there was a combined total of 102 Department of Veterans Affairs and Department of Defense facilities with sharing agreements. By 1997, that number had grown to 420. During the six years from fiscal year 1992 through fiscal year 1997, shared services increased from slightly over 3,000 services to more than 6,000 services ranging from major medical and surgical services, laundry, blood, and laboratory services to unusual speciality care services.

(7) The Department of Defense and the Department of Veterans Affairs are conducting four health care joint ventures in New Mexico, Nevada, Texas, Oklahoma, and are planning to conduct four more such ventures in Alaska, Florida, Hawaii, and California.

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

(1) the Department of Defense and the Department of Veterans Affairs are to be commended for the cooperation between the two departments in the delivery of medical care, of which the cooperation involved in the establishment and operation of the Department of Defense and the Department of Veterans Affairs Executive Council is a praiseworthy example;

(2) the two departments are encouraged to continue to explore new opportunities to enhance the availability and delivery of medical care to beneficiaries by further enhancing the cooperative efforts of the departments; and

(3) enhanced cooperation is encouraged for—

(A) the general areas of access to quality medical care, identification and elimination of impediments to enhanced cooperation, and joint research and program development; and

(B) the specific areas in which there is significant potential to achieve progress in cooperation in a short term, including computerization of patient records systems, participation of the Department of Veterans Affairs in the TRICARE program, pharmaceutical programs, and joint physical examinations.

(c) JOINT SURVEY OF POPULATIONS SERVED.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a survey of their respective medical care beneficiary populations to identify, by category of beneficiary (defined as the Secretaries consider appropriate), the expectations of, requirements for, and behavior patterns of the beneficiaries with respect to medical care. The two Secretaries shall develop the protocol for the survey jointly, but shall obtain the services of an entity independent of the Department of Defense and the Department of Veterans Affairs for carrying out the survey.

(2) The survey shall include the following:

(A) Demographic characteristics, economic characteristics, and geographic location of beneficiary populations with regard to catchment or service areas.

(B) The types and frequency of care required by veterans, retirees, and dependents within catchment or service areas of Department of Defense and Veterans Affairs medical facilities and outside those areas.

(C) The numbers of, characteristics of, and types of medical care needed by the veterans, retirees, and dependents who, though eligible for medical care in Department of Defense or Department of Veterans Affairs treatment facilities or other federally funded medical programs, choose not to seek medical care from those facilities or under those programs, and the reasons for that choice.

(D) The obstacles or disincentives for seeking medical care from such facilities or under such programs that veterans, retirees, and dependents perceive.

(E) Any other matters that the Secretary of Defense and the Secretary of Veterans Affairs consider appropriate for the survey.

(3) The Secretary of Defense and the Secretary of Veterans Affairs shall submit a report on the results of the survey to the appropriate committees of Congress. The report shall contain the matters described in paragraph (2) and any proposals for legislation that the Secretaries recommend for enhancing Department of Defense and Department of Veterans Affairs cooperative efforts with respect to the delivery of medical care.

(d) REVIEW OF LAW AND POLICIES.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a review to identify impediments to cooperation between the Department of Defense and the Department of Veterans Affairs regarding the delivery of medical care. The matters reviewed shall include the following:

(A) All laws, policies, and regulations, and any attitudes of beneficiaries of the health care systems of the two departments, that have the effect of preventing the establishment, or limiting the effectiveness, of cooperative health care programs of the departments.

(B) The requirements and practices involved in the credentialling and licensure of health care providers.

(C) The perceptions of beneficiaries in a variety of categories (defined as the Secretaries consider appropriate) regarding the various Federal health care systems available for their use.

(2) The Secretaries shall jointly submit a report on the results of the review to the appropriate committees of Congress. The report shall include any proposals for legislation that the Secretaries recommend for eliminating or reducing impediments to interdepartmental cooperation that are identified during the review.

(e) PARTICIPATION IN TRICARE.—(1) The Secretary of Defense shall review the TRICARE program to identify opportunities for increased participation by the Department of Veterans Affairs in that program. The ongoing collaboration between Department of Defense officials and Department of Veterans Affairs officials regarding increasing the participation shall be included among the matters reviewed.

(2) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a semiannual report on the status of the review and on efforts to increase the participation of the Department of Veterans Affairs in the TRICARE program. No report is required under this paragraph after the submission of a semiannual report in which the Secretaries declare that the Department of Veterans Affairs is participating in the TRICARE program to the extent that can reasonably be expected to be attained.

(f) PHARMACEUTICAL BENEFITS AND PROGRAMS.—(1) The Federal Pharmaceutical Steering Committee shall—

(A) undertake a comprehensive examination of existing pharmaceutical benefits and programs for beneficiaries of Federal medical care programs, including matters relating to the purchasing, distribution, and dispensing of pharmaceuticals and the management of mail order pharmaceuticals programs; and

(B) review the existing methods for contracting for and distributing medical supplies and services.

(2) The committee shall submit a report on the results of the examination to the appropriate committees of Congress.

(g) STANDARDIZATION OF PHYSICAL EXAMINATIONS FOR DISABILITY.—The Secretary of Defense and the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report on the status of the efforts of the Department of Defense and the Department of Veterans Affairs to standardize physical examinations administered by the two departments for the purpose of determining or rating disabilities.

(h) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—For the purposes of this section, the appropriate committees of Congress are as follows:

(1) The Committee on Armed Services and the Committee on Veterans' Affairs of the Senate.

(2) The Committee on National Security and the Committee on Veterans' Affairs of the House of Representatives.

(i) DEADLINES FOR SUBMISSION OF REPORTS.—(1) The report required by subsection (c)(3) shall be submitted not later than January 1, 2000.

(2) The report required by subsection (d)(2) shall be submitted not later than March 1, 1999.

(3) The semiannual report required by subsection (e)(2) shall be submitted not later than March 1 and September 1 of each year.

(4) The report on the examination required under subsection (f) shall be submitted not later than 60 days after the completion of the examination.

(5) The report required by subsection (g) shall be submitted not later than March 1, 1999.

SEC. 707. DEMONSTRATION PROJECTS TO PROVIDE HEALTH CARE TO CERTAIN MEDICARE-ELIGIBLE BENEFICIARIES OF THE MILITARY HEALTH CARE SYSTEM.

(a) IN GENERAL.—(1) The Secretary of Defense shall, after consultation with the other administering Secretaries, carry out three demonstration projects (described in subsections (d), (e), and (f)) in order to assess the feasibility and advisability of providing certain medical care coverage to the medicare-eligible individuals described in subsection (b).

(2) The Secretary shall commence the demonstration projects not later than January 1, 2000, and shall terminate the demonstration projects not later than December 31, 2003.

(3) The aggregate costs incurred by the Secretary under the demonstration projects in any year may not exceed $60,000,000.

(b) ELIGIBLE INDIVIDUALS.—An individual eligible to participate in a demonstration project under subsection (a) is a member or former member of the uniformed services described in section 1074(b) of title 10, United States Code, a dependent of the member described in section 1076(a)(2)(B) or 1076(b) of that title, or a dependent of a member of the uniformed services who died while on active duty for a period of more than 30 days, who—

(1) is 65 years of age or older;

(2) is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.);

(3) is enrolled in the supplemental medical insurance program under part B of such title XVIII (42 U.S.C. 1395j et seq.); and

(4) resides in an area of the demonstration project selected by the Secretary under subsection (c).

(c) AREAS OF DEMONSTRATION PROJECTS.—(1) Subject to paragraph (3), the Secretary shall carry out each demonstration project under this section in two separate areas selected by the Secretary.

(2) Of the two areas selected for each demonstration project—

(A) one shall be an area outside the catchment area of a military medical treatment facility in which—

(i) no eligible organization has a contract in effect under section 1876 of the Social Security Act (42 U.S.C. 1395mm) and no Medicare+Choice organization has a contract in effect under part C of title XVIII of that Act (42 U.S.C. 1395w–21); or

(ii) the aggregate number of enrollees with an eligible organization with a contract in effect under section 1876 of that Act or with a Medicare+Choice organization with a contract in effect under part C of title XVIII of that Act is less than 2.5 percent of the total number of individuals in the area who are entitled to hospital insurance benefits under part A of title XVIII of that Act; and

(B) one shall be an area outside the catchment area of a military medical treatment facility in which—

(i) at least one eligible organization has a contract in effect under section 1876 of that Act or one Medicare+Choice organization has a contract in effect under part C of title XVIII of that Act; and

(ii) the aggregate number of enrollees with an eligible organization with a contract in effect under section 1876 of that Act or with a Medicare+Choice organization with a contract in effect under part C of title XVIII of that Act exceeds 10 percent of the total number of individuals in the area who are entitled to hospital insurance benefits under part A of title XVIII of that Act.

(3) The Secretary may not carry out a demonstration project under this section in any area in which the Secretary is carrying out any other medical care demonstration project unless the Secretary determines that the conduct of such other medical care demonstration project will not interfere with the conduct or evaluation of the demonstration project under this section.

(d) FEHBP AS SUPPLEMENT TO MEDICARE DEMONSTRATION.—(1)(A) Under one of the demonstration projects under this section, the Secretary shall permit eligible individuals described in subsection (b) who reside in the areas of the demonstration project selected under subsection (c) to enroll in the health benefits plans offered through the Federal Employees Health Benefits program under chapter 89 of title 5, United States Code.

(B) The Secretary shall carry out the demonstration project under this subsection under an agreement with the Office of Personnel Management.

(2)(A) An eligible individual described in paragraph (1) shall not be required to satisfy any eligibility criteria specified in chapter 89 of title 5, United States Code, as a condition for enrollment in the health benefits plans offered through the Federal Employee Health Benefits program under the demonstration project under this subsection.

(B) Each eligible individual who enrolls in a health benefits plan under the demonstration project shall be required to remain enrolled in the supplemental medical insurance program under part B of title XVIII of the Social Security Act while participating in the demonstration project.

(3)(A) The authority responsible for approving retired or retainer pay or equivalent pay in the case of a member or former member shall manage the participation of the members or former members who enroll in health benefits plans offered through the Federal Employee Health Benefits program pursuant to paragraph (1).

(B) Such authority shall distribute program information to eligible individuals, process enrollment applications, forward all required contributions to the Employees Health Benefits Fund established under section 8909 of title 5, United States Code, in a timely manner, assist in the reconciliation of enrollment records with health plans, and

prepare such reports as the Office of Personnel Management may require in its administration of chapter 89 of such title.

(4)(A) The Office of Personnel Management shall require health benefits plans under chapter 89 of title 5, United States Code, that participate in the demonstration project to maintain a separate risk pool for purposes of establishing premium rates for eligible individuals who enroll in such plans in accordance with this subsection.

(B) The Office shall determine total subscription charges for self only or for family coverage for eligible individuals who enroll in a health benefits plan under chapter 89 of such title in accordance with this subsection, which shall include premium charges paid to the plan and amounts described in section 8906(c) of title 5, United States Code, for administrative expenses and contingency reserves.

(5) The Secretary shall be responsible for the Government contribution for an eligible individual who enrolls in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with this subsection, except that the amount of the contribution may not exceed the amount of the Government contribution which would be payable if such individual were an employee enrolled in the same health benefits plan and level of benefits.

(6) The cancellation by a eligible individual of coverage under the Federal Employee Health Benefits program shall be irrevocable during the term of the demonstration project under this subsection.

(e) TRICARE AS SUPPLEMENT TO MEDICARE DEMONSTRATION.—(1) Under one of the demonstration projects under this section, the Secretary shall permit eligible individuals described in subsection (b) who reside in each area of the demonstration project selected under subsection (c) to enroll in the TRICARE program. The demonstration project under this subsection shall be known as the ''TRICARE Senior Supplement''.

(2) Payment for care and services received by eligible individuals who enroll in the TRICARE program under the demonstration project shall be made as follows:

(A) First, under title XVIII of the Social Security Act, but only the extent that payment for such care and services is provided for under that title.

(B) Second, under the TRICARE program, but only to the extent that payment for such care and services is provided under that program and is not provided for under subparagraph (A).

(C) Third, by the eligible individual concerned, but only to the extent that payment for such care and services is not provided for under subparagraphs (B) and (C).

(3)(A) The Secretary shall require each eligible individual who enrolls in the TRICARE program under the demonstration project to pay an enrollment fee. The Secretary may provide for payment of the enrollment fee on a periodic basis.

(B) The amount of the enrollment fee of an eligible individual under subparagraph (A) in any year may not exceed an amount equal to 75 percent of the total subscription charges in that year for self-only or family, fee-for-service coverage under the health benefits plan under the Federal Employees Health Benefits program under chapter 89 of title 5, United States Code, that is most similar in coverage to the TRICARE program.

(f) TRICARE MAIL ORDER PHARMACY BENEFIT SUPPLEMENT TO MEDICARE DEMONSTRATION.—(1) Under one of the demonstration projects under this section, the Secretary shall permit eligible individuals described in subsection (b) who reside in each area of the demonstration project selected under subsection (c) to participate in the mail order pharmacy benefit available under the TRICARE program.

(2) The Secretary may collect from eligible individuals who participate in the mail order pharmacy benefit under the demonstration project any premiums, deductibles, copayments, or other charges that the Secretary would otherwise collect from individuals similar to such eligible individuals for participation in the benefit.

(g) INDEPENDENT EVALUATION.—(1) The Secretary shall provide for an evaluation of the demonstration projects conducted under this section by an appropriate person or entity that is independent of the Department of Defense.

(2) The evaluation shall include the following:

(A) An analysis of the costs of each demonstration project to the United States and to the eligible individuals who enroll or participate in such demonstration project.

(B) An assessment of the extent to which each demonstration project satisfied the requirements of such eligible individuals for the health care services available under such demonstration project.

(C) An assessment of the effect, if any, of each demonstration project on military medical readiness.

(D) A description of the rate of the enrollment or participation in each demonstration project of the individuals who were eligible to enroll or participate in such demonstration project.

(E) An assessment of which demonstration project provides the most suitable model for a program to provide adequate health care services to the population of individuals consisting of the eligible individuals.

(F) An evaluation of any other matters that the Secretary considers appropriate.

(3) The Comptroller General shall review the evaluation conducted under paragraph (1). In carrying out the review, the Comptroller General shall—

(A) assess the validity of the processes used in the evaluation; and

(B) assess the validity of any findings under the evaluation.

(4)(A) The Secretary shall submit a report on the results of the evaluation under paragraph (1), together with the evaluation, to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives not later than December 31, 2003.

(B) The Comptroller General shall submit a report on the results of the review under paragraph (3) to the committees referred to in subparagraph (A) not later than February 15, 2004.

(h) ADDITIONAL REQUIREMENTS RELATING TO FEHBP DEMONSTRATION PROJECT.—(1) Notwithstanding subsection (a)(2), the Secretary shall commence the demonstration project under subsection (d) on July 1, 1999.

(2) Notwithstanding subsection (c), the Secretary shall carry out the demonstration project under subsection (d) in four separate areas, of which—

(A) two shall meet the requirements of subsection (c)(1)(A); and

(B) two others shall meet the requirements of subsection (c)(1)(B).

(3)(A) Notwithstanding subsection (f), the Secretary shall provide for an annual evaluation of the demonstration project under subsection (d) that meets the requirements of subsection (f)(2).

(B) The Comptroller shall review each evaluation provided for under subparagraph (A).

(C) Not later than September 15 in each of 2000 through 2004, the Secretary shall submit a report on the results of the evaluation under subparagraph (A) during such year, together with the evaluation, to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(D) Not later than December 31 in each of 2000 through 2004, the Comptroller General shall submit a report on the results of the review under subparagraph (B) during such year to the committees referred to in subparagraph (C).

(i) DEFINITIONS.—In this section:

(1) The term ''administering Secretaries'' has the meaning given that term in section 1072(3) of title 10, United States Code.

(2) The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

(j) COMPETITION FOR SERVICES.—The program under this section will allow retail to compete for services in delivery of pharmacy benefits without increasing costs to the Government or the beneficiaries.

SEC. 708. PROFESSIONAL QUALIFICATIONS OF PHYSICIANS PROVIDING MILITARY HEALTH CARE.

(a) REQUIREMENT FOR UNRESTRICTED LICENSE.—Section 1094(a)(1) of title 10, United States Code, is amended by adding at the end the following: ''In the case of a physician, the physician may not provide health care as a physician under this chapter unless the current license is an unrestricted license that is not subject to limitation on the scope of practice ordinarily granted to other physicians for a similar specialty by the jurisdiction that granted the license.''.

(b) SATISFACTION OF CONTINUING MEDICAL EDUCATION REQUIREMENTS.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1094 the following new section:

''§ 1094a. Continuing medical education requirements: system for monitoring physician compliance

''The Secretary of Defense shall establish a mechanism for ensuring that each person under the jurisdiction of the Secretary of a military department who provides health care under this chapter as a physician satisfies the continuing medical education requirements applicable to the physician.''.

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

''1094a. Continuing medical education requirements: system for monitoring physician compliance.''.

(c) EFFECTIVE DATES.—(1) The amendment made by subsection (a) shall take effect on October 1, 1998.

(2) The system required by section 1094a of title 10, United States Code (as added by subsection (b)), shall take effect on the date that is three years after the date of the enactment of this Act.

SEC. 709. ASSESSMENT OF ESTABLISHMENT OF INDEPENDENT ENTITY TO EVALUATE POST-CONFLICT ILLNESSES AMONG MEMBERS OF THE ARMED FORCES AND HEALTH CARE PROVIDED BY THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS BEFORE AND AFTER DEPLOYMENT OF SUCH MEMBERS.

(a) AGREEMENT FOR ASSESSMENT.—The Secretary of Defense shall seek to enter into an agreement with the National Academy of Sciences, or other appropriate independent organization, under which agreement the Academy shall carry out the assessment referred to in subsection (b).

(b) ASSESSMENT.—(1) Under the agreement, the Academy shall assess the need for and feasibility of establishing an independent entity to—

(A) evaluate and monitor interagency coordination on issues relating to the post-deployment health concerns of members of the Armed Forces, including coordination relating to outreach and risk communication,

recordkeeping, research, utilization of new technologies, international cooperation and research, health surveillance, and other health-related activities;

(B) evaluate the health care (including preventive care and responsive care) provided to members of the Armed Forces both before and after their deployment on military operations;

(C) monitor and direct government efforts to evaluate the health of members of the Armed Forces upon their return from deployment on military operations for purposes of ensuring the rapid identification of any trends in diseases or injuries among such members as a result of such operations;

(D) provide and direct the provision of ongoing training of health care personnel of the Department of Defense and the Department of Veterans Affairs in the evaluation and treatment of post-deployment diseases and health conditions, including nonspecific and unexplained illnesses; and

(E) make recommendations to the Department of Defense and the Department of Veterans Affairs regarding improvements in the provision of health care referred to in subparagraph (B), including improvements in the monitoring and treatment of members referred to in that subparagraph.

(2) The assessment shall cover the health care provided by the Department of Defense and, where applicable, by the Department of Veterans Affairs.

(c) REPORT.—(1) The agreement shall require the Academy to submit to the committees referred to in paragraph (3) a report on the results of the assessment under this section not later than one year after the date of enactment of this Act.

(2) The report shall include the following:

(A) The recommendation of the Academy as to the need for and feasibility of establishing an independent entity as described in subsection (b) and a justification of such recommendation.

(B) If the Academy recommends that an entity be established, the recommendations of the Academy as to—

(i) the organizational placement of the entity;

(ii) the personnel and other resources to be allocated to the entity;

(iii) the scope and nature of the activities and responsibilities of the entity; and

(iv) mechanisms for ensuring that any recommendations of the entity are carried out by the Department of Defense and the Department of Veterans Affairs.

(3) The report shall be submitted to the following:

(A) The Committee on Armed Services and the Committee on Veterans' Affairs of the Senate.

(B) The Committee on National Security and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 710. LYME DISEASE.

Of the amounts authorized to be appropriated by this Act for Defense Health Programs, $3,000,000 shall be available for research and surveillance activities relating to Lyme disease and other tick-borne diseases.

SEC. 711. ACCESSIBILITY TO CARE UNDER TRICARE.

(a) REHABILITATIVE SERVICES FOR HEAD INJURIES.—The Secretary of Defense shall revise the TRICARE policy manual to clarify that rehabilitative services are available to a patient for a head injury when the treating physician certifies that such services would be beneficial for the patient and there is potential for the patient to recover from the injury.

(b) REVIEW OF ADEQUACY OF PROVIDER NETWORK.—The Secretary of Defense shall review the administration of the TRICARE Prime health plans to determine whether, for the region covered by each such plan, there is a sufficient number, distribution, and variety of qualified participating health care providers to ensure that all covered health care services, including specialty services, are available and accessible in a timely manner to all persons covered by the plan. If the Secretary determines during the review that, in the region, there is an inadequate network of providers to provide the covered benefits in proximity to the permanent duty stations of covered members of the uniformed services in the region, or in proximity to the residences of other persons covered by the plan in the region, the Secretary shall take such actions as are necessary to ensure that the TRICARE Prime plan network of providers in the region is adequate to provide for all covered benefits to be available and accessible in a timely manner to all persons covered by the plan.

SEC. 712. HEALTH BENEFITS FOR ABUSED DEPENDENTS OF MEMBERS OF THE ARMED FORCES.

Paragraph (1) of section 1076(e) of title 10, United States Code, is amended to read as follows:

''(1) The administering Secretary shall furnish an abused dependent of a former member of a uniformed service described in paragraph (4), during that period that the abused dependent is in receipt of transitional compensation under section 1059 of this title, with medical and dental care, including mental health services, in facilities of the uniformed services in accordance with the same eligibility and benefits as were applicable for that abused dependent during the period of active service of the former member.''.

SEC. 713. PROCESS FOR WAIVING INFORMED CONSENT REQUIREMENT FOR ADMINISTRATION OF CERTAIN DRUGS TO MEMBERS OF ARMED FORCES.

(a) LIMITATION AND WAIVER.—(1) Section 1107 of title 10, United States Code, is amended—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following new subsection (f):

''(f) LIMITATION AND WAIVER.—(1) An investigational new drug or a drug unapproved for its applied use may not be administered to a member of the armed forces pursuant to a request or requirement referred to in subsection (a) unless—

''(A) the member provides prior consent to receive the drug in accordance with the requirements imposed under the regulations required under paragraph (4) of section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)); or

''(B) the Secretary obtains—

''(i) under such section a waiver of such requirements; and

''(ii) a written statement that the President concurs in the determination of the Secretary required under paragraph (2) and with the Secretary's request for the waiver.

''(2) The Secretary of Defense may request a waiver referred to in paragraph (1)(B) in the case of any request or requirement to administer a drug under this section if the Secretary determines that obtaining consent is not feasible, is contrary to the best interests of the members involved, or is not in the best interests of national security. Only the Secretary may exercise the authority to make the request for the Department of Defense, and the Secretary may not delegate that authority.

''(3) The Secretary shall submit to the chairman and ranking minority member of each congressional defense committee a notification of each waiver granted pursuant to a request of the Secretary under paragraph (2), together with the concurrence of the President under paragraph (1)(B) that relates to the waiver and the justification for the request or requirement under subsection (a) for a member to receive the drug covered by the waiver.

''(4) In this subsection, the term 'congressional defense committee' means each of the following:

''(A) The Committee on Armed Services and the Committee on Appropriations of the Senate.

''(B) The Committee on National Security and the Committee on Appropriations of the House of Representatives.''.

(2) The requirements for a concurrence of the President and a notification of committees of Congress that are set forth in section 1107(f) of title 10, United States Code (as added by paragraph (1)(B)) shall apply with respect to—

(A) each waiver of the requirement for prior consent imposed under the regulations required under paragraph (4) of section 505(i) of the Federal Food, Drug, and Cosmetic Act (or under any antecedent provision of law or regulations) that—

(i) has been granted under that section (or antecedent provision of law or regulations) before the date of the enactment of this Act; and

(ii) is applied after that date; and

(B) each waiver of such requirement that is granted on or after that date.

(b) TIME AND FORM OF NOTICE.—(1) Subsection (b) of such section is amended by striking out '', if practicable'' and all that follows through ''first administered to the member''.

(2) Subsection (c) of such section is amended by striking out ''unless the Secretary of Defense determines'' and all that follows through ''alternative method''.

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

SEC. 801. PARA-ARAMID FIBERS AND YARNS.

(a) AUTHORIZED SOURCES.—Chapter 141 of title 10, United States Code is amended by adding at the end the following:

''§ 2410n. Foreign manufactured para-aramid fibers and yarns: procurement

''(a) AUTHORITY.—The Secretary of Defense may procure articles containing para-aramid fibers and yarns manufactured in a foreign country referred to in subsection (b).

''(b) FOREIGN COUNTRIES COVERED.—The authority under subsection (a) applies with respect to a foreign country that—

''(1) is a party to a defense memorandum of understanding entered into under section 2531 of this title; and

''(2) permits United States firms that manufacture para-aramid fibers and yarns to compete with foreign firms for the sale of para-aramid fibers and yarns in that country, as determined by the Secretary of Defense.

''(c) APPLICABILITY TO SUBCONTRACTS.—The authority under subsection (a) applies with respect to subcontracts under Department of Defense contracts as well as to such contracts.

''(d) DEFINITIONS.—In this section, the terms 'United States firm' and 'foreign firm' have the meanings given such terms in section 2532(d) of this title.''.

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

''2410n. Foreign manufactured para-aramid fibers and yarns: procurement.''.

SEC. 802. PROCUREMENT OF TRAVEL SERVICES FOR OFFICIAL AND UNOFFICIAL TRAVEL UNDER ONE CONTRACT.

(a) AUTHORITY.—Chapter 147 of title 10, United States Code, is amended by inserting after section 2490a the following new section:

"§ 2490b. Travel services: procurement for official and unofficial travel under one contract

''(a) AUTHORITY.—The head of an agency may enter into a contract for travel-related services that provides for the contractor to furnish services for both official travel and unofficial travel.

''(b) CREDITS, DISCOUNTS, COMMISSIONS, FEES.—(1) A contract entered into under this section may provide for credits, discounts, or commissions or other fees to accrue to the Department of Defense. The accrual and amounts of credits, discounts, or commissions or other fees may be determined on the basis of the volume (measured in the number or total amount of transactions or otherwise) of the travel-related sales that are made by the contractor under the contract.

''(2) The evaluation factors applicable to offers for a contract under this section may include a factor that relates to the estimated aggregate value of any credits, discounts, commissions, or other fees that would accrue to the Department of Defense for the travel-related sales made under the contract.

''(3) Commissions or fees received by the Department of Defense as a result of travel-related sales made under a contract entered into under this section shall be distributed as follows:

''(A) For amounts relating to sales for official travel, credit to appropriations available for official travel for the fiscal year in which the amounts were charged.

''(B) For amounts relating to sales for unofficial travel, deposit in nonappropriated fund accounts available for morale, welfare, and recreation programs.

''(c) DEFINITIONS.—In this section:

''(1) The term 'head of an agency' has the meaning given that term in section 2302(1) of this title.

''(2) The term 'official travel' means travel at the expense of the Federal Government.

''(3) The term 'unofficial travel' means personal travel or other travel that is not paid for or reimbursed by the Federal Government out of appropriated funds.

''(d) INAPPLICABILITY TO COAST GUARD AND NASA.—This section does not apply to the Coast Guard when it is not operating as a service in the Navy, nor to the National Aeronautics and Space Administration.''.

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

''2490b. Travel services: procurement for official and unofficial travel under one contract.''.

SEC. 803. LIMITATION ON USE OF PRICE PREFERENCE UPON ATTAINMENT OF CONTRACT GOAL FOR SMALL AND DISADVANTAGED BUSINESSES.

Section 2323(e)(3) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(3)'';

(2) by inserting '', except as provided in (B),'' after ''the head of an agency may'' in the first sentence; and

(3) by adding at the end the following:

''(B) The head of an agency may not exercise the authority under subparagraph (A) to enter into a contract for a price exceeding fair market cost in the fiscal year following a fiscal year in which the Department of Defense attained the 5 percent goal required by subsection (a).''.

SEC. 804. DISTRIBUTION OF ASSISTANCE UNDER THE PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM.

(a) CORRECTION OF DESCRIPTION OF GEOGRAPHIC UNIT.—Section 2413(c) of title 10, United States Code, is amended by striking out ''region'' and inserting in lieu thereof ''district''.

(b) ALLOCATION OF FUNDS.—(1) Section 2415 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 142 of such title is amended by striking the item relating to section 2415.

SEC. 805. DEFENSE COMMERCIAL PRICING MANAGEMENT IMPROVEMENT.

(a) SHORT TITLE.—This section may be cited as the ''Defense Commercial Pricing Management Improvement Act of 1998''.

(b) COMMERCIAL ITEMS EXEMPT FROM COST OR PRICING DATA CERTIFICATION REQUIREMENTS.—For the purposes of this section, the term ''exempt item'' means a commercial item that is exempt under subsection (b)(1)(B) of section 2306a of title 10, United States Code, or subsection (b)(1)(B) of section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b), from the requirements for submission of certified cost or pricing data under that section.

(c) COMMERCIAL PRICING REGULATIONS.—(1) The Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act shall be revised to clarify the procedures and methods to be used for determining the reasonableness of prices of exempt items.

(2) The regulations shall, at a minimum, provide specific guidance on—

(A) the appropriate application and precedence of such price analysis tools as catalog-based pricing, market-based pricing, historical pricing, parametric pricing, and value analysis;

(B) the circumstances under which contracting officers should require offerors of exempt items to provide—

(i) uncertified cost or pricing data; or

(ii) information on prices at which the offeror has previously sold the same or similar items;

(C) the role and responsibility of Department of Defense support organizations, such as the Defense Contract Audit Agency, in procedures for determining price reasonableness; and

(D) the meaning and appropriate application of the term ''purposes other than governmental purposes'' in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

(3) This subsection shall cease to be effective one year after the date on which final regulations prescribed pursuant to paragraph (1) take effect.

(d) UNIFIED MANAGEMENT OF PROCUREMENT OF EXEMPT COMMERCIAL ITEMS.—The Secretary of Defense shall develop and implement procedures to ensure that, to the maximum extent that is practicable and consistent with the efficient operation of the Department of Defense, a single item manager or contracting officer is responsible for negotiating and entering into all contracts for the procurement of exempt items from a single contractor.

(e) COMMERCIAL PRICE TREND ANALYSIS.—(1) The Secretary of Defense shall develop and implement procedures that, to the maximum extent that is practicable and consistent with the efficient operation of the Department of Defense, provide for the collection and analysis of information on price trends for categories of exempt items described in paragraph (2).

(2) A category of exempt items referred to in paragraph (1) consists of exempt items—

(A) that are in a single Federal Supply Group or Federal Supply Class, are provided by a single contractor, or are otherwise logically grouped for the purpose of analyzing information on price trends; and

(B) for which there is a potential for the price paid to be significantly higher (on a percentage basis) than the prices previously paid in procurements of the same or similar items for the Department of Defense, as determined by the head of the procuring Department of Defense agency or the Secretary of the procuring military department on the basis of criteria prescribed by the Secretary of Defense.

(3) The head of a Department of Defense agency or the Secretary of a military department shall take appropriate action to address any unreasonable escalation in prices being paid for items procured by that agency or military department as identified in an analysis conducted pursuant to paragraph (1).

(4)(A) Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Technology shall submit to the congressional defense committees a report describing the procedures prescribed under paragraph (1), including a description of the criteria established for the selection of categories of exempt items for price trend analysis.

(B) Not later than April 1 of each of fiscal years 2000, 2001, and 2002, the Under Secretary of Defense for Acquisition and Technology shall submit to the congressional defense committees a report on the analyses of price trends that were conducted for categories of exempt items during the preceding fiscal year under the procedures prescribed pursuant to paragraph (1). The report shall include a description of the actions taken to identify and address any unreasonable price escalation for the categories of items.

(f) SECRETARY OF DEFENSE TO ACT THROUGH UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY.—The Secretary of Defense shall act through the Under Secretary of Defense for Acquisition and Technology to carry out subsections (d) and (e).

SEC. 806. DEPARTMENT OF DEFENSE PURCHASES THROUGH OTHER AGENCIES.

(a) EXTENSION OF REGULATIONS.—Not later than three months after the date of the enactment of this Act, the Secretary of Defense shall revise the regulations issued pursuant to section 844 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1720; 31 U.S.C. 1535 note) to cover all purchases of goods and services by the Department of Defense under contracts entered into or administered by any other agency pursuant to the authority of section 2304a of title 10, United States Code, or section 303H of the Federal Property and Administrative Services Act (41 U.S.C. 253h).

(b) TERMINATION.—This section shall cease to be effective 1 year after the date on which final regulations prescribed pursuant to subsection (a) take effect.

SEC. 807. SUPERVISION OF DEFENSE ACQUISITION UNIVERSITY STRUCTURE BY UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY.

Section 1702 of title 10, United States Code, is amended by adding at the end the following: ''The Under Secretary shall prescribe policies and requirements for the educational programs of the defense acquisition university structure established under section 1746 of this title.''.

SEC. 808. REPEAL OF REQUIREMENT FOR DIRECTOR OF ACQUISITION EDUCATION, TRAINING, AND CAREER DEVELOPMENT TO BE WITHIN THE OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY.

Section 1703 of title 10, United States Code, is amended by striking out ''within the office of the Under Secretary''.

SEC. 809. ELIGIBILITY OF INVOLUNTARILY DOWNGRADED EMPLOYEE FOR MEMBERSHIP IN AN ACQUISITION CORPS.

Section 1732(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) Paragraph (1) of subsection (b) shall not apply to an employee who—

''(A) having previously served in a position within a grade referred to in subparagraph (A) of that paragraph, is currently serving in the same position within a grade below GS–13, or in another position within that grade, by reason of a reduction in force or the closure or realignment of a military installation, or for any other reason other by reason of an adverse personnel action for cause; and

''(B) except as provided in paragraphs (1) and (2), satisfies the educational, experience, and other requirements prescribed under paragraphs (2), (3), and (4) of that subsection.''.

SEC. 810. PILOT PROGRAMS FOR TESTING PROGRAM MANAGER PERFORMANCE OF PRODUCT SUPPORT OVERSIGHT RESPONSIBILITIES FOR LIFE CYCLE OF ACQUISITION PROGRAMS.

(a) DESIGNATION OF PILOT PROGRAMS.—The Secretary of Defense, acting through the Secretaries of the military departments, shall designate 10 acquisition programs of the military departments as pilot programs on program manager responsibility for product support.

(b) RESPONSIBILITIES OF PROGRAM MANAGERS.—The program manager for each acquisition program designated as a pilot program under this section shall have the responsibility for ensuring that the product support functions for the program are properly carried out over the entire life cycle of the program.

(c) REPORT.—Not later than February 1, 1999, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot programs. The report shall contain the following:

(1) A description of the acquisition programs designated as pilot programs under subsection (a).

(2) For each such acquisition program, the specific management actions taken to ensure that the program manager has the responsibility for oversight of the performance of the product support functions.

(3) Any proposed change to law, policy, regulation, or organization that the Secretary considers desirable, and determines feasible to implement, for ensuring that the program managers are fully responsible under the pilot programs for the performance of all such responsibilities.

SEC. 811. SCOPE OF PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.

Section 2371(i)(2)(A) of title 10, United States Code, is amended by striking out ''cooperative agreement that includes a clause described in subsection (d)'' and inserting in lieu thereof ''cooperative agreement for performance of basic, applied, or advanced research authorized by section 2358 of this title''.

SEC. 812. PLAN FOR RAPID TRANSITION FROM COMPLETION OF SMALL BUSINESS INNOVATION RESEARCH INTO DEFENSE ACQUISITION PROGRAMS.

(a) PLAN REQUIRED.—Not later than February 1, 1999, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for facilitating the rapid transition into Department of Defense acquisition programs of successful first phase and second phase activities under the Small Business Innovation Research program under section 9 of the Small Business Act (15 U.S.C. 638).

(b) CONDITIONS.—The plan submitted under subsection (a) shall—

(1) be consistent with the Small Business Innovation Research program and with recent acquisition reforms that are applicable to the Department of Defense; and

(2) provide—

(A) a high priority for funding the projects under the Small Business Innovation Research program that are likely to be successful under a third phase agreement entered into pursuant to section 9(r) of the Small Business Act (15 U.S.C. 638(r)); and

(B) for favorable consideration, in the acquisition planning process, for funding projects under the Small Business Innovation Research program that are subject to a third phase agreement described in subparagraph (A).

SEC. 813. SENIOR EXECUTIVES COVERED BY LIMITATION ON ALLOWABILITY OF COMPENSATION FOR CERTAIN CONTRACTOR PERSONNEL.

(a) DEFENSE CONTRACTS.—Section 2324(l)(5) of title 10, United States Code, is amended to read as follows:

''(5) The term 'senior executive', with respect to a contractor, means the five most highly compensated employees in management positions at each home office and segment of the contractor.''.

(b) NON-DEFENSE CONTRACTS.—Section 306(m)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(m)(2)) is amended to read as follows:

''(2) The term 'senior executive', with respect to a contractor, means the five most highly compensated employees in management positions at each home office and segment of the contractor.''.

(c) CONFORMING AMENDMENT.—Section 39(c)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 435(c)(2)) is amended to read as follows:

''(2) The term 'senior executive', with respect to a contractor, means the five most highly compensated employees in management positions at each home office and segment of the contractor.''.

SEC. 814. SEPARATE DETERMINATIONS OF EXCEPTIONAL WAIVERS OF TRUTH IN NEGOTIATION REQUIREMENTS FOR PRIME CONTRACTS AND SUBCONTRACTS.

(a) DEFENSE PROCUREMENTS.—Section 2306a(a)(5) of title 10, United States Code, is amended to read as follows:

''(5) A waiver of requirements for submission of certified cost or pricing data that is granted under subsection (b)(1)(C) in the case of a contract or subcontract does not waive the requirement under paragraph (1)(C) for submission of cost or pricing data in the case of subcontracts under that contract or subcontract unless the head of the agency concerned determines that the requirement under that paragraph should be waived in the case of such subcontracts and justifies in writing the reasons for the determination.''.

(b) NON-DEFENSE PROCUREMENTS.—Section 304A(a)(5) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(a)(5)) is amended to read as follows:

''(5) A waiver of requirements for submission of certified cost or pricing data that is granted under subsection (b)(1)(C) in the case of a contract or subcontract does not waive the requirement under paragraph (1)(C) for submission of cost or pricing data in the case of subcontracts under that contract or subcontract unless the head of the executive agency concerned determines that the requirement under that paragraph should be waived in the case of such subcontracts and justifies in writing the reasons for the determination.''.

SEC. 815. FIVE-YEAR AUTHORITY FOR SECRETARY OF THE NAVY TO EXCHANGE CERTAIN ITEMS.

(a) BARTER AUTHORITY.—The Secretary of the Navy may enter into a barter agreement to exchange trucks and other tactical vehicles for the repair and remanufacture of ribbon bridges for the Marine Corps in accordance with section 201(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(c)), except that the requirement for items exchanged under that section to be similar items shall not apply to the authority under this subsection.

(b) PERIOD OF AUTHORITY.—The authority to enter into agreements under subsection (a) and to make exchanges under any such agreement is effective during the 5-year period beginning on October 1, 1998, and ending at the end of September 30, 2003.

SEC. 816. CLARIFICATION OF RESPONSIBILITY FOR SUBMISSION OF INFORMATION ON PRICES PREVIOUSLY CHARGED FOR PROPERTY OR SERVICES OFFERED.

(a) ARMED SERVICES PROCUREMENTS.—Section 2306a(d)(1) of title 10, United States Code is amended—

(1) by striking out ''the data submitted shall'' in the second sentence and inserting in lieu thereof the following: ''the contracting officer shall require that the data submitted''; and

(2) by adding at the end the following: ''Submission of data required of an offeror under the preceding sentence in the case of a contract or subcontract shall be a condition for the eligibility of the offeror to enter into the contract or subcontract.''.

(b) CIVILIAN AGENCY PROCUREMENTS.—Section 304A(d)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(d)(1)), is amended—

(1) by striking out ''the data submitted shall'' in the second sentence and inserting in lieu thereof the following: ''the contracting officer shall require that the data submitted''; and

(2) by adding at the end the following: ''Submission of data required of an offeror under the preceding sentence in the case of a contract or subcontract shall be a condition for the eligibility of the offeror to enter into the contract or subcontract.''.

(c) CRITERIA FOR CERTAIN DETERMINATIONS.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to include criteria for contracting officers to apply for determining the specific price information that an offeror should be required to submit under section 2306(d) of title 10, United States Code, or section 304A(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(d)).

SEC. 817. DENIAL OF QUALIFICATION OF A SMALL DISADVANTAGED BUSINESS SUPPLIER.

(a) No later than December 1, 1998, the Secretary shall submit to the Congress a report recommending alternative means through which a refiner that qualifies as a small disadvantaged business and that delivers fuel by barge to Defense Energy Supply Point-Anchorage under a contract with the Defense Energy Supply Center can—

(1) fulfill its contractual obligations,

(2) maintain its status as a small disadvantaged business, and

(3) receive the small disadvantaged business premium for the total amount of fuel under the contract,

when ice conditions in Cook Inlet threaten physical delivery of such fuel.

(b) Any inability by such refiner to satisfy its contractual obligations to the Defense Energy Supply Center for the delivery of fuel to Defense Energy Supply Point-Anchorage

may not be used as a basis for the denial of such refiner's small disadvantaged business status or small disadvantaged business premium for the total amount of fuel under the contract, where such inability is a result of ice conditions, as determined by the United States Coast Guard, in Cook Inlet through February 1999, and if the Secretary of Defense determines that such inability will result in an inequity to the refiner.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. REDUCTION IN NUMBER OF ASSISTANT SECRETARY OF DEFENSE POSITIONS.

(a) NINE POSITIONS.—Section 138(a) of title 10, United States Code, is amended by striking out ''ten'' and insert in lieu thereof ''nine''.

(b) CONFORMING AMENDMENT.—The item relating to the Assistant Secretaries of Defense in section 5315 of title 5, United States Code, is amended to read as follows:

''Assistant Secretaries of Defense (9).''.

SEC. 902. RENAMING OF POSITION OF ASSISTANT SECRETARY OF DEFENSE FOR COMMAND, CONTROL, COMMUNICATIONS, AND INTELLIGENCE.

Section 138(b)(3) of title 10, United States Code is amended to read as follows:

''(3) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Space and Information Superiority. The Assistant Secretary—

''(A) shall have as his principal duty the overall supervision of the functions of the Department of Defense that relate to space, intelligence, information security, information operations, command, control, communications, computers, surveillance, reconnaissance, and electromagnetic spectrum; and

''(B) shall be the Chief Information Officer of the Department of Defense.''.

SEC. 903. AUTHORITY TO EXPAND THE NATIONAL DEFENSE UNIVERSITY.

Section 2165(b) of title 10, United States Code, is amended by adding at the end the following:

''(7) Any other educational institution of the Department of Defense that the Secretary considers appropriate and designates as an institution of the university.''.

SEC. 904. REDUCTION IN DEPARTMENT OF DEFENSE HEADQUARTERS STAFF.

(a) REDUCTION REQUIRED.—(1) The Secretary of Defense shall reduce the number of Federal Government employees and members of the Armed Forces on the headquarters staffs of Department of Defense organizations in accordance with this section. The Secretary shall achieve the required reductions not later than September 30, 2003.

(2) The total number of Federal Government employees and members of the Armed Forces on the headquarters staffs of all organizations within a category of organizations described in paragraph (4) shall be reduced below the baseline number for the category by the percentage specified for the category in that paragraph. In the administration of this section, the number of employees employed on a basis other than a full time basis shall be converted to, and expressed as, the equivalent number of full time employees.

(3) For the purposes of this subsection, the baseline number for the organizations in a category is the total number of Federal Government employees and members of the Armed Forces on the headquarters staffs of those organizations on October 1, 1996.

(4) The categories of organizations, and the percentages applicable under paragraph (1) to the organizations in such categories, are as follows:

(A) The Office of the Secretary of Defense and associated activities, a reduction of 33 percent.

(B) Defense agencies, a reduction of 21 percent.

(C) Department of Defense field activities and other operating organizations reporting to the Office of the Secretary of Defense, a reduction of 36 percent.

(D) The Joint Staff and associated activities, a reduction of 29 percent.

(E) The headquarters of the combatant commands and associated activities, a reduction of 7 percent.

(F) Other headquarters elements (including the headquarters of the military departments and their major commands) and associated activities, a reduction of 29 percent.

(b) LIMITED RELIEF FROM PROHIBITION ON MANAGING BY END-STRENGTH.—(1) The Secretary may waive the requirements and restrictions of section 129 of title 10, United States Code, for an organization or activity covered by subsection (a) to the extent that the Secretary determines necessary to achieve the personnel reductions required by that subsection.

(2) Not later than 30 days after exercising the waiver authority under paragraph (1) in the case of an organization or activity, the Secretary shall notify the congressional defense committees of the scope and duration of the waiver and the reasons for granting the waiver.

(c) MANAGEMENT BY BUDGET.—(1) The Secretary shall waive the requirement under subsection (a) to reduce the number of personnel on the headquarters staff of an organization or activity if the Secretary determines that the budget authority available for the organization or activity for fiscal year 2003 has been reduced below the budget authority available for the organization or activity for fiscal year 1996 by at least the percentage equal to one-fifth of the percentage specified in subsection (a)(4) for the category of the organization or activity.

(2) In this subsection, the term ''budget authority'' has the meaning given that term in section 3(2)(A) of the Congressional Budget Act of 1974 (2 U.S.C. 622(2)(A)).

(d) JOINT AND DEFENSE-WIDE ACTIVITIES.—If the Secretary consolidates functions in a Department of Defense-wide or joint organization or activity described in subparagraph (A), (B), (C), (D), or (E) of subsection (a)(4) in order to meet the requirement for reduction in the personnel of the other headquarters (including the headquarters of the military departments and their major commands) referred to in subparagraph (F) of such subsection, the Secretary may apply to that organization or activity, instead of the percentage that would otherwise apply under such subsection, a lesser percentage that is appropriate to reflect the increased responsibilities of the organization or activity.

(e) REPORT.—Not later than March 1, 1999, the Secretary of Defense shall submit to the congressional defense committees a report containing a plan to implement the personnel reductions required by this section.

(f) CATEGORIES DEFINED.—In this section:

(1) The term ''Office of the Secretary of Defense and associated activities'' means the following organizations and activities:

(A) The Office of the Secretary of Defense, as defined in section 131 of title 10, United States Code.

(B) The defense support activities that perform technical and analytical support for the Office of the Secretary of Defense.

(2) The term ''defense agencies'' means the following organizations and activities:

(A) The Ballistic Missile Defense Organization.

(B) The Defense Advanced Research Projects Agency.

(C) The Defense Commissary Agency.

(D) The Defense Contract Audit Agency.

(E) The Defense Finance and Accounting Services.

(F) The Defense Information Systems Agency.

(G) The Defense Legal Services Agency.

(H) The Defense Logistics Agency.

(I) The Defense Security Assistance Agency.

(J) The Defense Security Service.

(K) The Defense Special Weapons Agency.

(L) The On-Site Inspection Agency.

(M) The Treaty Compliance and Threat Reduction Agency.

(3) The term ''Department of Defense field activities and other operating organizations reporting to the Office of the Secretary of Defense'' means the following organizations and activities:

(A) The American Forces Information Service.

(B) The TRICARE Support Office.

(C) The Office of Economic Adjustment.

(D) The Department of Defense Education Activity.

(E) Washington Headquarters Services.

(F) The Department of Defense Human Resources Activity.

(G) The Defense Prisoner of War/Missing Personnel Office.

(H) The Defense Medical Programs Activity.

(I) The Defense Technology Security Administration.

(J) The C4I Support Activity.

(K) The Plans and Program Analysis Support Center.

(L) The Defense Airborne Reconnaissance Office.

(M) The Defense Acquisition University.

(N) The Director of Military Support.

(O) The Defense Technical Information Center.

(P) The National Defense University.

(4) The term ''Joint Staff and associated activities'' means the following organizations and activities:

(A) The Joint Staff referred to in section 155 of title 10, United States Code.

(B) Department of Defense activities that are controlled by the Chairman of the Joint Chiefs of Staff and report directly to the Joint Staff.

(5) The term ''headquarters of the combatant commands'' means the headquarters of the combatant commands, as defined in section 161(c)(3) of title 10, United States Code.

(6) The term ''other headquarters elements (including the headquarters of the military departments and their major commands)'' means the following organizations and activities:

(A) The military department headquarters listed and defined in Department of Defense Directive 5100.73, ''Department of Defense Management Headquarters and Headquarters Support Activities'', as in effect on November 12, 1996.

(B) Other military headquarters elements defined in such directive that are not otherwise covered by paragraphs (1), (2), (3), (4), and (5).

(g) REPEAL OF SUPERSEDED PROVISIONS.—(1) Sections 130a and 194 of title 10, United States Code, are repealed.

(2)(A) The table of sections at the beginning of chapter 3 of such title is amended by striking out the item relating to section 130a.

(B) The table of sections at the beginning of chapter 8 of such title is amended by striking out the item relating to section 194.

SEC. 905. PERMANENT REQUIREMENT FOR QUADRENNIAL DEFENSE REVIEW.

(a) REVIEW REQUIRED.—Chapter 2 of title 10, United States Code, is amended by inserting after section 116 the following:

''§ 117. Quadrennial defense review

''(a) REVIEW REQUIRED.—The Secretary of Defense, in consultation with the Chairman

of the Joint Chiefs of Staff, shall conduct in each year in which a President is inaugurated a comprehensive examination of the defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies with a view toward determining and expressing the defense strategy of the United States and establishing a revised defense plan for the ensuing 10 years and a revised defense plan for the ensuing 20 years.

''(b) CONSIDERATION OF REPORTS OF NATIONAL DEFENSE PANEL.—In conducting the review, the Secretary shall take into consideration the reports of the National Defense Panel submitted under section 181(d) of this title.

''(c) REPORT TO CONGRESS.—The Secretary shall submit a report on each review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives not later than September 30 of the year in which the review is conducted. The report shall include the following:

''(1) The results of the review, including a comprehensive discussion of the defense strategy of the United States and the force structure best suited to implement that strategy.

''(2) The threats examined for purposes of the review and the scenarios developed in the examination of such threats.

''(3) The assumptions used in the review, including assumptions relating to the cooperation of allies and mission-sharing, levels of acceptable risk, warning times, and intensity and duration of conflict.

''(4) The effect on the force structure of preparations for and participation in peace operations and military operations other than war.

''(5) The effect on the force structure of the utilization by the Armed Forces of technologies anticipated to be available for the ensuing 10 years and technologies anticipated to be available for the ensuing 20 years, including precision guided munitions, stealth, night vision, digitization, and communications, and the changes in doctrine and operational concepts that would result from the utilization of such technologies.

''(6) The manpower and sustainment policies required under the defense strategy to support engagement in conflicts lasting more than 120 days.

''(7) The anticipated roles and missions of the reserve components in the defense strategy and the strength, capabilities, and equipment necessary to assure that the reserve components can capably discharge those roles and missions.

''(8) The appropriate ratio of combat forces to support forces (commonly referred to as the ''tooth-to-tail'' ratio) under the defense strategy, including, in particular, the appropriate number and size of headquarter units and Defense Agencies for that purpose.

''(9) The air-lift and sea-lift capabilities required to support the defense strategy.

''(10) The forward presence, pre-positioning, and other anticipatory deployments necessary under the defense strategy for conflict deterrence and adequate military response to anticipated conflicts.

''(11) The extent to which resources must be shifted among two or more theaters under the defense strategy in the event of conflict in such theaters.

''(12) The advisability of revisions to the Unified Command Plan as a result of the defense strategy.

''(13) Any other matter the Secretary considers appropriate.''.

(b) NATIONAL DEFENSE PANEL.—Chapter 7 of such title is amended by adding at the end the following:

''§ 181. National Defense Panel

''(a) ESTABLISHMENT.—Not later than January 1 of each year immediately preceding a year in which a President is to be inaugurated, the Secretary of Defense shall establish a nonpartisan, independent panel to be known as the National Defense Panel. The Panel shall have the duties set forth in this section.

''(b) MEMBERSHIP.—The Panel shall be composed of a chairman and eight other individuals appointed by the Secretary, in consultation with the chairman and ranking member of the Committee on Armed Services of the Senate and the chairman and ranking member of the Committee on National Security of the House of Representatives, from among individuals in the private sector who are recognized experts in matters relating to the national security of the United States.

''(c) DUTIES.—The Panel shall—

''(1) conduct and submit to the Secretary of Defense and to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a comprehensive assessment of the defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies with a view toward recommending a defense strategy of the United States and a revised defense plan for the ensuing 10 years and a revised defense plan for the ensuing 20 years; and

''(2) identify issues that the Panel recommends for assessment during the next review to be conducted under section 117 of this title.

''(d) REPORT.—(1) The Panel, in the year that it is conducting an assessment under subsection (c), shall submit to the Secretary of Defense and to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives two reports on its activities and the findings and recommendations of the Panel, including any recommendations for legislation that the Panel considers appropriate, as follows:

''(A) An interim report not later than July 1 of the year.

''(B) A final report not later than December 1 of the year.

''(2) Not later than December 15 of the year in which the Secretary receive a final report under paragraph (1)(B), the Secretary shall submit to the committees referred to in subsection (b) a copy of the report together with the Secretary's comments on the report.

''(e) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from the Department of Defense and any of its components and from any other Federal department and agency such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

''(f) PERSONNEL MATTERS.—(1) Each member of the Panel shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5 for each day (including travel time) during which the member is engaged in the performance of the duties of the Panel.

''(2) The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of services for the Panel.

''(3)(A) The chairman of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director and a staff if the Panel determines that an executive director and staff are necessary in order for the Panel to perform its duties effectively. The employment of an executive director shall be subject to confirmation by the Panel.

''(B) The chairman may fix the compensation of the executive director without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

''(4) Any Federal Government employee may be detailed to the Panel without reimbursement of the employee's agency, and such detail shall be without interruption or loss of civil service status or privilege. The Secretary shall ensure that sufficient personnel are detailed to the Panel to enable the Panel to carry out its duties effectively.

''(5) To the maximum extent practicable, the members and employees of the Panel shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Panel, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

''(g) ADMINISTRATIVE PROVISIONS.—(1) The Panel may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(2) The Secretary shall furnish the Panel any administrative and support services requested by the Panel.

''(3) The Panel may accept, use, and dispose of gifts or donations of services or property.

''(h) PAYMENT OF PANEL EXPENSES.—The compensation, travel expenses, and per diem allowances of members and employees of the Panel shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the Panel shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.

''(i) TERMINATION.—The Panel shall terminate at the end of the year following the year in which the Panel submits its final report under subsection (d)(1)(B). For the period that begins 90 days after the date of submittal of the report, the activities and staff of the panel shall be reduced to a level that the Secretary of Defense considers sufficient to continue the availability of the panel for consultation with the Secretary of Defense and with the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.''.

(c) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 2 of title 10, United States Code, is amended by inserting after the item relating to section 116 the following:

''117. Quadrennial defense review.''.

(2) The table of sections at the beginning of chapter 7 of such title is amended by adding at the end the following:

''181. National Defense Panel.''.

(d) CONTINUATION OF 1997 NATIONAL DEFENSE PANEL.—Section 924(j) of the Military Force Structure Review Act of 1996 (subtitle B of title IX of Public Law 104–201; 110 Stat.

2626; 10 U.S.C. 111 note) is amended to read as follows:

''(j) TERMINATION.—The Panel shall continue until the first National Defense Panel is established under section 181(a) of title 10, United States Code, and shall then terminate. The activities and staff of the panel shall be reduced to a level that the Secretary of Defense considers sufficient to continue the availability of the panel for consultation with the Secretary of Defense and with the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.''.

SEC. 906. MANAGEMENT REFORM FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

(a) REQUIREMENTS FOR ANALYSIS AND PLAN.—(1) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Technology, shall analyze the structures and processes of the Department of Defense for management of its laboratories and test and evaluation centers and, taking into consideration the analysis, develop a plan for improving the management of the laboratories and centers. The plan shall include the reorganizations and reforms that the Secretary considers appropriate.

(2) The analysis shall include the following:

(A) Opportunities to achieve efficiency and reduce duplication of efforts by consolidating responsibilities for research, development, test, and evaluation, by area or function, in a military department as a lead agency or executive agent.

(B) Reforms of the management processes of Department of Defense laboratories and test and evaluation centers that would reduce costs and increase efficiency in the conduct of research, development, test, and evaluation.

(C) Opportunities for Department of Defense laboratories and test and evaluation centers to enter into partnership arrangements with laboratories in industry, academia, and other Federal agencies that demonstrate leadership, initiative, and innovation in research, development, test, and evaluation.

(D) The benefits of consolidating test ranges and test facilities under one management structure.

(E) Personnel demonstration projects and pilot projects that are being carried out to address the challenges for and constraints on recruitment and retention of scientists and engineers.

(F) The extent to which there is disseminated within the Department of Defense laboratories and test and evaluation centers information regarding initiatives that have successfully improved efficiency through reform of management processes and other means.

(G) Any cost savings that can be derived directly from reorganization of management structures.

(H) Options for reinvesting any such cost savings in the Department of Defense laboratories and test and evaluation centers.

(3) The Secretary shall submit the plan required under paragraph (1) to the congressional defense committees not later than 180 days after the date of the enactment of this Act.

(b) COST-BASED MANAGEMENT INFORMATION SYSTEM.—(1) The Secretary of Defense shall develop a plan, including a schedule, for establishing a cost-based management information system for Department of Defense laboratories and test and evaluation centers. The system shall provide for accurately identifying and comparing the costs of operating each laboratory and each center.

(2) In preparing the plan, the Secretary shall assess the feasibility and desirability of establishing a common methodology for assessing costs. The Secretary shall consider the use of a revolving fund as one potential methodology.

(3) The Secretary shall submit the plan required under paragraph (1) to the congressional defense committees not later than 90 days after the date of the enactment of this Act.

SEC. 907. RESTRUCTURING OF ADMINISTRATION OF FISHER HOUSES.

(a) ADMINISTRATION AS NONAPPROPRIATED FUND INSTRUMENTALITY.—(1) Chapter 147 of title 10, United States Code, is amended by adding at the end the following:

''§ 2490b. Fisher Houses: administration as nonappropriated fund instrumentality

''(a) FISHER HOUSES AND SUITES.—(1) For the purposes of this section, a Fisher House is a housing facility that—

''(A) is located in proximity to a health care facility of the Army, the Air Force, or the Navy;

''(B) is available for residential use on a temporary basis by patients of that health care facility, members of the families of such patients, and others providing the equivalent of familial support for such patients; and

''(C) has been constructed and donated by—

''(i) the Zachary and Elizabeth M. Fisher Armed Services Foundation; or

''(ii) another source, if the Secretary designates the housing facility as a Fisher House.

''(2) For the purposes of this section, a Fisher Suite is one or more rooms that meet the requirements of subparagraph (A) and (B) of paragraph (1), are constructed, altered, or repaired and donated by a source described in subparagraph (C) of that paragraph, and are designated by the Secretary concerned as a Fisher Suite.

''(b) NONAPPROPRIATED FUND INSTRUMENTALITY.—The Secretary of a military department shall administer all Fisher Houses and Fisher Suites associated with health care facilities of that military department as a nonappropriated fund instrumentality of the United States.

''(c) GOVERNANCE.—The Secretary shall establish a system for the governance of the nonappropriated fund instrumentality.

''(d) CENTRAL FUND.—The Secretary shall establish a single fund as the source of funding for the operation, maintenance, and improvement of all Fisher Houses and Fisher Suites of the nonappropriated fund instrumentality.

''(e) ACCEPTANCE OF CONTRIBUTIONS AND FEES.—The Secretary of a military department may accept money, property, and services donated for the support of a Fisher House or Fisher Suite, and may impose fees relating to the use of the Fisher Houses and Fisher Suites. All monetary donations, and the proceeds of the disposal of any other donated property, accepted by the Secretary under this subsection shall be credited to the fund established under subsection (d) for the Fisher Houses and Fisher Suites of that military department and shall be available for all Fisher Houses and Fisher Suites of that military department.

''(f) ANNUAL REPORT.—Not later than January 15 of each year, the Secretary of each military department shall submit a report on Fisher House operations to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall include, at a minimum, the following:

''(1) The amount in the fund established by the Secretary for the Fisher Houses and Fisher Suites under subsection (d), as of October 1 of the previous year.

''(2) The operation of the fund during the fiscal year ending on the day before that date, including—

''(A) all gifts, fees, and interest credited to the fund; and

''(B) the disbursements from the fund.

''(3) The budget for the operation of the Fisher Houses and Fisher Suites for the fiscal year in which the report is submitted.''.

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

''2490b. Fisher Houses: administration as nonappropriated fund instrumentality.''.

(b) FUNDING TRANSITION.—(1) Not later than 90 days after the date of the enactment of this Act the Secretary of each military department shall—

(A) establish the fund required under section 2490b(d) of title 10, United States Code (as added by subsection (a)); and

(B) close the Fisher House trust fund for that department and transfer the amounts in the closed fund to the newly established fund.

(2) Of the amounts appropriated for the Navy pursuant to section 301, the Secretary of the Navy shall transfer to the fund established by the Secretary under section 2490b(d) of title 10, United States Code (as added by subsection (a)) such amount as the Secretary considers appropriate for establishing in the fund a corpus sufficient for operating Fisher Houses and Fisher Suites of the Navy.

(3) Of the amounts appropriated for the Air Force pursuant to section 301, the Secretary of the Air Force shall transfer to the fund established by the Secretary under section 2490b(d) of title 10, United States Code (as added by subsection (a)) such amount as the Secretary considers appropriate for establishing in the fund a corpus sufficient for operating Fisher Houses and Fisher Suites of the Air Force.

(4) The Secretary of each military department, upon completing the actions required of the Secretary under the preceding paragraphs of this subsection, shall submit to Congress a report containing—

(A) the Secretary's certification that those actions have been completed; and

(B) a statement of the amount deposited in the newly established fund.

(5) Amounts transferred to a fund established under section 2490b(d) of title 10, United States Code (as added by subsection (a)), shall be available without fiscal year limitation for the purposes for which the fund is established and shall be administered as nonappropriated funds.

(c) CONFORMING REPEALS.—(1) Section 2221 of title 10, United States Code, and the item relating to that section in the table of sections at the beginning of chapter 131 of such title, are repealed.

(2) Section 1321(a) of title 31, United States Code, is amended by striking out paragraphs (92), (93), and (94).

(3) The amendments made by paragraphs (1) and (2) shall take effect 90 days after the date of the enactment of this Act.

SEC. 908. REDESIGNATION OF DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING AS DIRECTOR OF DEFENSE TECHNOLOGY AND COUNTERPROLIFERATION AND TRANSFER OF RESPONSIBILITIES.

(a) REDESIGNATION.—Subsection (a) of section 137 of title 10, United States Code, is amended by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(b) DUTIES.—Subsection (b) of such section 137 is amended to read as follows:

''(b) The Director of Defense Technology and Counterproliferation shall—

''(1) except as otherwise prescribed by the Secretary of Defense, perform such duties relating to research and engineering as the

Under Secretary of Defense for Acquisition and Technology may prescribe;

''(2) advise the Secretary of Defense on matters relating to nuclear energy and nuclear weapons;

''(3) serve as the Staff Director of the Joint Nuclear Weapons Council under section 179 of this title; and

''(4) perform such other duties as the Secretary of Defense may prescribe.''.

(c) ABOLISHMENT OF POSITION OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS.—Section 142 of such title is repealed.

(d) CONFORMING AMENDMENTS.—(1) Title 5, United States Code, is amended as follows:

(A) In section 5315, by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof the following:

''Director of Defense Technology and Counterproliferation''.

(B) In section 5316, by striking out ''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, Department of Defense.''.

(2) Title 10, United States Code, is amended as follows:

(A) In section 131(b), by striking out paragraph (6) and inserting in lieu thereof the following:

''(6) Director of Defense Technology and Counterproliferation.''.

(B) In section 138(d), by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(C) In section 179(c)(2), by striking out ''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(D) In section 2350a(g)(3), by striking out ''Deputy Director, Defense Research and Engineering (Test and Evaluation)'' and inserting in lieu thereof ''Under Secretary of Defense for Acquisition and Technology''.

(E) In section 2617(a), by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(F) In section 2902(b), by striking out paragraph (1) and inserting in lieu thereof the following:

''(1) The Director of Defense Technology and Counterproliferation.''.

(3) Section 257(a) of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 2358 note) is amended by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(4) The National Defense Authorization Act for Fiscal Year 1994 is amended as follows:

(A) In section 802(a) (10 U.S.C. 2358 note), by striking out ''Director of Defense Research and Engineering'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(B) In section 1605(a)(5), (22 U.S.C. 2751 note) by striking out ''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs'' and inserting in lieu thereof ''Director of Defense Technology and Counterproliferation''.

(e) CLERICAL AMENDMENTS.—(1) The section heading of section 137 of title 10, United States Code, is amended to read as follows:

''§ 137. Director of Defense Technology and Counterproliferation''.

(2) The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended—

(A) by striking out the item relating to section 137 and inserting in lieu thereof the following:

''137. Director of Defense Technology and Counterproliferation.'';

and

(B) by striking out the item relating to section 142.

SEC. 909. CENTER FOR HEMISPHERIC DEFENSE STUDIES.

(a) FUNDING FOR CENTER FOR HEMISPHERIC DEFENSE STUDIES.—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following:

''§ 2166. National Defense University: funding of component institution

''Funds available for the payment of personnel expenses under the Latin American cooperation authority set forth in section 1050 of this title are also available for the costs of the operation of the Center for Hemispheric Defense Studies.''.

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

''2166. National Defense University: funding of component institution.''.

(b) CONFORMING AMENDMENT.—Section 1050 of title 10, United States Code, is amended by inserting ''Secretary of Defense or the'' before ''Secretary of a military department''.

SEC. 910. MILITARY AVIATION ACCIDENT INVESTIGATIONS.

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

(1) In February 1996, the Government Accounting Office released a report highlighting a 75 percent reduction in aviation Class A mishaps, a 70 percent reduction in aviation mishap fatalities and a 65 percent reduction in Class A mishap rates from 1975–1995 (Military Aircraft Safety—Significant Improvements since 1975).

(2) In February 1998, the Government Accounting Office completed a follow-up review of military aircraft safety, noting that the military experienced fewer serious aviation mishaps in fiscal years 1996 and 1997 than in previous fiscal years (Military Aircraft Safety: Serious Accidents Remain at Historically Low Levels).

(3) The report required by section 1046 of the National Defense Authorization Act for fiscal year 1998 (Public Law 105–85; 111 Stat. 1888) concluded, ''DoD found no evidence that changing existing investigation processes to more closely resemble those of the NTSB would help DoD to find more answers more quickly, or accurately''.

(4) The Department of Defense must further improve its aviation safety by fully examining all options for improving or replacing its current aviation accident investigation processes.

(5) The inter-service working group formed as a result of that report has contributed to progress in military aviation accident investigations by identifying ways to improve family assistance, as has the formal policy direction coordinated by the Office of the Secretary of Defense.

(6) Such progress includes the issuance of Air Force Instruction 90–701 entitled ''Assistance to Families of Persons Involved in Air Force Aviation Mishaps'', that attempts to meet the need for a more timely flow of relevant information to families, a family liaison officer, and the establishment of the Air Force Office of Family Assistance. However, formal policy directions and Air Force instructions have not adequately addressed the failure to provide primary next of kin of members of the Armed Forces involved in military aviation accidents with interim reports regarding the course of investigations into such accidents, and the Department of Defense must improve its procedures for informing the families of the persons involved in military aviation mishaps.

(7) The report referred to in paragraph (3) concluded that the Department would ''benefit from the disappearance of the misperception that the privileged portion of the safety investigation exists to hide unfavorable information''.

(8) That report further specified that ''[e]ach Military Department has procedures in place to place to provide redacted copies of the final [privileged] safety report to the families. However, families must formally request a copy of the final safety investigation report''.

(9) Current efforts to improve family notification would be enhanced by the issuance by the Secretary of Defense of uniform regulations to improve the timeliness and reliability of information provided to the primary next of kin of persons involved in military aviation accidents during and following both the legal investigation and safety investigation phases of such investigations.

(b) EVALUATION OF DEPARTMENT OF DEFENSE AVIATION ACCIDENT INVESTIGATION PROCEDURES.—(1) The Secretary of Defense shall establish a task force to—

(A) review the procedures employed by the Department of Defense to conduct military aviation accident investigations; and

(B) identify mechanisms for improving such investigations and the military aviation accident investigation process.

(2) The Secretary shall appoint to the task force the following:

(A) An appropriate number of members of the Armed Forces, including both members of the regular components and the reserve components, who have experience relating to military aviation or investigations into military aviation accidents.

(B) An appropriate number of former members of the Armed Forces who have such experience.

(C) With the concurrence of the member concerned, a member of the National Transportation Safety Board.

(3)(A) The task force shall submit to Congress an interim report and a final report on its activities under this subsection. The interim report shall be submitted on December 1, 1998, and the final report shall be submitted on March 31, 1999.

(B) Each report under subparagraph (A) shall include the following:

(i) An assessment of the advisability of conducting all military aviation accident investigations through an entity that is independent of the military departments.

(ii) An assessment of the effectiveness of the current military aviation accident investigation process in identifying the cause of military aviation accidents and correcting problems so identified in a timely manner.

(iii) An assessment whether or not the procedures for sharing the results of military aviation accident investigations among the military departments should be improved.

(iv) An assessment of the advisability of centralized training and instruction for military aircraft investigators.

(v) An assessment of any costs or cost avoidances that would result from the elimination of any overlap in military aviation accident investigation activities conducted under the current so-called ''two-track'' investigation process.

(vi) Any improvements or modifications in the current military aviation accident investigation process that the task force considers appropriate to reduce the potential for aviation accidents and increase public confidence in the process.

(c) UNIFORM REGULATIONS FOR RELEASE OF INTERIM SAFETY INVESTIGATION REPORTS.—(1)(A) Not later than May 1, 1999, the Secretary of Defense shall prescribe regulations that provide for the release to the family members of persons involved in military aviation accidents, and to members of the public, of reports referred to in paragraph (2).

(B) The regulations shall apply uniformly to each military department.

(2) A report under paragraph (1) is a report on the findings of any ongoing privileged safety investigation into an accident referred to in that paragraph. Such report shall be in a redacted form or other form appropriate to preserve witness confidentiality and to minimize the effects of the release of information in such report on national security.

(3) Reports under paragraph (1) shall be made available—

(A) in the case of family members, at least once every 30 days or upon the development of a new or significantly changed finding during the course of the investigation concerned; and

(B) in the case of members of the public, on request.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1999 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORIZATION OF EMERGENCY APPROPRIATIONS FOR FISCAL YEAR 1999.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 1999 for incremental costs of operations of the Armed Forces in and around Bosnia and Herzegovina in the total amount of $1,858,600,000, as follows:

(1) For military personnel, in addition to the amounts authorized to be appropriated in title IV of this Act:

(A) For the Army, $297,700,000.

(B) For the Navy, $9,700,000.

(C) For the Marine Corps, $2,700,000.

(D) For the Air Force, $33,900,000.

(E) For the Naval Reserve, $2,200,000.

(2) For operation and maintenance for the Overseas Contingency Operations Transfer Fund, in addition to the total amount authorized to be appropriated for that fund in section 301(a)(25) of this Act, $1,512,400,000.

(b) TRANSFER AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in subsection (a)(2) for fiscal year 1999 to any of the authorizations for that fiscal year in section 301. Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred. The transfer authority under this subsection is in addition to any other transfer authority provided in this Act.

(c) DESIGNATION AS EMERGENCY.—Funds authorized to be appropriated in accordance with subsection (a) are designated as emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 1003. AUTHORIZATION OF PRIOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1998.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 1998 in the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105–174).

SEC. 1004. PARTNERSHIP FOR PEACE INFORMATION SYSTEM MANAGEMENT.

Funds authorized to be appropriated under titles II and III of this Act shall be available for Partnership for Peace information management systems as follows:

(1) Of the amount authorized to be appropriated under section 201(4) for Defense-wide activities, $2,000,000.

(2) Of the amount authorized to be appropriated under section 301 for Defense-wide activities, $3,000,000.

SEC. 1005. REDUCTIONS IN FISCAL YEAR 1998 AUTHORIZATIONS OF APPROPRIATIONS FOR DIVISION A AND DIVISION B AND INCREASES IN CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.

(a) TOTAL REDUCTION.—Notwithstanding any other provision in this division, amounts authorized to be appropriated under other provisions of this division are reduced in accordance with subsection (b) by the total amount of $421,900,000 in order to reflect savings resulting from revised economic assumptions.

(b) DISTRIBUTION OF REDUCTION.—

(1) PROCUREMENT.—Amounts authorized to be appropriated for procurement under title I are reduced as follows:

(A) ARMY.—For the Army:

(i) AIRCRAFT.—For aircraft under section 101(1), by $4,000,000.

(ii) MISSILES.—For missiles under section 101(2), by $4,000,000.

(iii) WEAPONS AND TRACKED COMBAT VEHICLES.—For weapons and tracked combat vehicles under section 101(3), by $4,000,000.

(iv) AMMUNITION.—For ammunition under section 101(4), by $3,000,000.

(v) OTHER PROCUREMENT.—For other procurement under section 101(5), by $9,000,000.

(B) NAVY AND MARINE CORPS.—For the Navy, Marine Corps, or both the Navy and Marine Corps:

(i) AIRCRAFT.—For aircraft under section 102(a)(1), by $22,000,000.

(ii) WEAPONS.—For weapons, including missiles and torpedoes, under section 102(a)(2), by $4,000,000.

(iii) SHIPBUILDING AND CONVERSION.—For shipbuilding and conversion under section 102(a)(3), by $18,000,000.

(iv) OTHER PROCUREMENT.—For other procurement under section 102(a)(4), by $12,000,000.

(v) MARINE CORPS PROCUREMENT.—For procurement for the Marine Corps under section 102(b), by $2,000,000.

(vi) AMMUNITION.—For ammunition under section 102(c), by $1,000,000.

(C) AIR FORCE.—For the Air Force:

(i) AIRCRAFT.—For aircraft under section 103(1), by $23,000,000.

(ii) MISSILES.—For missiles under section 103(2), by $7,000,000.

(iii) AMMUNITION.—For ammunition under section 103(3), by $1,000,000.

(iv) OTHER PROCUREMENT.—For other procurement under section 103(4), by $17,500,000.

(D) DEFENSE-WIDE ACTIVITIES.—For the Department of Defense for Defense-wide activities under section 104, by $5,800,000.

(E) CHEMICAL DEMILITARIZATION PROGRAM.—For the destruction of lethal chemical agents and munitions and of chemical warfare material under section 107, by $3,000,000.

(2) RDT&E.—Amounts authorized to be appropriated for research, development, test, and evaluation under title II are reduced as follows:

(A) ARMY.—For the Army under section 201(1), by $10,000,000.

(B) NAVY.—For the Navy under section 201(2), by $20,000,000.

(C) AIR FORCE.—For the Air Force under section 201(3), by $39,000,000.

(D) DEFENSE-WIDE ACTIVITIES.—For Defense-wide activities under section 201(4), by $26,700,000.

(3) OPERATION AND MAINTENANCE.—Amounts authorized to be appropriated for operation and maintenance under title III are reduced as follows:

(A) ARMY.—For the Army under section 301(a)(1), by $24,000,000.

(B) NAVY.—For the Navy under section 301(a)(2), by $32,000,000.

(C) MARINE CORPS.—For the Marine Corps under section 301(a)(3), by $4,000,000.

(D) AIR FORCE.—For the Air Force under section 301(a)(4), by $31,000,000.

(E) DEFENSE-WIDE ACTIVITIES.—For Defense-wide activities under section 301(a)(6), by $17,600,000.

(F) ARMY RESERVE.—For the Army Reserve under section 301(a)(7), by $2,000,000.

(G) NAVAL RESERVE.—For the Naval Reserve under section 301(a)(8), by $2,000,000.

(H) AIR FORCE RESERVE.—For the Air Force Reserve under section 301(a)(10), by $2,000,000.

(I) ARMY NATIONAL GUARD.—For the Army National Guard under section 301(a)(11), by $4,000,000.

(J) AIR NATIONAL GUARD.—For the Air National Guard under section 301(a)(12), by $4,000,000.

(K) ENVIRONMENTAL RESTORATION, ARMY.—For Environmental Restoration, Army under section 301(a)(15), by $1,000,000.

(L) ENVIRONMENTAL RESTORATION, NAVY.—For Environmental Restoration, Navy under section 301(a)(16), by $1,000,000.

(M) ENVIRONMENTAL RESTORATION, AIR FORCE.—For Environmental Restoration, Air Force under section 301(a)(17), by $1,000,000.

(N) ENVIRONMENTAL RESTORATION, DEFENSE-WIDE.—For Environmental Restoration, Defense-wide under section 301(a)(18), by $1,000,000.

(O) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—For Drug Interdiction and Counter-drug Activities, Defense-wide under section 301(a)(21), by $2,000,000.

(P) MEDICAL PROGRAMS, DEFENSE.—For Medical Programs, Defense under section 301(a)(23), by $36,000,000.

(4) MILITARY CONSTRUCTION, ARMY.—Amounts authorized to be appropriated for military construction, Army, under title XXI by section 2104(a) are reduced by $5,000,000, of which $3,000,000 shall be a reduction of support of military family housing under section 2104(a)(5)(B).

(5) MILITARY CONSTRUCTION, NAVY.—Amounts authorized to be appropriated for

military construction, Navy, under title XXII by section 2204(a) are reduced by $5,000,000, of which—

(A) $1,000,000 shall be a reduction of construction and acquisition of military family housing under section 2204(a)(5)(A); and

(B) $3,000,000 shall be a reduction of support of military family housing under section 2204(a)(5)(B).

(6) MILITARY CONSTRUCTION, AIR FORCE.—Amounts authorized to be appropriated for military construction, Air Force, under title XXIII by section 2304(a) are reduced by $4,000,000, of which—

(A) $1,000,000 shall be a reduction of construction and acquisition of military family housing under section 2304(a)(5)(A); and

(B) $2,000,000 shall be a reduction of support of military family housing under section 2304(a)(5)(B).

(7) MILITARY CONSTRUCTION, DEFENSE AGENCIES.—Amounts authorized to be appropriated for military construction, Defense Agencies, under title XXIV by section 2404(a) are reduced by $6,300,000, of which $5,000,000 shall be a reduction of defense base closure and realignment under section 2404(a)(10), of which—

(A) $1,000,000 shall be a reduction of defense base closure and realignment, Army;

(B) $2,000,000 shall be a reduction of defense base closure and realignment, Navy; and

(C) $2,000,000 shall be a reduction of defense base closure and realignment, Air Force.

(8) NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM.—Amounts authorized to be appropriated for contributions to the North Atlantic Treaty Organization Security Investment program under title XXV by section 2502 are reduced by $1,000,000.

(c) PROPORTIONATE REDUCTIONS WITHIN ACCOUNTS.—The amount provided for each budget activity, budget activity group, budget subactivity group, program, project, or activity under an authorization of appropriations reduced by subsection (b) is hereby reduced by the percentage computed by dividing the total amount of that authorization of appropriations (before the reduction) into the amount by which that total amount is so reduced.

(d) INCREASE IN CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.—

(1) OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD.—The amount authorized to be appropriated by section 301(a)(11), as reduced by subsection (b)(3)(I), is increased by $120,000,000.

(2) OTHER DEFENSE PROGRAMS, DEPARTMENT OF ENERGY.—The amount authorized to be appropriated by section 3103 is increased by $20,000,000, which amount shall be available for verification and control technology under paragraph (1)(C) of that section.

SEC. 1006. AMOUNT AUTHORIZED FOR CONTRIBUTIONS FOR NATO COMMON-FUNDED BUDGETS.

(a) TOTAL AMOUNT.—Contributions are authorized to be made in fiscal year 1999 for the common-funded budgets of NATO, out of funds available for the Department of Defense for that purpose, in the total amount that is equal to the sum of (1) the amounts of the unexpended balances, as of the end of fiscal year 1998, of funds appropriated for fiscal years before fiscal year 1999 for payments for such budgets, (2) the amount authorized to be appropriated under section 301(a)(1) that is available for contributions for the NATO common-funded military budget under section 314, (3) the amount authorized to be appropriated under section 201(1) that is available for contribution for the NATO common-funded civil budget under section 219, and (4) the total amount of the contributions authorized to be made under section 2501.

(b) DEFINITION.—In this section, the term ''common-funded budgets of NATO'' means the Military Budget, the Security Investment Program, and the Civil Budget of NATO (and any successor or additional account or program of NATO).

Subtitle B—Naval Vessels

SEC. 1011. IOWA CLASS BATTLESHIP RETURNED TO NAVAL VESSEL REGISTER.

The U.S.S. Iowa shall be listed, and maintained, on the Naval Vessel Register under section 1011 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 421) instead of the U.S.S. New Jersey, which shall be stricken from the register. The preceding sentence does not affect the continued effectiveness of subsection (d) of such section.

SEC. 1012. LONG-TERM CHARTER OF THREE VESSELS IN SUPPORT OF SUBMARINE RESCUE, ESCORT, AND TOWING.

(a) AUTHORITY.—The Secretary of the Navy may to enter into one or more long-term charters in accordance with section 2401 of title 10, United States Code, for three vessels to support the rescue, escort, and towing of submarines.

(b) VESSELS.—The vessels that may be chartered under subsection (a) are as follows:

(1) The Carolyn Chouest (United States official number D102057).

(2) The Kellie Chouest (United States official number D1038519).

(3) The Dolores Chouest (United States official number D600288).

(c) CHARTER PERIOD.—The period for which a vessel is chartered under subsection (a) may not extend beyond October 1, 2004.

(d) FUNDING.—The funds used for charters entered into under subsection (a) shall be funds authorized to be appropriated under section 301(a)(2).

SEC. 1013. TRANSFERS OF CERTAIN NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) AUTHORITY.—

(1) ARGENTINA.—The Secretary of the Navy is authorized to transfer to the Government of Argentina on a grant basis the tank landing ship Newport (LST 1179).

(2) BRAZIL.—The Secretary of the Navy is authorized to transfer vessels to the Government of Brazil as follows:

(A) On a sale basis, the Newport class tank landing ships Cayuga (LST 1186) and Peoria (LST 1183).

(B) On a combined lease-sale basis, the Cimarron class oiler Merrimack (AO 179).

(3) CHILE.—The Secretary of the Navy is authorized to transfer vessels to the Government of Chile on a sale basis as follows:

(A) The Newport class tank landing ship San Bernardino (LST 1189).

(B) The auxiliary repair dry dock Waterford (ARD 5).

(4) GREECE.—The Secretary of the Navy is authorized to transfer vessels to the Government of Greece as follows:

(A) On a sale basis, the following vessels:

(i) The Oak Ridge class medium dry dock Alamogordo (ARDM 2).

(ii) The Knox class frigates Vreeland (FF 1068) and Trippe (FF 1075).

(B) On a combined lease-sale basis, the Kidd class guided missile destroyers Kidd (DDG 993), Callaghan (DDG 994), Scott (DDG 995) and Chandler (DDG 996).

(C) On a grant basis, the following vessels:

(i) The Knox class frigate Hepburn (FF 1055).

(ii) The Adams class guided missile destroyers Strauss (DDG 16), Semmes (DDG 18), and Waddell (DDG 24).

(5) MEXICO.—The Secretary of the Navy is authorized to transfer to the Government of Mexico on a sale basis the auxiliary repair dry dock San Onofre (ARD 30) and the Knox class frigate Pharris (FF 1094).

(6) PHILIPPINES.—The Secretary of the Navy is authorized to transfer to the Government of the Philippines on a sale basis the Stalwart class ocean surveillance ship Triumph (T-AGOS 4).

(7) PORTUGAL.—The Secretary of the Navy is authorized to transfer to the Government of Portugal on a grant basis the Stalwart class ocean surveillance ship Assurance (T-AGOS 5).

(8) SPAIN.—The Secretary of the Navy is authorized to transfer to the Government of Spain on a sale basis the Newport class tank landing ships Harlan County (LST 1196) and Barnstable County (LST 1197).

(9) TAIWAN.—The Secretary of the Navy is authorized to transfer vessels to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) on a sale basis as follows:

(A) The Knox class frigates Peary (FF 1073), Joseph Hewes (FF 1078), Cook (FF 1083), Brewton (FF 1086), Kirk (FF 1087) and Barbey (FF 1088).

(B) The Newport class tank landing ships Manitowoc (LST 1180) and Sumter (LST 1181).

(C) The floating dry dock Competent (AFDM 6).

(D) The Anchorage class dock landing ship Pensacola (LSD 38).

(10) TURKEY.—The Secretary of the Navy is authorized to transfer vessels to the Government of Turkey as follows:

(A) On a sale basis, the following vessels:

(i) The Oliver Hazard Perry class guided missile frigates Mahlon S. Tisdale (FFG 27), Reid (FFG 30) and Duncan (FFG 10).

(ii) The Knox class frigates Reasoner (FF 1063), Fanning (FF 1076), Bowen (FF 1079), McCandless (FF 1084), Donald Beary (FF 1085), Ainsworth (FF 1090), Thomas C. Hart (FF 1092), and Capodanno (FF 1093).

(B) On a grant basis, the Knox class frigates Paul (FF 1080), Miller (FF 1091), W.S. Simms (FF 1059).

(11) VENEZUELA.—The Secretary of the Navy is authorized to transfer to the Government of Venezuela on a sale basis the unnamed medium auxiliary floating dry dock AFDM 2.

(b) BASES OF TRANSFER.—

(1) GRANT.—A transfer of a naval vessel authorized to be made on a grant basis under subsection (a) shall be made under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(2) SALE.—A transfer of a naval vessel authorized to be made on a sale basis under subsection (a) shall be made under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(3) COMBINED LEASE-SALE.—(A) A transfer of a naval vessel authorized to be made on a combined lease-sale basis under subsection (a) shall be made under sections 61 and 21 of the Arms Export Control Act (22 U.S.C. 2796 and 2761, respectively) in accordance with this paragraph.

(B) For each naval vessel authorized by subsection (a) for transfer on a lease-sale basis, the Secretary of the Navy is authorized to transfer the vessel under the terms of a lease, with lease payments suspended for the term of the lease, if the country entering into the lease of the vessel simultaneously enters into a foreign military sales agreement for the transfer of title to the leased vessel. Delivery of title to the purchasing country shall not be made until the purchase price of the vessel has been paid in full. Upon delivery of title to the purchasing country, the lease shall terminate.

(C) If the purchasing country fails to make full payment of the purchase price by the date required under the sales agreement, the

sales agreement shall be immediately terminated, the suspension of lease payments under the lease shall be vacated, and the United States shall retain all funds received on or before the date of the termination under the sales agreement, up to the amount of the lease payments due and payable under the lease and all other costs required by the lease to be paid to that date. No interest shall be payable to the recipient by the United States on any amounts that are paid to the United States by the recipient under the sales agreement and are not retained by the United States under the lease.

(c) REQUIREMENT FOR PROVISION IN ADVANCE IN AN APPROPRIATIONS ACT.—Authority to transfer vessels on a sale or combined lease-sale basis under subsection (a) shall be effective only to the extent that authority to effectuate such transfers, together with appropriations to cover the associated cost (as defined in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a)), are provided in advance in an appropriations Act.

(d) NOTIFICATION OF CONGRESS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress, for each naval vessel that is to be transferred under this section before January 1, 1999, the notifications required under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) and section 525 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105–118; 111 Stat. 2413).

(e) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of the naval vessels authorized by subsection (a) to be transferred on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) shall not be counted for the purposes of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(f) COSTS OF TRANSFERS.—Any expense of the United States in connection with a transfer authorized by subsection (a) shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1)) in the case of a transfer authorized to be made on a grant basis under subsection (a)).

(g) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—The Secretary of the Navy shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(h) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

SEC. 1014. SENSE OF CONGRESS CONCERNING THE NAMING OF AN LPD–17 VESSEL.

It is the sense of Congress that, consistent with section 1018 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 425), the next unnamed vessel of the LPD–17 class of amphibious vessels should be named the U.S.S. Clifton B. Cates, in honor of Marine General Clifton B. Cates (1893–1970), a native of Tennessee whose distinguished career of service in the Marine Corps included combat service in World War I so heroic that he became the most decorated Marine Corps officer of World War I, included exemplary combat leadership from Guadalcanal to Tinian and Iwo Jima and beyond in the Pacific Theater during World War II, and culminated in Lieutenant General Cates being appointed the 19th Commandant of the Marine Corps, a position in which he led the Marine Corps' efficient and alacritous response to the invasion of the Republic of South Korea by Communist North Korea.

SEC. 1015. CONVEYANCE OF NDRF VESSEL EX-U.S.S. LORAIN COUNTY.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation may convey all right, title, and interest of the Federal Government in and to the vessel ex-U.S.S. LORAIN COUNTY (LST–1177) to the Ohio War Memorial, Inc., located in Sandusky, Ohio (in this section referred to as the ''recipient''), for use as a memorial to Ohio veterans.

(b) TERMS OF CONVEYANCE.—

(1) DELIVERY OF VESSEL.—In carrying out subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date; and

(C) at no cost to the Federal Government.

(2) REQUIRED CONDITIONS.—The Secretary may not convey a vessel under this section unless—

(A) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising before the date of the conveyance of from use of the vessel by the Government after that date; and

(B) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) OTHER UNNEEDED EQUIPMENT.—The Secretary may convey to the recipient of the vessel conveyed under this section any unneeded equipment from other vessels in the National Defense Reserve Fleet, for use to restore the vessel conveyed under this section to museum quality.

SEC. 1016. HOMEPORTING OF THE U.S.S. IOWA BATTLESHIP IN SAN FRANCISCO.

It is the sense of Congress that the U.S.S. Iowa should be homeported at the Port of San Francisco, California.

SEC. 1017. SHIP SCRAPPING PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of the Navy shall carry out a vessel scrapping pilot program within the United States during fiscal years 1999 and 2000. The scope of the program shall be that which the Secretary determines is sufficient to gather data on the cost of scrapping Government vessels domestically and to demonstrate cost effective technologies and techniques to scrap such vessels in a manner that is protective of worker safety and health and the environment.

(b) CONTRACT AWARD.—(1) The Secretary shall award a contract or contracts under subsection (a) to the offeror or offerors that the Secretary determines will provide the best value to the United States, taking into account such factors as the Secretary considers appropriate.

(2) In making a best value determination under this subsection, the Secretary shall give a greater weight to technical and performance-related factors than to cost and price-related factors.

(3) The Secretary shall give significant weight to the technical qualifications and past performance of the contractor and the major subcontractors or team members of the contractor in complying with applicable Federal, State, and local laws and regulations for environmental and worker protection. In accordance with the requirements of the Federal Acquisition Regulation, in the case of an offeror without a record of relevant past performance or for whom information on past performance is not available, the offeror may not be evaluated favorably or unfavorably on past performance.

(c) CONTRACT TERMS AND CONDITIONS.—The contract or contracts awarded by the Secretary pursuant to subsection (b) shall, at a minimum, provide for—

(1) the transfer of the vessel or vessels to the contractor or contractors;

(2) the sharing, by any appropriate contracting method, of the costs of scrapping the vessel or vessels between the Government and the contractor or contractors;

(3) a performance incentive for a successful record of environmental and worker protection; and

(4) Government access to contractor records in accordance with the requirements of section 2313 of title 10, United States Code.

(d) REPORTS.—(1) Not later than September 30, 1999, the Secretary of the Navy shall submit an interim report on the pilot program to the congressional defense committees. The report shall contain the following:

(A) The procedures used for the solicitation and award of a contract or contracts under the pilot program.

(B) The contract or contracts awarded under the pilot program.

(2) Not later than September 30, 2000, the Secretary of the Navy shall submit a final report on the pilot program to the congressional defense committees. The report shall contain the following:

(A) The results of the pilot program and the performance of the contractors under such program.

(B) The Secretary's procurement strategy for future ship scrapping activities.

Subtitle C—Miscellaneous Report Requirements and Repeals

SEC. 1021. REPEAL OF REPORTING REQUIREMENTS.

(a) REPORTS REQUIRED BY TITLE 10.—

(1) HEALTH AND MEDICAL CARE STUDIES AND DEMONSTRATIONS.—Section 1092(a) of title 10, United States Code, is amended by striking out paragraph (3).

(2) ANNUAL REPORT ON USE OF MONEY RENTALS FOR LEASES OF NON-EXCESS PROPERTY.—Section 2667(d) of title 10, United States Code, is amended—

(A) in paragraph (1)(A)(ii), by striking out ''paragraph (4) or (5)'' and inserting in lieu thereof ''paragraph (3) or (4)''.

(B) by striking out paragraph (3); and

(C) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(b) REPORT REQUIRED BY MILITARY CONSTRUCTION AUTHORIZATION ACT.—Section 2819 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2119; 10 U.S.C. 2391 note,), relating to the Commission on Alternative Utilization of Military Facilities, is amended—

(1) in subsection (a) by striking out ''(a) ESTABLISHMENT OF COMMISSION.—''; and

(2) by striking out subsections (b) and (c).

SEC. 1022. REPORT ON DEPARTMENT OF DEFENSE FINANCIAL MANAGEMENT IMPROVEMENT PLAN.

Not later than 60 days after the date on which the Secretary of Defense submits the first biennial financial management improvement plan required by section 2222 of title 10, United States Code, the Comptroller General shall submit to Congress an analysis of the plan. The analysis shall include a discussion of the content of the plan and the extent to which the plan—

(1) complies with the requirements of such section 2222; and

(2) is a workable plan for addressing the financial management problems of the Department of Defense.

SEC. 1023. FEASIBILITY STUDY OF PERFORMANCE OF DEPARTMENT OF DEFENSE FINANCE AND ACCOUNTING FUNCTIONS BY PRIVATE SECTOR SOURCES OR OTHER FEDERAL GOVERNMENT SOURCES.

(a) STUDY REQUIRED.—The Secretary of Defense shall carry out a study of the feasibility and advisability of selecting on a competitive basis the source or sources for performing the finance and accounting functions of the Department of Defense from among private sector sources, the Defense Finance and Accounting Service of the Department of Defense, the military departments, and other Federal Government agencies.

(b) REPORT.—Not later than October 1, 1999, the Secretary shall submit a written report on the results of the study to Congress. The report shall include the following:

(1) A discussion of how the finance and accounting functions of the Department of Defense are performed, including the necessary operations, the operations actually performed, the personnel required for the operations, and the core competencies that are necessary for the performance of those functions.

(2) A comparison of the performance of the finance and accounting functions by the Defense Finance and Accounting Service with the performance of finance and accounting functions by the other sources referred to in subsection (a) that exemplify the best finance and accounting practices and results, together with a comparison of the costs of the performance of such functions by the Defense Finance and Accounting Service and the estimated costs of the performance of such functions by those other sources.

(3) The finance and accounting functions, if any, that are appropriate for performance by those other sources, together with a concept of operations that—

(A) specifies the mission;

(B) identifies the finance and accounting operations to be performed;

(C) describes the work force that is necessary to perform those operations;

(D) discusses where the operations are to be performed;

(E) describes how the operations are to be performed; and

(F) discusses the relationship between how the operations are to be performed and the mission.

(4) An analysis of how Department of Defense programs or processes would be affected by the performance of the finance and accounting functions of the Department of Defense by one or more of those other sources.

(5) The status of the efforts within the Department of Defense to consolidate and eliminate redundant finance and accounting systems and to better integrate the automated and manual systems of the department that provide input to financial management or accounting systems of the department.

(6) A description of a feasible and effective process for selecting, on a competitive basis, sources to perform the finance and accounting functions of the Department of Defense from among the sources referred to in subsection (a), including a discussion of the selection criteria considered appropriate.

(7) Any recommended policy for selecting sources to perform the finance and accounting functions of the Department of Defense on a competitive basis from among the sources referred to in subsection (a), together with such other recommendations that the Secretary considers appropriate.

(8) An analysis of the costs and benefits of the various policies and actions recommended.

(9) A discussion of any findings, analyses, and recommendations of the performance of the finance and accounting functions of the Department of Defense that have been made by the Task Force on Defense Reform appointed by the Secretary of Defense.

(c) MARKET RESEARCH.—In carrying out the study, the Secretary shall perform market research to determine whether the availability of responsible private sector sources of finance and accounting services is sufficient for there to be a reasonable expectation of meaningful competition for any contract for the procurement of finance and accounting services for the Department of Defense.

SEC. 1024. REORGANIZATION AND CONSOLIDATION OF OPERATING LOCATIONS OF THE DEFENSE FINANCE AND ACCOUNTING SERVICE.

(a) LIMITATION.—No operating location of the Defense Finance and Accounting Service may be closed before the date that is six months after the date on which the Secretary submits to Congress the plan required by subsection (b).

(b) PLAN REQUIRED.—The Secretary of Defense shall submit to Congress a strategic plan for improving the financial management operations at each of the operating locations of the Defense Finance and Accounting Service.

(c) CONTENT OF PLAN.—The plan shall include, at a minimum, the following:

(1) The workloads that it is necessary to perform at the operating locations each fiscal year.

(2) The capacity and number of operating locations that are necessary for performing the workloads.

(3) A discussion of the costs and benefits that could result from reorganizing the operating locations of the Defense Finance and Accounting Service on the basis of function performed, together with the Secretary's assessment of the feasibility of carrying out such a reorganization.

(d) SUBMITTAL OF PLAN.—The plan shall be submitted to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives not later than December 15, 1998.

SEC. 1025. REPORT ON INVENTORY AND CONTROL OF MILITARY EQUIPMENT.

(a) REPORT REQUIRED.—Not later than March 1, 1999, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the inventory and control of the military equipment of the Department of Defense as of the end of fiscal year 1998. The report shall address the inventories of each of the Army, Navy, Air Force, and Marine Corps separately.

(b) CONTENT.—The report shall include the following:

(1) For each item of military equipment in the inventory, stated by item nomenclature—

(A) the quantity of the item in the inventory as of the beginning of the fiscal year;

(B) the quantity of acquisitions of the item during the fiscal year;

(C) the quantity of disposals of the item during the fiscal year;

(D) the quantity of losses of the item during the performance of military missions during the fiscal year; and

(E) the quantity of the item in the inventory as of the end of the fiscal year.

(2) A reconciliation of the quantity of each item in the inventory as of the beginning of the fiscal year with the quantity of the item in the inventory as of the end of fiscal year.

(3) For each item of military equipment that cannot be reconciled—

(A) an explanation of why the quantities cannot be reconciled; and

(B) a discussion of the remedial actions planned to be taken, including target dates for accomplishing the remedial actions.

(4) Supporting schedules identifying the location of each item that are available to Congress or auditors of the Comptroller General upon request.

(c) MILITARY EQUIPMENT DEFINED.—For the purposes of this section, the term ''military equipment'' means all equipment that is used in support of military missions and is maintained on the visibility systems of the Army, Navy, Air Force, or Marine Corps.

(d) INSPECTOR GENERAL REVIEW.—Not later than June 1, 1999, the Inspector General of the Department of Defense shall review the report submitted to the committees under subsection (a) and shall submit to the committees any comments that the Inspector General considers appropriate.

SEC. 1026. REPORT ON CONTINUITY OF ESSENTIAL OPERATIONS AT RISK OF FAILURE BECAUSE OF COMPUTER SYSTEMS THAT ARE NOT YEAR 2000 COMPLIANT.

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

(1) Because of the way computers store and process dates, most computers will not function properly, or at all, after January 1, 2000, a problem that is commonly referred to as the year 2000 problem.

(2) The United States Government is currently conducting a massive program to identify and correct computer systems that suffer from the year 2000 problem.

(3) The cost to the Department of Defense of correcting this problem in its computer systems has been estimated to be more than $1,000,000,000.

(4) Other nations have failed to initiate aggressive action to identify and correct the year 2000 problem within their own computers.

(5) Unless other nations initiate aggressive actions to ensure the reliability and stability of certain communications and strategic systems, United States nationally security may be jeopardized.

(b) REPORT REQUIRED.—The Secretary of Defense and the Director of Central Intelligence shall jointly submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the plans of the Department of Defense and the intelligence community for ensuring the continuity of performance of essential operations that are at risk of failure because of computer systems and other information and support systems that are not year 2000 compliant.

(c) CONTENT.—The report shall contain, at a minimum, the following:

(1) A prioritization of mission critical systems to ensure that the most critical systems have the highest priority for efforts to reprogram computers to be year 2000 compliant.

(2) A discussion of the private and other public information and support systems relied on by the national security community, including the intelligence community, and the efforts under way to ensure that those systems are year 2000 compliant.

(3) The efforts under way to repair the underlying operating systems and infrastructure.

(4) The plans for comprehensive testing of Department of Defense systems, including simulated operational tests in mission areas.

(5) A comprehensive contingency plan, for the entire national security community, which provides for resolving emergencies resulting from a system that is not year 2000

compliant and includes provision for the creation of crisis action teams for use in resolving such emergencies.

(6) A discussion of the efforts undertaken to ensure the continued reliability of service on the systems used by the President and other leaders of the United States for communicating with the leaders of other nations.

(7) A discussion of the vulnerability of allied armed forces to failure systems that are not, or have critical components that are not, year 2000 compliant, together with an assessment of the potential problems for interoperability among the Armed Forces of the United States and allied armed forces because of the potential for failure of such systems.

(8) An estimate of the total cost of making the computer systems and other information and support systems comprising the computer networks of the Department of Defense and the intelligence community year 2000 compliant.

(9) The countries that have critical computer-based systems any disruption of which, due to not being year 2000 compliant, would cause a significant potential national security risk to the United States.

(10) A discussion of the cooperative arrangements between the United States and other nations to assist those nations in identifying and correcting (to the extent necessary to meet national security interests of the United States) any problems in their communications and strategic systems, or other systems identified by the Secretary of Defense, that make the systems not year 2000 compliant.

(11) A discussion of the threat posed to the national security interests of the United States from any potential failure of strategic systems of foreign countries that are not year 2000 compliant.

(d) SUBMITTAL.—The report shall be submitted not later than March 31, 1999, in classified form and, as necessary, unclassified form.

(e) INTERNATIONAL COOPERATIVE ARRANGEMENTS.—The Secretary of Defense, with the concurrence of the Secretary of State may enter into a cooperative arrangement with a representative of any foreign government to provide for the United States to assist the foreign government in identifying and correcting (to the extent necessary to meet national security interests of the United States) any problems in communications, strategic, or other systems of that foreign government that make the systems not year 2000 compliant.

(f) YEAR 2000 COMPLIANT.—In this section, the term ''year 2000 compliant'', with respect to a computer system or any other information or support system, means that the programs of the system correctly recognize dates in years after 1999 as being dates after 1999 for the purposes of program functions for which the correct date is relevant to the performance of the functions.

SEC. 1027. REPORTS ON NAVAL SURFACE FIRE-SUPPORT CAPABILITIES.

(a) NAVY REPORT.—(1) Not later than March 31, 1999, the Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on battleship readiness for meeting requirements of the Armed Forces for naval surface fire support.

(2) The report shall contain the following:

(A) The reasons for the Secretary's failure to comply with the requirements of section 1011 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 421) until February 1998.

(B) The requirements for Air-Naval Gunfire Liaison Companies.

(C) The plans of the Navy for retaining and maintaining 16-inch ammunition for the main guns of battleships.

(D) The plans of the Navy for retaining the hammerhead crane essential for lifting battleship turrets.

(E) An estimate of the cost of reactivating Iowa-class battleships for listing on the Naval Vessel Register, restoring the vessels to seaworthiness with operational capabilities necessary to meet requirements for naval surface fire-support, and maintaining the battleships in that condition for continued listing on the register, together with an estimate of the time necessary to reactivate and restore the vessels to that condition.

(3) The Secretary shall act through the Director of Expeditionary Warfare Division (N85) of the Office of the Chief of Naval Operations in preparing the report.

(b) GAO REPORT.—(1) The Comptroller General shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the naval surface fire-support capabilities of the Navy.

(2) The report shall contain the following:

(A) An assessment of the extent of the compliance by the Secretary of the Navy with the requirements of section 1011 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 421).

(B) The plans of the Navy for executing the naval surface fire-support mission of the Navy.

(C) An assessment of the short-term costs and the long-term costs associated with the plans.

(D) An assessment of the short-term costs and the long-term costs associated with alternative methods for executing the naval surface fire-support mission of the Navy, including the alternative of reactivating two battleships.

SEC. 1028. REPORT ON ROLES IN DEPARTMENT OF DEFENSE AVIATION ACCIDENT INVESTIGATIONS.

(a) REPORT REQUIRED.—Not later than March 31, 1999, the Secretary of Defense shall submit to Congress a report on the roles of the Office of the Secretary of Defense and the Joint Staff in the investigation of Department of Defense aviation accidents.

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

(1) An assessment of whether the Office of the Secretary of Defense and the Joint Staff should have more direct involvement in the investigation of military aviation accidents.

(2) The advisability of the Office of the Secretary of Defense, the Joint Staff, or another Department of Defense entity independent of the military departments supervising the conduct of aviation accident investigations.

(3) An assessment of the minimum training and experience required for aviation accident investigation board presidents and board members.

SEC. 1029. STRATEGIC PLAN FOR EXPANDING DISTANCE LEARNING INITIATIVES.

(a) PLAN REQUIRED.—The Secretary of Defense shall develop a strategic plan for guiding and expanding distance learning initiatives within the Department of Defense. The plan shall provide for an expansion of such initiatives over five consecutive fiscal years beginning with fiscal year 2000.

(b) CONTENT OF PLAN.—The strategic plan shall, at a minimum, contain the following:

(1) A statement of measurable goals and objectives and outcome-related performance indicators (consistent with section 1115 of title 31, United States Code, relating to agency performance plans) for the development and execution of distance learning initiatives throughout the Department of Defense.

(2) A detailed description of how distance learning initiatives are to be developed and managed within the Department of Defense.

(3) An assessment of the estimated costs and the benefits associated with developing and maintaining an appropriate infrastructure for distance learning.

(4) A statement of planned expenditures for the investments necessary to build and maintain the infrastructure.

(5) A description of the mechanisms that are to be used to supervise the development and coordination of the distance learning initiatives of the Department of Defense.

(c) RELATIONSHIP TO EXISTING INITIATIVE.—In developing the strategic plan, the Secretary may take into account the ongoing collaborative effort among the Department of Defense, other Federal agencies, and private industry that is known as the Advanced Distribution Learning initiative. However, the Secretary shall ensure that the strategic plan is specifically focused on the training and education goals and objectives of the Department of Defense.

(d) SUBMISSION TO CONGRESS.—The Secretary of Defense shall submit the strategic plan to Congress not later than March 1, 1999.

SEC. 1030. REPORT ON INVOLVEMENT OF ARMED FORCES IN CONTINGENCY AND ONGOING OPERATIONS.

(a) REPORT REQUIRED.—Not later than January 31, 1999, the Secretary of Defense shall submit to the congressional defense committees a report on the involvement of the Armed Forces of the United States in major contingency operations and major ongoing operations since the end of the Persian Gulf War, including such operations as the involvement in the Stabilization Force in Bosnia and Herzegovina, Operation Southern Watch, and Operation Northern Watch. The report shall contain the following:

(1) A discussion of the effects of that involvement on retention and reenlistment of personnel in the Armed Forces.

(2) The extent to which the use of combat support and combat service support personnel and equipment of the Armed Forces in the operations has resulted in shortages of Armed Forces personnel and equipment in other regions of the world.

(3) The accounts from which funds have been drawn to pay for the operations and the specific programs for which the funds were available until diverted to pay for the operations.

(4) The vital interests of the United States that are involved in each operation or, if none, the interests of the United States that are involved in each operation and a characterization of those interests.

(5) What clear and distinct objectives guide the activities of United States forces in each operation.

(6) What the President has identified on the basis of those objectives as the date, or the set of conditions, that defines the end of each operation.

(b) FORM OF REPORT.—The report shall be submitted in unclassified form, but may also be submitted in a classified form if necessary.

(c) MAJOR OPERATION DEFINED.—For the purposes of this section, a contingency operation or an ongoing operation is a major contingency operation or a major ongoing operation, respectively, if the operation involves more than 500 members of the Armed Forces.

SEC. 1031. SUBMISSION OF REPORT ON OBJECTIVES OF A CONTINGENCY OPERATION WITH FIRST REQUEST FOR FUNDING THE OPERATION.

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

(1) On May 3, 1994, the President issued Presidential Decision Directive 25 declaring

that American participation in United Nations and other peace operations would depend in part on whether the role of United States forces is tied to clear objectives and an endpoint for United States participation can be identified.

(2) Between that date and mid-1998, the President and other executive branch officials have obligated or requested appropriations of approximately $9,400,000,000 for military-related operations throughout Bosnia and Herzegovina without providing to Congress, in conjunction with the budget submission for any fiscal year, a strategic plan for such operations under the criteria set forth in that Presidential Decision Directive.

(3) Between November 27, 1995, and mid-1998 the President has established three deadlines, since elapsed, for the termination of United States military-related operations throughout Bosnia and Herzegovina.

(4) On December 17, 1997, the President announced that United States ground combat forces would remain in Bosnia and Herzegovina for an unknown period of time.

(5) Approximately 47,880 United States military personnel (excluding personnel serving in units assigned to the Republic of Korea) have participated in 14 international contingency operations between fiscal years 1991 and 1998.

(6) The 1998 posture statements of the Navy and Air Force included declarations that the pace of military operations over fiscal year 1997 adversely affected the readiness of non-deployed forces, personnel retention rates, and spare parts inventories of the Navy and Air Force.

(b) INFORMATION TO BE REPORTED WITH FUNDING REQUEST.—Section 113 of title 10, United States Code, is amended by adding at the end the following:

''(l) INFORMATION TO ACCOMPANY INITIAL FUNDING REQUEST FOR CONTINGENCY OPERATION.—Whenever the President submits to Congress a request for appropriations for costs associated with a contingency operation that involves, or likely will involve, the deployment of more than 500 members of the armed forces, the Secretary of Defense shall submit to Congress a report on the objectives of the operation. The report shall include a discussion of the following:

''(1) What clear and distinct objectives guide the activities of United States forces in the operation.

''(2) What the President has identified on the basis of those objectives as the date, or the set of conditions, that defines the endpoint of the operation.''.

SEC. 1032. REPORTS ON THE DEVELOPMENT OF THE EUROPEAN SECURITY AND DEFENSE IDENTITY.

(a) REQUIREMENT FOR REPORTS.—The Secretary of Defense shall submit to the congressional defense committees in accordance with this section reports on the development of the European Security and Defense Identity (ESDI) within the NATO Alliance that would enable the Western European Union (WEU), with the consent of the NATO Alliance, to assume the political control and strategic direction of NATO assets and capabilities made available by the Alliance.

(b) REPORTS TO BE SUBMITTED.—The reports required to be submitted under subsection (a) are as follows:

(1) An initial report, submitted not later than December 15, 1998, that contains a discussion of the actions taken, and the plans for future actions, to build the European Security and Defense Identity, together with the matters required under subsection (c).

(2) A semiannual report on the progress made toward establishing the European Security and Defense Identity, submitted not later than March 15 and December 15 of each year after 1998.

(c) CONTENT OF REPORTS.—The Secretary shall include in each report under this section the following:

(1) A discussion of the arrangements between NATO and the Western European Union for the release, transfer, monitoring, return, and recall of NATO assets and capabilities.

(2) A discussion of the development of such planning and other capabilities by the Western European Union that are necessary to provide political control and strategic direction of NATO assets and capabilities.

(3) A discussion of the development of terms of reference for the Deputy Supreme Allied Commander, Europe, with respect to the European Security and Defense Identity.

(4) A discussion of the arrangements for the assignment or appointment of NATO officers to serve in two positions concurrently (commonly referred to as ''dual-hatting'').

(5) A discussion of the development of the Combined Joint Task Force (CJTF) concept, including lessons-learning from the NATO-led Stabilization Force in Bosnia.

(6) Identification within the NATO Alliance of the types of separable but not separate capabilities, assets, and support assets for Western European Union-led operations.

(7) Identification of separable but not separate headquarters, headquarters elements, and command positions for command and conduct of Western European Union-led operations.

(8) The conduct by NATO, at the request of and in coordination with the Western European Union, of military planning and exercises for illustrative missions.

(9) A discussion of the arrangements between NATO and the Western European Union for the sharing of information, including intelligence.

(10) Such other information as the Secretary considers useful for a complete understanding of the establishment of the European Security and Defense Identity within the NATO Alliance.

(d) TERMINATION OF SEMIANNUAL REPORTING REQUIREMENT.—No report is required under subsection (b)(2) after the Secretary submits under that subsection a report in which the Secretary states that the European Security and Defense Identity has been fully established.

SEC. 1033. REPORT ON REDUCTION OF INFRASTRUCTURE COSTS AT BROOKS AIR FORCE BASE, TEXAS.

(a) REQUIREMENT.—Not later than December 31, 1998, the Secretary of the Air Force shall, in consultation with the Secretary of Defense, submit to the congressional defense committees a report on means of reducing significantly the infrastructure costs at Brooks Air Force Base, Texas, while also maintaining or improving the support for Department of Defense missions and personnel provided through Brooks Air Force Base.

(b) ELEMENTS.—The report shall include the following:

(1) A description of any barriers (including barriers under law and through policy) to improved infrastructure management at Brooks Air Force Base.

(2) A description of means of reducing infrastructure management costs at Brooks Air Force Base through cost-sharing arrangements and more cost-effective utilization of property.

(3) A description of any potential public partnerships or public-private partnerships to enhance management and operations at Brooks Air Force Base.

(4) An assessment of any potential for expanding infrastructure management opportunities at Brooks Air Force Base as a result of initiative considered at the Base or at other installations.

(5) An analysis (including appropriate data) on current and projected costs of the ownership or lease of Brooks Air Force Base under a variety of ownership or leasing scenarios, including the savings that would accrue to the Air Force under such scenarios and a schedule for achieving such savings.

(6) Any recommendations relating to reducing the infrastructure costs at Brooks Air Force Base that the Secretary considers appropriate.

SEC. 1034. ANNUAL GAO REVIEW OF F/A–18E/F AIRCRAFT PROGRAM.

(a) REVIEW AND REPORT REQUIRED.—Not later than June 15 of each year, the Comptroller General shall review the F/A–18E/F aircraft program and submit to Congress a report on the results of the review. The Comptroller General shall also submit to Congress with each report a certification regarding whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(b) CONTENT OF REPORT.—The report submitted on the program each year shall include the following:

(1) The extent to which engineering and manufacturing development and operational test and evaluation under the program are meeting the goals established for engineering and manufacturing development and operational test and evaluation under the program, including the performance, cost, and schedule goals.

(2) The status of modifications expected to have a significant effect on the cost or performance of the F/A–18E/F aircraft.

(c) DURATION OF REQUIREMENT.—The Comptroller General shall submit the first report under this section not later than June 15, 1999. No report is required under this section after the full rate production contract is awarded under the program.

(d) REQUIREMENT TO SUPPORT ANNUAL GAO REVIEW.—The Secretary of Defense and the prime contractors under the F/A–18E/F aircraft program shall timely provide the Comptroller General with such information on the program, including information on program performance, as the Comptroller General considers necessary to carry out the responsibilities under this section.

SEC. 1035. REVIEW AND REPORT REGARDING THE DISTRIBUTION OF NATIONAL GUARD RESOURCES AMONG STATES.

(a) REQUIREMENT FOR REVIEW.—The Chief of the National Guard Bureau shall review the process used for allocating and distributing resources, including all categories of full-time manning, among the States for the National Guard of the States.

(b) PURPOSE OF REVIEW.—The purpose of the review is to determine whether the process provides for adequately funding the National Guard of the States that have within the National Guard no unit or few (15 or less) units categorized in readiness tiers I, II, and III.

(c) MATTERS REVIEWED.—The matters reviewed shall include the following:

(1) The factors considered for the process of determining the distribution of resources, including the weights assigned to the factors.

(2) The extent to which the process results in funding for the units of the States described in subsection (b) at the levels necessary to optimize the preparedness of the units to meet the mission requirements applicable to the units.

(3) The effects that funding at levels determined under the process will have on the National Guard of those States in the future, including the effects on all categories of full-time manning, and unit readiness, recruitment, and continued use of existing National Guard armories and other facilities.

(d) REPORT.—Not later than March 15, 1999, the Chief of the National Guard Bureau shall

submit a report on the results of the review to the congressional defense committees.

SEC. 1036. REPORT ON THE PEACEFUL EMPLOYMENT OF FORMER SOVIET EXPERTS ON WEAPONS OF MASS DESTRUCTION.

(a) REPORT REQUIRED.—Not later than January 31, 1999, the Secretary of Defense shall submit to the congressional defense committees a report on the need for and the feasibility of programs, other than those involving the development or promotion of commercially viable proposals, to further United States nonproliferation objectives regarding former Soviet experts in ballistic missiles or weapons of mass destruction. The report shall contain an analysis of the following:

(1) The number of such former Soviet experts who are, or are likely to become within the coming decade, unemployed, underemployed, or unpaid and, therefore, at risk of accepting export orders, contracts, or job offers from countries developing weapons of mass destruction.

(2) The extent to which the development of nonthreatening, commercially viable products and services, with or without United States assistance, can reasonably be expected to employ such former experts.

(3) The extent to which projects that do not involve the development of commercially viable products or services could usefully employ additional such former experts.

(4) The likely cost and benefits of a 10-year program of United States or international assistance to projects of the sort discussed in paragraph (3).

(b) CONSULTATION REQUIREMENT.—The report shall be prepared in consultation with the Secretary of State, the Secretary of Energy, and such other officials as the Secretary of Defense considers appropriate.

Subtitle D—Other Matters

SEC. 1041. COOPERATIVE COUNTERPROLIFERATION PROGRAM.

(a) ASSISTANCE AUTHORIZED.—Subject to subsection (b), the Secretary of Defense may provide a foreign country or any of its instrumentalities with assistance that the Secretary determines necessary for destroying, removing, or obtaining from that country—

(1) weapons of mass destruction; or

(2) materials, equipment, or technology related to the delivery or development of weapons of mass destruction.

(b) CERTIFICATION REQUIRED.—(1) Not later than 15 days before providing assistance under subsection (a) regarding weapons, materials, equipment, or technology referred to in that subsection, the Secretary of Defense shall certify to the congressional defense committees that the weapons, materials, equipment, or technology meet each of the following requirements:

(A) The weapons, materials, equipment, or technology are at risk of being sold or otherwise transferred to a restricted foreign state or entity.

(B) The transfer of the weapons, materials, equipment, or technology would pose a significant threat to national security interests of the United States or would significantly advance a foreign country's weapon program that threatens national security interests of the United States.

(C) Other options for securing or otherwise preventing the transfer of the weapons, materials, equipment, or technology have been considered and rejected as ineffective or inadequate.

(2) The Secretary may waive the deadline for submitting a certification required under paragraph (1) in any case if the Secretary determines that compliance with the requirement would compromise national security objectives of the United States in that case. The Secretary shall promptly notify the Chairman and ranking minority members of the congressional defense committees regarding the waiver and submit the certification not later than 45 days after completing the action of providing the assistance in the case.

(3) No assistance may be provided under subsection (a) in any case unless the Secretary submits the certification required under paragraph (1) or a notification required under paragraph (2) in such case.

(c) ANNUAL REPORTS.—(1) Not later than January 30 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the activities carried out under this section. The first annual report shall be submitted not later than January 30, 2000.

(2) Each annual report shall set forth in separate sections for the previous year the following:

(A) The assistance provided under this section and the purposes for which provided.

(B) The sources of funds for the assistance provided.

(C) Any assistance provided for the Department of Defense under this section by any other department or agency of the Federal Government, together with the source or sources of that assistance.

(D) Any other information that the Secretary considers appropriate for informing the appropriate congressional committees about actions taken under this section.

(d) DEFINITIONS.—In this section:

(1) The term ''restricted foreign state or entity'', with respect to weapons, materials, equipment, or technology covered by a certification of the Secretary of Defense under subsection (b), means—

(A) any foreign country the government of which has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State determines under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371); or

(B) any foreign state or entity that the Secretary of Defense determines would constitute a military threat to the territory of the United States, national security interests of the United States, or allies of the United States, if that foreign state or entity were to possess the weapons, materials, equipment, or technology.

(2) The term ''weapon of mass destruction'' has the meaning given that term in section 1402 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1)).

SEC. 1042. EXTENSION OF COUNTERPROLIFERATION AUTHORITIES FOR SUPPORT OF UNITED NATIONS SPECIAL COMMISSION ON IRAQ.

Section 1505 of the Weapons of Mass Destruction Control Act of 1992 (title XV of Public Law 102–484; 22 U.S.C. 5859a) is amended—

(1) in subsection (d)(3), by striking out ''or $15,000,000 for fiscal year 1998'' and inserting in lieu thereof ''or $15,000,000 for each of fiscal years 1998 and 1999''; and

(2) in subsection (f), by striking out ''fiscal year 1998'' and inserting in lieu thereof ''fiscal year 1999''.

SEC. 1043. ONE-YEAR EXTENSION OF LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

Section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1948) is amended—

(1) by striking out ''during fiscal year 1998'' each place it appears and inserting in lieu thereof ''during any fiscal year''; and

(2) by adding at the end the following:

''(g) APPLICABILITY TO FISCAL YEARS 1998 and 1999.—This section applies to fiscal years 1998 and 1999.''.

SEC. 1044. DIRECT-LINE COMMUNICATION BETWEEN UNITED STATES AND RUSSIAN COMMANDERS OF STRATEGIC FORCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that a direct line of communication between the commanders in chief of the United States Strategic and Space Commands and the Commander of the Russian Strategic Rocket Forces could be a useful confidence-building tool.

(b) REPORT.—Not later than two months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and to the Committee on National Security of the House of Representatives a report on the feasibility of initiating discussions on direct-line communication described in subsection (a).

SEC. 1045. CHEMICAL WARFARE DEFENSE.

(a) REVIEW AND MODIFICATION OF POLICIES AND DOCTRINE.—The Secretary of Defense shall review the policies and doctrines of the Department of Defense on chemical warfare defense and modify the policies and doctrine as appropriate to achieve the objectives set forth in subsection (b).

(b) OBJECTIVES.—The objectives for the modification of policies and doctrines of the Department of Defense on chemical warfare defense are as follows:

(1) To provide for adequate protection of personnel from any low-level exposure to a chemical warfare agent that would endanger the health of exposed personnel because of the deleterious effects of—

(A) a single exposure to the agent;

(B) exposure to the agent concurrently with other dangerous exposures, such as exposures to—

(i) other potentially toxic substances in the environment, including pesticides, other insect and vermin control agents, and environmental pollutants;

(ii) low-grade nuclear and electromagnetic radiation present in the environment;

(iii) preventive medications (that are dangerous when taken concurrently with other dangerous exposures referred to in this paragraph); and

(iv) occupational hazards, including battlefield hazards; and

(C) repeated exposures to the agent, or some combination of one or more exposures to the agent and other dangerous exposures referred to in subparagraph (B), over time.

(2) To provide for—

(A) the prevention of and protection against, and the detection (including confirmation) of, exposures to a chemical warfare agent (whether intentional or inadvertent) at levels that, even if not sufficient to endanger health immediately, are greater than the level that is recognized under Department of Defense policies as being the maximum safe level of exposure to that agent for the general population; and

(B) the recording, reporting, coordinating, and retaining of information on possible exposures described in subparagraph (A), including the monitoring of the health effects of exposures on humans and animals, and the documenting and reporting of those health effects specifically by location.

(3) Provide solutions for the concerns and mission requirements that are specifically applicable for one or more of the Armed Forces in a protracted conflict when exposures to chemical agents could be complex, dynamic, and occurring over an extended period.

(c) RESEARCH PROGRAM.—The Secretary of Defense shall develop and carry out a plan to establish a research program for determining the effects of chronic and low-dose exposures to chemical warfare agents. The research shall be designed to yield results that can

guide the Secretary in the evolution of policy and doctrine on low-level exposures to chemical warfare agents. The plan shall state the objectives and scope of the program and include a 5-year funding plan.

(d) REPORT.—Not later than May 1, 1999, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the review under subsection (a) and on the research program developed under subsection (c). The report shall include the following:

(1) Each modification of chemical warfare defense policy and doctrine resulting from the review.

(2) Any recommended legislation regarding chemical warfare defense.

(3) The plan for the research program.

SEC. 1046. ACCOUNTING TREATMENT OF ADVANCE PAYMENT OF PERSONNEL.

(a) TREATMENT.—Section 1006 of title 37, United States Code, is amended by adding at the end the following:

''(l) Notwithstanding any provision of chapter 15 of title 31, an amount paid a member under this section in advance of the fiscal year in which the member's entitlement to that amount accrues—

''(1) shall be treated as being obligated and expended in that fiscal year; and

''(2) may not be treated as reducing the unobligated balance of the appropriations available for military personnel, Reserve personnel, or National Guard personnel, as the case may be, for the fiscal year in which paid.''.

(b) APPLICABILITY.—Subsection (l) of section 1006 of title 37, United States Code (as added by subsection (a)), shall apply to advance payments made under such section in fiscal years beginning after September 30, 1997.

SEC. 1047. REINSTATEMENT OF DEFINITION OF FINANCIAL INSTITUTION IN AUTHORITIES FOR REIMBURSING DEFENSE PERSONNEL FOR GOVERNMENT ERRORS IN DIRECT DEPOSITS OF PAY.

(a) MEMBERS OF THE ARMED FORCES.—Section 1053(d)(1) of title 10, United States Code, is amended to read as follows:

''(1) The term 'financial institution' means a bank, savings and loan association or similar institution, or a credit union chartered by the United States Government or a State.''.

(b) CIVILIAN EMPLOYEES.—Section 1594(d)(1) of title 10, United States Code, is amended to read as follows:

''(1) The term 'financial institution' means a bank, savings and loan association or similar institution, or a credit union chartered by the United States Government or a State.''.

SEC. 1048. PILOT PROGRAM ON ALTERNATIVE NOTICE OF RECEIPT OF LEGAL PROCESS FOR GARNISHMENT OF FEDERAL PAY FOR CHILD SUPPORT AND ALIMONY.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall conduct a pilot program on alternative notice procedures for withholding or garnishment of pay for the payment of child support and alimony under section 459 of the Social Security Act (42 U.S.C. 659).

(b) PURPOSE.—The purpose of the pilot program is to test the efficacy of providing notice in accordance with subsection (c) to the person whose pay is to be withheld or garnisheed.

(c) NOTICE REQUIREMENTS.—Under the pilot program, if an agent designated under paragraph (1) of section 459(c) of the Social Security Act for members of the Armed Forces or employees of the Department of Defense receives notice or service of a court order, notice to withhold, or other legal process regarding a child support or alimony obligation of such a member or employee, the agent may omit from the notice that the agent sends to the member or employee under paragraph (2)(A) of that section the copy of the notice or service received by the agent. The agent shall include in the notice, which shall be in writing, the following:

(1) A description of the court order, notice to withhold, or other legal process.

(2) The identity of the court, administrative agency, or official that issued the order.

(3) The case number assigned by the court, administrative agency, or official.

(4) The amount of the obligation.

(5) The name of each person for whom the support or alimony is provided.

(6) The name, address, and telephone number of the person or office from which a copy of the notice or service may be obtained.

(d) PERIOD OF PILOT PROGRAM.—The Secretary shall commence the pilot program not later than 90 days after the date of the enactment of this Act. The pilot program shall terminate on September 30, 2000.

(e) REPORT.—Not later than April 1, 2001, the Secretary shall submit a report on the pilot program to Congress. The report shall contain the following:

(1) The number of notices that were issued in accordance with subsection (c) during the period of the pilot program.

(2) The number of persons who requested copies of the notice or service of the court order, notice of withholding, or other legal process involved.

(3) Any communication received by the Secretary or an agent referred to in subsection (c) complaining about not being furnished a copy of the notice or service of the court order, notice of withholding, or other legal process with the agent's notice.

SEC. 1049. COSTS PAYABLE TO THE DEPARTMENT OF DEFENSE AND OTHER FEDERAL AGENCIES FOR SERVICES PROVIDED TO THE DEFENSE COMMISSARY AGENCY.

(a) LIMITATION.—Section 2482(b)(1) of title 10, United States Code, is amended by adding at the end the following: ''However, the Defense Commissary Agency may not pay for any such service any amount that exceeds the price at which the service could be procured in full and open competition (as such term is defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6)).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to services provided or obtained on or after that date.

SEC. 1050. COLLECTION OF DISHONORED CHECKS PRESENTED AT COMMISSARY STORES.

Section 2486 of title 10, United States Code, is amended by adding at the end the following:

''(g) COLLECTION OF DISHONORED CHECKS.—(1) The Secretary of Defense may impose a charge for the collection of a check accepted at a commissary store that is not honored by the financial institution on which the check is drawn. The imposition and amounts of charges shall be consistent with practices of commercial grocery stores regarding dishonored checks.

''(2)(A) The following persons are liable to the United States for the amount of a check referred to in paragraph (1) that is returned unpaid to the United States, together with any charge imposed under that paragraph:

''(i) The person who presented the check.

''(ii) Any person whose status and relationship to the person who presented the check provide the basis for that person's eligibility to make purchases at a commissary store.

''(B) Any amount for which a person is liable under subparagraph (A) may be collected by deducting and withholding such amount from any amounts payable to that person by the United States.

''(3) Amounts collected as charges imposed under paragraph (1) shall be credited to the commissary trust revolving fund.

''(4) Appropriated funds may be used to pay any costs incurred in the collection of checks and charges referred to in paragraph (1). An appropriation account charged a cost under the preceding sentence shall be reimbursed the amount of that cost out of funds in the commissary trust revolving fund.

''(5) In this subsection, the term 'commissary trust revolving fund' means the trust revolving fund maintained by the Department of Defense for surcharge collections and proceeds of sales of commissary stores.''.

SEC. 1051. DEFENSE COMMISSARY AGENCY TELECOMMUNICATIONS.

(a) USE OF FTS 2000/2001.—The Secretary of Defense shall prescribe in regulations authority for the Defense Commissary Agency to meet its telecommunication requirements by obtaining telecommunication services and related items under the FTS 2000/2001 contract through a frame relay system procured for the agency.

(b) REPORT.—Upon the initiation of telecommunication service for the Defense Commissary Agency under the FTS 2000/2001 contract through the frame relay system, the Secretary of Defense shall submit to Congress a notification that the service has been initiated.

(c) DEFINITION.—In this section, the term ''FTS 2000/2001 contract'' means the contract for the provision of telecommunication services for the Federal Government that was entered into by the Defense Information Technology Contract Organization.

SEC. 1052. RESEARCH GRANTS COMPETITIVELY AWARDED TO SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—(1) Chapter 403 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 4358. Research grants: acceptance, application, and use

''(a) ACCEPTANCE OF COMPETITIVELY AWARDED GRANTS.—The Superintendent of the Academy may accept a research grant that is awarded on a competitive basis by a source referred to in subsection (b) for a research project that is to be carried out by a professor or instructor of the Academy for a scientific, literary, or educational purpose.

''(b) APPLICATION FOR GRANTS.—A professor or instructor of the Academy, together with the Superintendent, may apply for a research grant referred to in subsection (a) from any corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

''(c) ADMINISTRATION OF GRANT PROCEEDS.—The Superintendent shall establish a special account for administering the proceeds of a research grant accepted under subsection (a) and shall use the account for the administration of such proceeds in accordance with applicable regulations and the terms and conditions of the grant.

''(d) RELATED EXPENSES.—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Academy may be used to pay expenses incurred by the Academy in pursuit of an award of a research grant authorized to be accepted under subsection (a).

''(e) REGULATIONS.—The Secretary of the Army shall prescribe in regulations the requirements, restrictions, and conditions that the Secretary considers appropriate for the

exercise and administration of the authority under this section.''.

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

''4358. Research grants: acceptance, application, and use.''.

(b) UNITED STATES NAVAL ACADEMY.—(1) Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 6977. Research grants: acceptance, application, and use

''(a) ACCEPTANCE OF COMPETITIVELY AWARDED GRANTS.—The Superintendent of the Academy may accept a research grant that is awarded on a competitive basis by a source referred to in subsection (b) for a research project that is to be carried out by a professor or instructor of the Academy for a scientific, literary, or educational purpose.

''(b) APPLICATION FOR GRANTS.—A professor or instructor of the Academy, together with the Superintendent, may apply for a research grant referred to in subsection (a) from any corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

''(c) ADMINISTRATION OF GRANT PROCEEDS.—The Superintendent shall establish a special account for administering the proceeds of a research grant accepted under subsection (a) and shall use the account for the administration of such proceeds in accordance with applicable regulations and the terms and conditions of the grant.

''(d) RELATED EXPENSES.—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Academy may be used to pay expenses incurred by the Academy in pursuit of an award of a research grant authorized to be accepted under subsection (a).

''(e) REGULATIONS.—The Secretary of the Navy shall prescribe in regulations the requirements, restrictions, and conditions that the Secretary considers appropriate for the exercise and administration of the authority under this section.''.

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

''6977. Research grants: acceptance, application, and use.''.

(c) UNITED STATES AIR FORCE ACADEMY.—(1) Chapter 903 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9357. Research grants: acceptance, application, and use

''(a) ACCEPTANCE OF COMPETITIVELY AWARDED GRANTS.—The Superintendent of the Academy may accept a research grant that is awarded on a competitive basis by a source referred to in subsection (b) for a research project that is to be carried out by a professor or instructor of the Academy for a scientific, literary, or educational purpose.

''(b) APPLICATION FOR GRANTS.—A professor or instructor of the Academy, together with the Superintendent, may apply for a research grant referred to in subsection (a) from any corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

''(c) ADMINISTRATION OF GRANT PROCEEDS.—The Superintendent shall establish a special account for administering the proceeds of a research grant accepted under subsection (a) and shall use the account for the administration of such proceeds in accordance with applicable regulations and the terms and conditions of the grant.

''(d) RELATED EXPENSES.—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Academy may be used to pay expenses incurred by the Academy in pursuit of an award of a research grant authorized to be accepted under subsection (a).

''(e) REGULATIONS.—The Secretary of the Air Force shall prescribe in regulations the requirements, restrictions, and conditions that the Secretary considers appropriate for the exercise and administration of the authority under this section.''.

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

''9357. Research grants: acceptance, application, and use.''.

SEC. 1053. CLARIFICATION AND SIMPLIFICATION OF RESPONSIBILITIES OF INSPECTORS GENERAL REGARDING WHISTLEBLOWER PROTECTIONS.

(a) ROLES OF INSPECTORS GENERAL OF THE ARMED FORCES.—(1) Subsection (c) of section 1034 of title 10, United States Code, is amended—

(A) by striking out paragraph (1) and inserting in lieu thereof the following:

''(1) If a member of the armed forces submits to an Inspector General an allegation that a personnel action prohibited by subsection (b) has been taken (or threatened) against the member with respect to a communication described in paragraph (2), the Inspector General of the Department of Defense or the Inspector General of the armed force concerned shall take the action required under paragraph (3).''; and

(B) by striking out paragraph (3) and inserting in lieu thereof the following:

''(3) The Inspector General receiving an allegation as described in paragraph (1) shall expeditiously determine whether there is sufficient evidence to warrant an investigation of the allegation. Upon determining that an investigation is warranted, the Inspector General shall expeditiously investigate the allegation. In the case of an allegation received by the Inspector General of the Department of Defense, the Inspector General may delegate that duty to the Inspector General of the armed force concerned. Neither an initial determination nor an investigation is required under this paragraph in the case of an allegation made more than 60 days after the date on which the member becomes aware of the personnel action that is the subject of the allegation.

''(4) If an Inspector General within a military department receives an allegation covered by this subsection, that Inspector General shall promptly notify the Inspector General of the Department of Defense of the allegation in accordance with regulations prescribed under subsection (h).

''(5) The Inspector General of the Department of Defense, or the Inspector General of the Department of Transportation (in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy), shall ensure that the inspector general conducting the investigation of an allegation under this paragraph is outside the immediate chain of command of both the member submitting the allegation and the individual or individuals alleged to have taken the retaliatory action.''.

(2) Subsection (d) of such section is amended—

(A) by striking out ''the Inspector General shall conduct'' and inserting in lieu thereof ''an Inspector General shall conduct''; and

(B) by adding at the end the following: ''In the case of an allegation received by the Inspector General of the Department of Defense, the Inspector General may delegate that duty to the Inspector General of the armed force concerned.''.

(b) MISMANAGEMENT COVERED BY PROTECTED COMMUNICATIONS.—Subsection (c)(2)(B) of such section is amended by striking out ''Mismanagement'' and inserting in lieu thereof ''Gross mismanagement''.

(c) SIMPLIFIED REPORTING AND NOTICE REQUIREMENTS.—(1) Paragraph (1) of subsection (e) of such section is amended—

(A) by striking out ''the Inspector General shall submit a report on'' and inserting in lieu thereof ''the Inspector General conducting the investigation shall provide''; and

(B) inserting ''shall transmit a copy of the report on the results of the investigation to'' before ''the member of the armed forces''.

(2) Paragraph (2) of such subsection is amended by adding at the end the following: ''However, the copy need not include summaries of interviews conducted, nor any document acquired, during the course of the investigation. Such items shall be transmitted to the member if the member requests the items, whether before or after the copy of the report is transmitted to the member.''.

(3) Paragraph (3) of such subsection is amended by striking out ''90 days'' and inserting in lieu thereof ''120 days''.

(d) REPEAL OF POST-INVESTIGATION INTERVIEW REQUIREMENT.—Subsection (h) of such section is repealed.

(e) INSPECTOR GENERAL DEFINED.—Subsection (j)(2) of such section is amended—

(1) by redesignating subparagraph (B) as subparagraph (G) and, in that subparagraph, by striking out ''an officer'' and inserting in lieu thereof ''An officer'';

(2) by striking out subparagraph (A) and inserting in lieu thereof the following:

''(A) The Inspector General of the Department of Defense.

''(B) The Inspector General of the Department of Transportation, in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy.

''(C) The Inspector General of the Army, in the case of a member of the Army.

''(D) The Naval Inspector General, in the case of a member of the Navy.

''(E) The Inspector General of the Air Force, in the case of a member of the Air Force.

''(F) The Deputy Naval Inspector General for Marine Corps Matters, in the case of a member of the Marine Corps.''; and

(3) in the matter preceding subparagraph (A), by striking out ''means—'' and inserting in lieu thereof ''means the following:''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Subsections (i) and (j) of such section are redesignated as subsections (h) and (i), respectively.

(2) Subsection (b)(1)(B)(ii) of such section is amended by striking out ''subsection (j))'' and inserting in lieu thereof ''subsection (i)) or any other Inspector General appointed under the Inspector General Act of 1978''.

SEC. 1054. AMOUNTS RECOVERED FROM CLAIMS AGAINST THIRD PARTIES FOR LOSS OR DAMAGE TO PERSONAL PROPERTY SHIPPED OR STORED AT GOVERNMENT EXPENSE.

(a) IN GENERAL.—Chapter 163 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2739. Amounts recovered from claims against third parties for loss or damage to personal property shipped or stored at Government expense

''(a) CREDITING OF COLLECTIONS.—Amounts collected as described in subsection (b) by or for a military department in any fiscal year shall be credited to the appropriation that is available for that fiscal year for the military department for the payment of claims for loss or damage of personal property shipped or stored at Government expense. Amounts so credited shall be merged with the funds in the appropriation and shall be available for

the same period and purposes as the funds with which merged.

''(b) COLLECTIONS COVERED.—An amount authorized for crediting in accordance with subsection (a) is any amount that a military department collects under sections 3711, 3716, 3717 and 3721 of title 31 from a third party for a loss or damage to personal property that occurred during shipment or storage of the property at Government expense and for which the Secretary of the military department paid the owner in settlement of a claim.''.

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

''2739. Amounts recovered from claims against third parties for loss or damage to personal property shipped or stored at government expense.''.

SEC. 1055. ELIGIBILITY FOR ATTENDANCE AT DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

(a) MILITARY DEPENDENTS.—Subsection (a) of section 2164 of title 10, United States Code, is amended—

(1) by designating the first sentence as paragraph (1);

(2) by designating the second sentence as paragraph (2); and

(3) by adding at the end of paragraph (2), as so designated, the following: ''The Secretary may also permit a dependent of a member of the armed forces to enroll in such a program if the dependent is residing in such a jurisdiction, whether on or off a military installation, while the member is assigned away from that jurisdiction on a remote or unaccompanied assignment under permanent change of station orders.''.

(b) EMPLOYEE DEPENDENTS.—Subsection (c)(2) of such section is amended by striking out subparagraph (B) and inserting in lieu thereof the following:

''(B) The Secretary may extend the enrollment of a dependent referred to in subparagraph (A) in the program for more than five consecutive school years if the Secretary determines that the dependent is eligible under paragraph (1), space is available in the program, and adequate arrangements are made for reimbursement of the Secretary for the costs to the Secretary of the educational services provided for the dependent. An extension shall be for only one school year, but the Secretary may authorize a successive extension each year for the next school year upon making the determinations required under the preceding sentence for that next school year.''.

(c) CUSTOMS SERVICE EMPLOYEE DEPENDENTS IN PUERTO RICO.—(1) Subsection (c) of such section is further amended by adding at the end the following:

''(4)(A) A dependent of a United States Customs Service employee who resides in Puerto Rico but not on a military installation may enroll in an educational program provided by the Secretary pursuant to subsection (a) in Puerto Rico.

''(B) Notwithstanding the limitation on duration of enrollment set forth in paragraph (2), a dependent described in subparagraph (A) who is enrolled in an education program described in that subparagraph may be removed from the program only for good cause (as determined by the Secretary). No requirement under that paragraph for reimbursement of the Secretary for the costs of educational services provided for the dependent shall apply with respect to the dependent.

''(C) In the event of the death in the line of duty of an employee described in subparagraph (A), a dependent of the employee may remain enrolled in an educational program described in that subparagraph until—

''(i) the end of the academic year in which the death occurs; or

''(ii) the dependent is removed for good cause (as so determined).''.

(2) The amendment made by paragraph (1) shall take effect on the date of enactment of this Act and apply to academic years beginning on or after that date.

SEC. 1056. FEES FOR PROVIDING HISTORICAL INFORMATION TO THE PUBLIC.

(a) ARMY.—(1) Chapter 437 of title 10, United States Code, is amended by adding at the end the following:

''§ 4595. Army Military History Institute: fee for providing historical information to the public

''(a) AUTHORITY.—Except as provided in subsection (b), the Secretary of the Army may charge a person a fee for providing the person with information requested by the person that is provided from the United States Army Military History Institute.

''(b) EXCEPTIONS.—A fee may not be charged under this section—

''(1) to a person for information that the person requests to carry out a duty as a member of the armed forces or an officer or employee of the United States; or

''(2) for a release of information under section 552 of title 5.

''(c) LIMITATION ON AMOUNT OF FEE.—The amount of the fee charged under this section for providing information may not exceed the cost of providing the information.

''(d) RETENTION OF FEES.—Amounts received under subsection (a) for providing information in any fiscal year shall be credited to the appropriation or appropriations charged the costs of providing information to the public from the United States Army Military History Institute during that fiscal year.

''(e) DEFINITIONS.—In this section:

''(1) The term 'United States Army Military History Institute' means the archive for historical records and materials of the Army that the Secretary of the Army designates as the primary archive for such records and materials.

''(2) The terms 'officer of the United States' and 'employee of the United States' have the meanings given those terms in sections 2104 and 2105, respectively, of title 5.''.

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

''4595. Army Military History Institute: fee for providing historical information to the public.''.

(b) NAVY.—(1) Chapter 649 of such title 10 is amended by adding at the end the following new section:

''§ 7582. Naval and Marine Corps Historical Centers: fee for providing historical information to the public

''(a) AUTHORITY.—Except as provided in subsection (b), the Secretary of the Navy may charge a person a fee for providing the person with information requested by the person that is provided from the United States Naval Historical Center or the Marine Corps Historical Center.

''(b) EXCEPTIONS.—A fee may not be charged under this section—

''(1) to a person for information that the person requests to carry out a duty as a member of the armed forces or an officer or employee of the United States; or

''(2) for a release of information under section 552 of title 5.

''(c) LIMITATION ON AMOUNT OF FEE.—The amount of the fee charged under this section for providing information may not exceed the cost of providing the information.

''(d) RETENTION OF FEES.—Amounts received under subsection (a) for providing information from the United States Naval Historical Center or the Marine Corps Historical Center in any fiscal year shall be credited to the appropriation or appropriations charged the costs of providing information to the public from that historical center during that fiscal year.

''(e) DEFINITIONS.—In this section:

''(1) The term 'United States Naval Historical Center' means the archive for historical records and materials of the Navy that the Secretary of the Navy designates as the primary archive for such records and materials.

''(2) The term 'Marine Corps Historical Center' means the archive for historical records and materials of the Marine Corps that the Secretary of the Navy designates as the primary archive for such records and materials.

''(3) The terms 'officer of the United States' and 'employee of the United States' have the meanings given those terms in sections 2104 and 2105, respectively, of title 5.''.

(2) The heading of such chapter is amended by striking out ''related''.

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

''7582. Naval and Marine Corps Historical Centers: fee for providing historical information to the public.''.

(B) The item relating to such chapter in the tables of chapters at the beginning of subtitle C of title 10, United States Code, and the beginning of part IV of such subtitle is amended by striking out ''Related''.

(c) AIR FORCE.—(1) Chapter 937 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9594. Air Force Military History Institute: fee for providing historical information to the public

''(a) AUTHORITY.—Except as provided in subsection (b), the Secretary of the Air Force may charge a person a fee for providing the person with information requested by the person that is provided from the United States Air Force Military History Institute.

''(b) EXCEPTIONS.—A fee may not be charged under this section—

''(1) to a person for information that the person requests to carry out a duty as a member of the armed forces or an officer or employee of the United States; or

''(2) for a release of information under section 552 of title 5.

''(c) LIMITATION ON AMOUNT OF FEE.—The amount of the fee charged under this section for providing information may not exceed the cost of providing the information.

''(d) RETENTION OF FEES.—Amounts received under subsection (a) for providing information in any fiscal year shall be credited to the appropriation or appropriations charged the costs of providing information to the public from the United States Air Force Military History Institute during that fiscal year.

''(e) DEFINITIONS.—In this section:

''(1) The term 'United States Air Force Military History Institute' means the archive for historical records and materials of the Air Force that the Secretary of the Air Force designates as the primary archive for such records and materials.

''(2) The terms 'officer of the United States' and 'employee of the United States' have the meanings given those terms in sections 2104 and 2105, respectively, of title 5.''.

(2) The table of sections at the beginning of such chapter 937 is amended by adding at the end the following new item:

''9594. Air Force Military History Institute: fee for providing historical information to the public.''.

SEC. 1057. PERIODIC INSPECTION OF THE ARMED FORCES RETIREMENT HOME.

(a) INSPECTION BY INSPECTORS GENERAL OF THE ARMED FORCES.—Section 1518 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 418) is amended to read as follows:

"SEC. 1518. INSPECTION OF RETIREMENT HOME.

''(a) TRIENNIAL INSPECTION.—Every three years the Inspector General of an armed force shall inspect the Retirement Home, including the records of the Retirement Home.

''(b) ALTERNATING DUTY AMONG INSPECTORS GENERAL.—The duty to inspect the Retirement Home shall alternate among the Inspector General of the Army, the Naval Inspector General, and the Inspector General of the Air Force on such schedule as the Secretary of Defense shall direct.

''(c) REPORTS.—Not later than 45 days after completing an inspection under subsection (a), the Inspector General carrying out the inspection shall submit to the Retirement Home Board, the Secretary of Defense, and Congress a report describing the results of the inspection and containing such recommendations as the Inspector General considers appropriate.''.

(b) FIRST INSPECTION.—The first inspection under section 1518 of the Armed Forces Retirement Home Act of 1991, as amended by subsection (a), shall be carried out during fiscal year 1999.

SEC. 1058. TRANSFER OF F–4 PHANTOM II AIRCRAFT TO FOUNDATION.

(a) AUTHORITY.—The Secretary of the Air Force may convey, without consideration to the Collings Foundation, Stow, Massachusetts (in this section referred to as the ''foundation''), all right, title, and interest of the United States in and to one surplus F–4 Phantom II aircraft. The conveyance shall be made by means of a conditional deed of gift.

(b) CONDITION OF AIRCRAFT.—The Secretary may not convey ownership of the aircraft under subsection (a) until the Secretary determines that the foundation has altered the aircraft in such manner as the Secretary determines necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing munitions or any other combat capability that it was designed to have. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) REVERTER UPON BREACH OF CONDITIONS.—The Secretary shall include in the instrument of conveyance of the aircraft—

(1) a condition that the foundation not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary of the Air Force;

(2) a condition that the operation and maintenance of the aircraft comply with all applicable limitations and maintenance requirements imposed by the Administrator of the Federal Aviation Administration; and

(3) a condition that if the Secretary of the Air Force determines at any time that the foundation has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, or has failed to comply with the condition set forth in paragraph (2), all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(d) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of an aircraft authorized by this section shall be made at no cost to the United States. Any costs associated with such conveyance, costs of determining compliance with subsection (b), and costs of operation and maintenance of the aircraft conveyed shall be borne by the foundation.

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

(f) CLARIFICATION OF LIABILITY.—Notwithstanding any other provision of law, upon the conveyance of ownership of the F–4 Phantom II aircraft to the foundation under subsection (a), the United States shall not be liable for any death, injury, loss, or damage that results from any use of that aircraft by any person other than the United States.

SEC. 1059. ACT CONSTITUTING PRESIDENTIAL APPROVAL OF VESSEL WAR RISK INSURANCE REQUESTED BY THE SECRETARY OF DEFENSE.

Section 1205(b) of the Merchant Marine Act of 1936 (46 U.S.C. App. 1285(b)) is amended by adding at the end the following: ''The signature of the President (or of an official designated by the President) on the agreement shall be treated as an expression of the approval required under section 1202(a) to provide the insurance.''.

SEC. 1060. COMMENDATION AND MEMORIALIZATION OF THE UNITED STATES NAVY ASIATIC FLEET.

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

(1) The United States established the Asiatic Fleet of the Navy in 1910 to protect American nationals, policies, and possessions in the Far East.

(2) The sailors and Marines of the Asiatic Fleet ensured the safety of United States citizens and foreign nationals, and provided humanitarian assistance, in that region during the Chinese civil war, the Yangtze Flood of 1931, and the outbreak of Sino-Japanese hostilities.

(3) In 1940, due to deteriorating political relations and increasing tensions between the United States and Japan, a reinforced Asiatic Fleet began concentrating on the defense of the Philippines and engaged in extensive training to ensure maximum operational readiness for any eventuality.

(4) Following the declaration of war against Japan, the warships, submarines, and aircraft of the Asiatic Fleet singly or in task forces courageously fought many naval battles against a superior Japanese armada.

(5) The Asiatic Fleet directly suffered the loss of 22 ships, 1,826 men killed or missing in action, and 518 men captured and imprisoned under the worst of conditions with many of them dying while held as prisoners of war.

(b) COMMENDATION.—Congress—

(1) commends the personnel who served in the Asiatic Fleet of the United States Navy during the period 1910 to 1942; and

(2) honors those who gave their lives in the line of duty while serving in the Asiatic Fleet.

(c) UNITED STATES NAVY ASIATIC FLEET MEMORIAL DAY.—The President is authorized and requested to issue a proclamation designating March 1, 1999 as ''United States Navy Asiatic Fleet Memorial Day'' and calling upon the people of the United States to observe United States Navy Asiatic Fleet Memorial Day with appropriate programs, ceremonies, and activities.

SEC. 1061. PROGRAM TO COMMEMORATE 50TH ANNIVERSARY OF THE KOREAN WAR.

(a) REFERENCE TO KOREAN WAR.—Section 1083 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1918; 10 U.S.C. 113 note) is amended—

(1) in the section heading, by striking out ''**korean conflict**'' and inserting in lieu thereof ''**korean war**'';

(2) by striking out ''Korean conflict'' each place it appears and inserting in lieu thereof ''Korean War''; and

(3) in subsections (c) and (d)(1), by striking out ''Korean Conflict'' and inserting in lieu thereof ''Korean War''.

(b) LIMITATION ON EXPENDITURES.—Subsection (f) of such section is amended to read as follows:

''(f) LIMITATION ON EXPENDITURES.—The total amount expended for the commemorative program for fiscal years 1998 through 2004 by the Department of Defense 50th Anniversary of the Korean War Commemorative Committee established by the Secretary of Defense may not exceed $10,000,000.''.

SEC. 1062. DEPARTMENT OF DEFENSE USE OF FREQUENCY SPECTRUM.

(a) FINDING.—Congress finds that the report submitted to Congress by the Secretary of Defense on April 2, 1998, regarding the reallocation of the frequency spectrum used or dedicated to the Department of Defense and the intelligence community, does not include a discussion of the costs to the Department of Defense that are associated with past and potential future reallocations of the frequency spectrum, although such a discussion was to be included in the report as directed in connection with the enactment of the National Defense Authorization Act for Fiscal Year 1998.

(b) ADDITIONAL REPORT.—The Secretary of Defense shall, not later than October 31, 1998, submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report that discusses the costs referred to in subsection (a).

(c) RELOCATION OF FEDERAL FREQUENCIES.—Section 113(g)(1) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(1)) is amended—

(1) by striking out ''(1) IN GENERAL.—In order'' and inserting in lieu thereof the following:

''(1) IN GENERAL.—

''(A) AUTHORITY OF FEDERAL ENTITIES TO ACCEPT COMPENSATION.—In order'';

(2) in subparagraph (A), as so designated, by striking out the second, third, and fourth sentences and inserting in lieu thereof the following: ''Any such Federal entity which proposes to so relocate shall notify the NTIA, which in turn shall notify the Commission, before the auction concerned of the marginal costs anticipated to be associated with such relocation or with modifications necessary to accommodate prospective licensees. The Commission in turn shall notify potential bidders of the estimated relocation or modification costs based on the geographic area covered by the proposed licenses before the auction; and

(3) by adding at the end the following:

''(B) REQUIREMENT TO COMPENSATE FEDERAL ENTITIES.—Any person on whose behalf a Federal entity incurs costs under subparagraph (A) shall compensate the Federal entity in advance for such costs. Such compensation may take the form of a cash payment or in-kind compensation.

''(C) DISPOSITION OF PAYMENTS.—

''(i) PAYMENT BY ELECTRONIC FUNDS TRANSFER.—A person making a cash payment under this paragraph shall make the cash payment by depositing the amount of the payment by electronic funds transfer in the account of the Federal entity concerned in the Treasury of the United States or in another account as authorized by law.

''(ii) AVAILABILITY.—Subject to the provisions of authorization Acts and appropriations Acts, amounts deposited under this subparagraph shall be available to the Federal entity concerned to pay directly the costs of relocation under this paragraph, to

repay or make advances to appropriations or funds which do or will initially bear all or part of such costs, or to refund excess sums when necessary.

''(D) APPLICATION TO CERTAIN OTHER RELOCATIONS.—The provisions of this paragraph also apply to any Federal entity that operates a Federal Government station assigned to used electromagnetic spectrum identified for reallocation under subsection (a) if before August 5, 1997, the Commission has not identified that spectrum for service or assigned licenses or otherwise authorized service for that spectrum.

''(E) IMPLEMENTATION PROCEDURES.—The NTIA and the Commission shall develop procedures for the implementation of this paragraph, which procedures shall include a process for resolving any differences that arise between the Federal Government and commercial licensees regarding estimates of relocation or modification costs under this paragraph.

''(F) INAPPLICABILITY TO CERTAIN RELOCATIONS.—With the exception of spectrum located at 1710–1755 Megahertz, the provisions of this paragraph shall not apply to Federal spectrum identified for reallocation in the first reallocation report submitted to the President and Congress under subsection (a).''.

(d) REPORTS ON COSTS OF RELOCATIONS.—The head of each department or agency of the Federal Government shall include in the annual budget submission of such department or agency to the Director of the Office of Management and Budget a report assessing the costs to be incurred by such department or agency as a result of any frequency relocations of such department or agency that are anticipated under section 113 of the National Telecommunications Information Administration Organization Act (47 U.S.C. 923) as of the date of such report.

SEC. 1063. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The item relating to section 484 in the table of sections at the beginning of chapter 23 is amended to read as follows:

''484. Annual report on aircraft inventory.''.

(2) Section 517(a) is amended by striking out ''Except as provided in section 307 of title 37, the'' and inserting in lieu thereof ''The''.

(3) The item relating to section 2302c in the table of sections at the beginning of chapter 137 is amended to read as follows:

''2302c. Implementation of electronic commerce capability.''.

(4) The table of subchapters at the beginning of chapter 148 is amended by striking out ''2491'' in the item relating to subchapter I and inserting in lieu thereof ''2500''.

(5) Section 7045(c) is amended by striking out ''the'' after ''are subject to''.

(6) Section 7572(b) is repealed.

(7) Section 12683(b)(2) is amended by striking out ''; or'' at the end and inserting in lieu thereof a period.

(b) PUBLIC LAW 105–85.—Effective as of November 18, 1997, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended as follows:

(1) Section 1006(a) (111 Stat. 1869) is amended by striking out ''or'' in the quoted matter and inserting in lieu thereof ''and''.

(2) Section 3133(b)(3) (111 Stat. 2036) is amended by striking out ''III'' and inserting in lieu thereof ''XIV''.

(c) OTHER ACTS.—

(1) Section 18(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)(1)) is amended by striking out the period at the end of subparagraph (A) and inserting in lieu thereof a semicolon.

(2) Section 3(c)(2) of Public Law 101–533 (22 U.S.C. 3142(c)(2)) is amended by striking out ''included in the most recent plan submitted to the Congress under section 2506 of title 10'' and inserting in lieu thereof ''identified in the most recent assessment prepared under section 2505 of title 10''.

(d) COORDINATION WITH OTHER AMENDMENTS.—For purposes of applying amendments made by provisions of this Act other than provisions of this section, this section shall be treated as having been enacted immediately before the other provisions of this Act.

SEC. 1064. EXTENSION AND REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.

(a) EXTENSION OF TERMINATION DATE.—Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking ''September 30, 1998'' and inserting ''September 30, 1999''.

(b) EXTENSION OF AUTHORIZATION.—Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking ''and 1998'' and inserting ''1998, and 1999''.

SEC. 1065. BUDGETING FOR CONTINUED PARTICIPATION OF UNITED STATES FORCES IN NATO OPERATIONS IN BOSNIA AND HERZEGOVINA.

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

(1) Funding levels in the Department of Defense budget have not been sufficient to pay for the deployment of United States ground combat forces in Bosnia and Herzegovina that began in fiscal year 1996.

(2) The Department of Defense has used funds from the operation and maintenance accounts of the Armed Forces to pay for the operations because the funding levels included in the defense budgets for fiscal years 1996 and 1997 have not been adequate to maintain operations in Bosnia and Herzegovina.

(3) Funds necessary to continue United States participation in the NATO operations in Bosnia and Herzegovina, and to replace operation and maintenance funds used for the operations, have been requested by the President as supplemental appropriations in fiscal years 1996 and 1997. The Department of Defense has also proposed to reprogram previously appropriated funds to make up the shortfall for continued United States operations in Bosnia and Herzegovina.

(4) In February 1998, the President certified to Congress that the continued presence of United States forces in Bosnia and Herzegovina after June 30, 1998, was necessary in order to meet national security interests of the United States.

(5) The discretionary spending limit established for the defense category for fiscal year 1998 in the Balanced Budget and Emergency Deficit Control Act of 1985 does not take into account the continued deployment of United States forces in Bosnia and Herzegovina after June 30, 1998. Therefore, the President requested emergency supplemental appropriations for the Bosnia and Herzegovina mission through September 30, 1998.

(6) Amounts for operations in Bosnia and Herzegovina were not included in the original budget proposed by the President for the Department of Defense for fiscal year 1999.

(7) The President requested $1,858,600,000 in emergency appropriations in his March 4, 1998 amendment to the fiscal year 1999 budget to cover the shortfall in funding in the fiscal year 1999 for the costs of extending the mission in Bosnia.

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

(1) the President should include in the budget for the Department of Defense that the President submits to Congress under section 1105(a) of title 31, United States Code, for each fiscal year sufficient amounts to pay for any proposed continuation of the participation of United States forces in NATO operations in Bosnia and Herzegovina for that fiscal year; and

(2) amounts included in the budget for that purpose should not be transferred from amounts that would otherwise be proposed in the budget of any of the Armed Forces in accordance with the future-years defense program related to that budget, or any other agency of the Executive Branch, but, instead, should be an overall increase in the budget for the Department of Defense.

SEC. 1066. NATO PARTICIPATION IN THE PERFORMANCE OF PUBLIC SECURITY FUNCTIONS OF CIVILIAN AUTHORITIES IN BOSNIA AND HERZEGOVINA.

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

(1) The North Atlantic Treaty Organization (NATO) has approved the creation of a multi-national specialized unit of gendarmes- or para-military police composed of European security forces to help promote public security in Bosnia and Herzegovina as a part of the post-June 1998 mission for the Stabilization Force (SFOR) authorized under the United Nations Security Council Resolution 1088 (December 12, 1996).

(2) On at least four occasions, beginning in July 1997, the Stabilization Force (SFOR) has been involved, pursuant to military annex 1(A) of the Dayton Agreement, in carrying out missions for the specific purpose of detaining war criminals, and on at least one of those occasions United States forces were directly involved in carrying out the mission.

(b) SENSE OF CONGRESS.—It is the sense of Congress that United States forces should not serve as civil police in Bosnia and Herzegovina.

(c) REQUIREMENT FOR REPORT.—The President shall submit to Congress, not later than October 1, 1998, a report on the status of the NATO force of gendarmes or paramilitary police referred to in subsection (a)(1), including the mission of the force, the composition of the force, and the extent, if any, to which members of the Armed Forces of the United States are participating (or are to participate) in the force.

SEC. 1067. PILOT PROGRAM FOR REVITALIZING THE LABORATORIES AND TEST AND EVALUATION CENTERS OF THE DEPARTMENT OF DEFENSE.

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

(1) Officials of the Department of Defense are critically dependent on the science and technology laboratories and test and evaluation centers, of the department—

(A) to exploit commercial technology for unique military purposes;

(B) to develop advanced technology in precise areas;

(C) to provide the officials with objective advice and counsel on science and technology matters; and

(D) to lead the decisionmaking that identifies the most cost-effective procurements of military equipment and services.

(2) The laboratories and test and evaluation centers are facing a number of challenges that, if not overcome, could limit the productivity and self-sustainability of the laboratories and centers, including—

(A) the declining funding provided for science and technology in the technology base program of the Department of Defense;

(B) difficulties experienced in recruiting, retaining, and motivating high-quality personnel; and

(C) the complex web of policies and regulatory constraints that restrict authority of

managers to operate the laboratories and centers in a businesslike fashion.

(3) Congress has provided tools to deal with the changing nature of technological development in the defense sector by encouraging closer cooperation with industry and university research and by authorizing demonstrations of alternative personnel systems.

(4) A number of laboratories and test and evaluation centers have addressed the challenges and are employing a variety of innovative methods, such as the so-called ''Federated Lab Concept'' undertaken at the Army Research Laboratory, to maintain the high quality of the technical program, to provide a challenging work environment for researchers, and to meet the high cost demands of maintaining facilities that are equal or superior in quality to comparable facilities anywhere in the world.

(b) COMMENDATION.—Congress commends the Secretary of Defense for the progress made by the science and technology laboratories and test and evaluation centers to achieve the results described in subsection (a)(4) and encourages the Secretary to take the actions necessary to ensure continued progress for the laboratories and test and evaluation centers in developing cooperative relationships with universities and other private sector entities for the performance of research and development functions.

(c) PILOT PROGRAM.—(1) In conjunction with the plan for restructuring and revitalizing the science and technology laboratories and test and evaluation centers of the Department of Defense that is required by section 906 of this Act, the Secretary of Defense may carry out a pilot program to demonstrate improved cooperative relationships with universities and other private sector entities for the performance of research and development functions.

(2) Under the pilot program, the Secretary of Defense shall provide the director of one science and technology laboratory, and the director of one test and evaluation center, of each military department with authority for the following:

(A) To explore innovative methods for quickly, efficiently, and fairly entering into cooperative relationships with universities and other private sector entities with respect to the performance of research and development functions.

(B) To waive any restrictions on the demonstration and implementation of such methods that are not required by law.

(C) To develop or expand innovative methods of operation that provide more defense research for each dollar of cost, including to carry out such initiatives as focusing on the performance of core functions and adopting more business-like practices.

(3) In selecting the laboratories and centers for participation in the pilot program, the Secretary shall consider laboratories and centers where innovative management techniques have been demonstrated, particularly as documented under sections 1115 through 1119 of title 31, United States Code, relating to Government agency performance and results.

(4) The Secretary may carry out the pilot program at each selected laboratory and center for a period of three years beginning not later than March 1, 1999.

(d) REPORTS.—(1) Not later than March 1, 1999, the Secretary of Defense shall submit a report on the implementation of the pilot program to Congress. The report shall include the following:

(A) Each laboratory and center selected for the pilot program.

(B) To the extent possible, a description of the innovative concepts that are to be tested at each laboratory or center.

(C) The criteria to be used for measuring the success of each concept to be tested.

(2) Promptly after the expiration of the period for participation of a laboratory or center in the pilot program, the Secretary of Defense shall submit to Congress a final report on the participation of the laboratory or center in the pilot program. The report shall contain the following:

(A) A description of the concepts tested.

(B) The results of the testing.

(C) The lessons learned.

(D) Any proposal for legislation that the Secretary recommends on the basis of the experience at the laboratory or center under the pilot program.

SEC. 1068. SENSE OF CONGRESS REGARDING THE HEROISM, SACRIFICE, AND SERVICE OF FORMER SOUTH VIETNAMESE COMMANDOS IN CONNECTION WITH UNITED STATES ARMED FORCES DURING THE VIETNAM CONFLICT.

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

(1) South Vietnamese commandos were recruited by the United States as part of OPLAN 34A or its predecessor or OPLAN 35 from 1961 to 1970.

(2) The commandos conducted covert operations in North Vietnam during the Vietnam conflict.

(3) Many of the commandos were captured and imprisoned by North Vietnamese forces, some for as long as 20 years.

(4) The commandos served and fought proudly during the Vietnam conflict.

(5) Many of the commandos lost their lives serving in operations conducted by the United States during the Vietnam conflict.

(6) Many of the Vietnamese commandos now reside in the United States.

(b) SENSE OF CONGRESS—Congress recognizes and honors the former South Vietnamese commandos for their heroism, sacrifice, and service in connection with United States armed forces during the Vietnam conflict.

SEC. 1069. SENSE OF THE SENATE REGARDING DECLASSIFICATION OF CLASSIFIED INFORMATION OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF ENERGY.

It is the sense of the Senate that the Secretary of Defense and the Secretary of Energy should submit to Congress a request for funds in fiscal year 2000 for activities relating to the declassification of information under the jurisdiction of such Secretaries in order to fulfill the obligations and commitments of such Secretaries under Executive Order No. 12958 and the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) and to the stakeholders.

SEC. 1070. RUSSIAN NONSTRATEGIC NUCLEAR WEAPONS.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the 7,000 to 12,000 or more nonstrategic (or ''tactical'') nuclear weapons estimated by the United States Strategic Command to be in the Russian arsenal may present the greatest threat of sale or theft of a nuclear warhead in the world today;

(2) as the number of deployed strategic warheads in the Russian and United States arsenals declines to just a few thousand under the START accords, Russia's vast superiority in tactical nuclear warheads—many of which have yields equivalent to strategic nuclear weapons—could become strategically destabilizing;

(3) while the United States has unilaterally reduced its inventory of tactical nuclear weapons by nearly 90 percent since the end of the Cold War, Russia is behind schedule in implementing the steep tactical nuclear arms reductions pledged by former Soviet President Gorbachev in 1991 and Russian President Yeltsin in 1992, perpetuating the dangers from Russia's tactical nuclear stockpile; and

(4) the President of the United States should call on the Russian Federation to expedite reduction of its tactical nuclear arsenal in accordance with the promises made in 1991 and 1992.

(b) REPORT.—Not later than March 15, 1999, the Secretary of Defense shall submit to the Congress a report on Russia's nonstrategic nuclear weapons, including—

(1) estimates regarding the current numbers, types, yields, viability, and locations of such warheads;

(2) an assessment of the strategic implications of the Russian Federation's nonstrategic arsenal, including the potential use of such warheads in a strategic role or the use of their components in strategic nuclear systems;

(3) an assessment of the extent of the current threat of theft, sale, or unauthorized use of such warheads, including an analysis of Russian command and control as it concerns the use of tactical nuclear warheads; and

(4) a summary of past, current, and planned efforts to work cooperatively with the Russian Federation to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(c) VIEWS.—This report shall include the views of the Director of Central Intelligence and the Commander in Chief of the United States Strategic Command.

SEC. 1071. SENSE OF SENATE ON NUCLEAR TESTS IN SOUTH ASIA.

(a) FINDINGS.—The Senate finds that—

(1) on May 11 and 13, 1998, the Government of India conducted a series of underground nuclear tests;

(2) on May 28 and 30, 1998, the Government of Pakistan conducted a series of underground nuclear tests;

(3) although not recognized or accepted as such by the United Nations Security Council, India and Pakistan have declared themselves nuclear weapon states;

(4) India and Pakistan have conducted extensive nuclear weapons research over several decades, resulting in the development of nuclear capabilities and the potential for the attainment of nuclear arsenals and the dangerous proliferation of nuclear weaponry;

(5) India and Pakistan have refused to enter into internationally recognized nuclear non-proliferation agreements, including the Comprehensive Test Ban Treaty, the Treaty on the Non-Proliferation of Nuclear Weapons, and full-scope safeguards agreements with the International Atomic Energy Agency;

(6) India and Pakistan, which have been at war with each other 3 times in the past 50 years, have urgent bilateral conflicts, most notably over the disputed territory of Kashmir;

(7) the testing of nuclear weapons by India and Pakistan has created grave and serious tensions on the Indian subcontinent; and

(8) the United States response to India and Pakistan's nuclear tests has included the imposition of wide-ranging sanctions as called for under the Arms Export Control Act and the Nuclear Proliferation Prevention Act of 1994.

(b) SENSE OF SENATE.—The Senate—

(1) strongly condemns the decisions by the governments of India and Pakistan to conduct nuclear tests in May 1998;

(2) supports the President's decision to carry out the provisions of the Nuclear Proliferation Prevention Act of 1994 with respect to India and Pakistan and invoke all sanctions in that Act;

(3) calls upon members of the international community to impose similar sanctions against India and Pakistan to those imposed by the United States;

(4) calls for the governments of India and Pakistan to commit not to conduct any additional nuclear tests;

(5) urges the governments of India and Pakistan to take immediate steps, bilaterally and under the auspices of the United Nations, to reduce tensions between them;

(6) urges India and Pakistan to engage in high-level dialogue aimed at reducing the likelihood of armed conflict, enacting confidence and security building measures, and resolving areas of dispute;

(7) commends all nations to take steps which will reduce tensions in South Asia, including appropriate measures to prevent the transfer of technology that could further exacerbate the arms race in South Asia, and thus avoid further deterioration of security there;

(8) calls upon the President to seek a diplomatic solution between the governments of India and Pakistan to promote peace and stability in South Asia and resolve the current impasse;

(9) encourages United States leadership in assisting the governments of India and Pakistan to resolve their 50-year conflict over the disputed territory in Kashmir;

(10) urges India and Pakistan to take immediate, binding, and verifiable steps to roll back their nuclear programs and come into compliance with internationally accepted norms regarding the proliferation of weapons of mass destruction; and

(11) urges the United States to reevaluate its bilateral relationship with India and Pakistan, in light of the new regional security realities in South Asia, with the goal of preventing further nuclear and ballistic missile proliferation, diffusing long-standing regional rivalries between India and Pakistan, and securing commitments from them which, if carried out, could result in a calibrated lifting of United States sanctions imposed under the Arms Export Control Act and the Nuclear Proliferation Prevention Act of 1994.

SEC. 1072. SENSE OF CONGRESS REGARDING CONTINUED PARTICIPATION OF UNITED STATES FORCES IN OPERATIONS IN BOSNIA AND HERZEGOVINA.

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

(1) The contributions of the people of the United States and other nations have, in large measure, resulted in the suspension of fighting and alleviated the suffering of the people of Bosnia and Herzegovina since December 1995.

(2) the people of the United States have expended approximately $9,500,000,000 in tax dollars between 1992 and mid-1998 just in support of the United States military operations in Bosnia to achieve those results.

(3) Efforts to restore the economy and political structure in Bosnia and Herzegovina have achieved some success in accordance with the Dayton Agreement.

(4) In February 1998, the President certified to Congress that the continued presence of United States forces in Bosnia and Herzegovina after June 30, 1998, was necessary in order to meet national security interests of the United States.

(5) There is, however, no accurate estimate of the time needed to accomplish the civilian implementation tasks outlined in the Dayton Agreement.

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

(1) United States ground combat forces should not remain in Bosnia and Herzegovina indefinitely in view of the world-wide commitments of the Armed Forces of the United States;

(2) the President should work with NATO allies and the other nations whose military forces are participating in the NATO-led Stabilization Force to withdraw United States ground combat forces from Bosnia and Herzegovina within a reasonable period of time, consistent with the safety of those forces and the accomplishment of the Stabilization Force's military tasks;

(3) a NATO-led force without the participation of United States ground combat forces in Bosnia and Herzegovina might be suitable for a follow-on force for Bosnia and Herzegovina if the European Security and Defense Identity is not sufficiently developed or is otherwise considered inappropriate for such a mission;

(4) the United States may decide to provide appropriate support to a Western European Union-led or NATO-led follow-on force for Bosnia and Herzegovina, including command and control, intelligence, logistics, and, if necessary, a ready reserve force in the region;

(5) the President should inform the European NATO allies of this expression of the sense of Congress and should strongly urge them to undertake preparations for establishing a Western European Union-led or a NATO-led force as a follow-on force to the NATO-led Stabilization Force if needed to maintain peace and stability in Bosnia and Herzegovina; and

(6) the President should consult closely with the congressional leadership and the congressional defense committees with respect to the progress being made toward achieving a sustainable peace in Bosnia and Herzegovina and the progress being made toward a reduction and ultimate withdrawal of United States ground combat forces from Bosnia and Herzegovina.

(c) ONE-TIME REPORTS.—The President shall submit to Congress the following reports:

(1) Not later than September 30, 1998, a report containing a discussion of the likely impact on the security situation in Bosnia and Herzegovina and on the prospects for establishing self-sustaining peace and stable local government there that would result from a phased reduction in the number of United States military personnel stationed in Bosnia and Herzegovina under the following alternatives:

(A) A phased reduction to 5,000 by February 2, 1999, to 3,500 by June 30, 1999, and to 2,500 by February 2, 2000.

(B) A phased reduction by February 2, 2000, to the number of personnel that is approximately equal to the mean average of—

(i) the number of military personnel of the United Kingdom that are stationed in Bosnia and Herzegovina on that date;

(ii) the number of military personnel of Germany that are stationed there on that date;

(iii) the number of military personnel of France that are stationed there on that date; and

(iv) the number of military personnel of Italy that are stationed there on that date.

(2) Not later than October 1, 1998, a report on the status of the NATO force of gendarmes or paramilitary police referred to in subsection (a)(1), including the mission of the force, the composition of the force, and the extent, if any, to which members of the Armed Forces of the United States are participating (or are to participate) in the force.

(d) REPORT TO ACCOMPANY EACH REQUEST FOR FUNDING.—(1) Each time that the President submits to Congress a proposal for funding continued operations of United States forces in Bosnia and Herzegovina, the President shall submit to Congress a report on the missions of United States forces there. The first report shall be submitted at the same time that the President submits the budget for fiscal year 2000 to Congress under section 1105(a) of title 31, United States Code.

(2) Each report under paragraph (1) shall include the following:

(A) The performance objectives and schedule for the implementation of the Dayton Agreement, including—

(i) the specific objectives for the reestablishment of a self-sustaining peace and a stable local government in Bosnia and Herzegovina, taking into account (I) each of the areas of implementation required by the Dayton Agreement, as well as other areas that are not covered specifically in the Dayton Agreement but are essential for reestablishing such a peace and local government and to permitting an orderly withdrawal of the international peace implementation force from Bosnia and Herzegovina, and (II) the benchmarks reported in the latest semi-annual report submitted under section 7(b)(2) of the 1998 Supplemental Appropriations and Rescissions Act (revised as necessary to be current as of the date of the report submitted under this subsection); and

(ii) the schedule, specified by fiscal year, for achieving the objectives.

(B) The military and non-military missions that the President has directed for United States forces in Bosnia and Herzegovina in support of the objectives identified pursuant to paragraph (1), including a specific discussion of—

(i) the mission of the United States forces, if any, in connection with the pursuit and apprehension of war criminals;

(ii) the mission of the United States forces, if any, in connection with civilian police functions;

(iii) the mission of the United States forces, if any, in connection with the resettlement of refugees; and

(iv) the missions undertaken by the United States forces, if any, in support of international and local civilian authorities.

(C) An assessment of the risk for the United States forces in Bosnia and Herzegovina, including, for each mission identified pursuant to subparagraph (B), the assessment of the Chairman of the Joint Chiefs of Staff regarding the nature and level of risk of the mission for the safety and well-being of United States military personnel.

(D) An assessment of the cost to the United States, by fiscal year, of carrying out the missions identified pursuant to subparagraph (B) for the period indicated in the schedule provided pursuant to subparagraph (A).

(E) A joint assessment by the Secretary of Defense and the Secretary of State of the status of planning for—

(i) the assumption of all remaining military missions inside Bosnia and Herzegovina by European military and paramilitary forces; and

(ii) the establishment and support of forward-based United States rapid response force outside of Bosnia and Herzegovina that would be capable of deploying rapidly to defeat military threats to a European follow-on force inside Bosnia and Herzegovina, and of providing whatever logistical, intelligence, and air support is needed to ensure that a European follow-on force is fully capable of accomplishing its missions under the Dayton Agreement.

(e) DAYTON AGREEMENT DEFINED.—In this section, the term ''Dayton Agreement'' means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

SEC. 1073. COMMISSION TO ASSESS THE RELIABILITY, SAFETY, AND SECURITY OF THE UNITED STATES NUCLEAR DETERRENT.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the

''Commission for Assessment of the Reliability, Safety, and Security of the United States Nuclear Deterrent''.

(b) COMPOSITION.—(1) The Commission shall be composed of six members who shall be appointed from among private citizens of the United States with knowledge and expertise in the technical aspects of design, maintenance, and deployment of nuclear weapons, as follows:

(A) Two members appointed by the Majority Leader of the Senate.

(B) One member appointed by the Minority Leader of the Senate.

(C) Two members appointed by the Speaker of the House of Representatives.

(D) One member appointed by the Minority Leader of the House of Representatives.

(2) The Senate Majority Leader and the Speaker of the House of Representatives shall each appoint one member to serve for five years and one member to serve for two years. The Minority Leaders of the Senate and House of Representatives shall each appoint one member to serve for five years. A member may be reappointed.

(3) Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(4) All members of the Commission shall hold appropriate security clearances.

(c) CHAIRMAN.—The Majority Leader of the Senate, after consultation with the Speaker of the House of Representatives and the Minority Leaders of the Senate and House of Representatives, shall designate one of the members of the Commission, without regard to the term of appointment of that member, to serve as Chairman of the Commission.

(d) DUTIES OF COMMISSION.—(1) Each year the Commission shall assess, for Congress—

(A) the safety, security, and reliability of the nuclear deterrent forces of the United States; and

(B) the annual certification on the safety, security, and reliability of the nuclear weapons stockpile of the United States that is provided by the directors of the national weapons laboratories through the Secretary of Energy to the President.

(2) The Commission shall submit to Congress an annual report, in classified form, setting forth the findings and conclusions resulting from each assessment.

(e) COOPERATION OF OTHER AGENCIES.—(1) The Commission may secure directly from the Department of Energy, the Department of Defense, or any of the national weapons laboratories or plants or any other Federal department or agency information that the Commission considers necessary for the Commission to carry out its duties.

(2) For carrying out its duties, the Commission shall be provided full and timely cooperation by the Secretary of Energy, the Secretary of Defense, the Commander of United States Strategic Command, the Directors of the Los Alamos National Laboratory, the Lawrence Livermore National Laboratory, the Sandia National Laboratories, the Savannah River Site, the Y–12 Plant, the Pantex Facility, and the Kansas City Plant, and any other official of the United States that the Chairman determines as having information described in paragraph (1).

(3) The Secretary of Energy and the Secretary of Defense shall each designate at least one officer or employee of the Department of Energy and the Department of Defense, respectively, to serve as a liaison officer between the department and the Commission.

(f) COMMISSION PROCEDURES.—(1) The Commission shall meet at the call of the Chairman.

(2) Four members of the Commission shall constitute a quorum, except that the Commission may designate a lesser number of members as a quorum for the purpose of holding hearings. The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(3) Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this section.

(4) The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. Findings and conclusions of a panel of the Commission may not be considered findings and conclusions of the Commission unless approved by the Commission.

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

(g) PERSONNEL MATTERS.—(1) A member of the Commission shall be compensated at the daily equivalent of the rate of basic pay established for level V of the Executive Schedule under 5316 of title 5, United States Code, for each day on which the member is engaged in any meeting, hearing, briefing, or other work in the performance of duties of the Commission.

(2) A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Commission.

(3) The Chairman of the Commission may, without regard to the provisions of the title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The Chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) Upon the request of the Chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(5) The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule and under section 5316 of such title.

(h) MISCELLANEOUS ADMINISTRATIVE PROVISIONS.—(1) The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(2) The Secretary of Defense and the Secretary of Energy shall furnish the Commission with any administrative and support services requested by the Commission and with office space within the Washington, District Columbia, metropolitan area that is sufficient for the administrative offices of the Commission and for holding general meetings of Commission.

(i) FUNDING.—The Secretary of Defense and the Secretary of Energy shall each contribute 50 percent of the amount of funds that are necessary for the Commission to carry out its duties. Upon receiving from the Chairman of the Commission a written certification of the amount of funds that is necessary for funding the activities of the Commission for a period, the Secretaries shall promptly make available to the Commission funds in the total amount specified in the certification. Funds available for the Department of Defense for Defense-wide research, development, test, and evaluation shall be available for the Department of Defense contribution. Funds available for the Department of Energy for atomic energy defense activities shall be available for the Department of Energy contribution.

(j) TERMINATION OF THE COMMISSION.—The Commission shall terminate three years after the date of the appointment of the member designated as Chairman.

(k) INITIAL IMPLEMENTATION.—All appointments to the Commission shall be made not later than 45 days after the date of the enactment of this Act. The Commission shall convene its first meeting not later than 30 days after the date as of which all members of the Commission have been appointed.

SEC. 1074. AUTHORITY FOR WAIVER OF MORATORIUM ON ARMED FORCES USE OF ANTIPERSONNEL LANDMINES.

Section 580 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104–107; 110 Stat. 751) is amended—

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

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

''(b) WAIVER AUTHORITY.—(1) The President may waive the moratorium set forth in subsection (a) if the President determines that the waiver is necessary in the national security interests of the United States.

''(2) The President shall notify the President pro tempore of the Senate and the Speaker of the House of Representatives of the exercise of the authority provided by paragraph (1).''.

SEC. 1075. APPOINTMENT OF DIRECTOR AND DEPUTY DIRECTOR OF THE NAVAL HOME.

(a) APPOINTMENT AND QUALIFICATIONS OF DIRECTOR AND DEPUTY DIRECTOR.—Subsection (a) of section 1517 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 417) is amended—

(1) in paragraph (2)—

(A) by striking out ''Each Director'' and inserting in lieu thereof ''The Director of the United States Soldiers' and Airmen's Home''; and

(B) by striking out subparagraph (B) and inserting in lieu thereof the following:

''(B) meet the requirements of paragraph (4).'';

(2) by redesignating paragraph (3) as paragraph (5); and

(3) by inserting after paragraph (2) the following new paragraphs (3) and (4):

''(3) The Director, and any Deputy Director, of the Naval Home shall be appointed by the Secretary of Defense from among persons recommended by the Secretaries of the military departments who—

''(A) in the case of the position of Director, are commissioned officers of the Armed Forces serving on active duty in a pay grade above 0–5;

''(B) in the case of the position of Deputy Director, are commissioned officers of the Armed Forces serving on active duty in a pay grade above 0–4; and

''(C) meet the requirements of paragraph (4).

''(4) Each Director shall have appropriate leadership and management skills, an appreciation and understanding of the culture and norms associated with military service, and significant military background.''.

(b) TERM OF DIRECTOR AND DEPUTY DIRECTOR.—Subsection (c) of such section is amended—

(1) by striking out ''(c) TERM OF DIRECTOR.—'' and all that follows through ''A Director'' in the second sentence and inserting in lieu thereof ''(c) TERMS OF DIRECTORS.—(1) The term of office of the Director of the United States Soldiers' and Airmen's Home shall be five years. The Director''; and

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

''(2) The Director and the Deputy Director of the Naval Home shall serve at the pleasure of the Secretary of Defense.''.

(c) DEFINITIONS.—Such section is further amended by adding at the end the following:

''(g) DEFINITIONS.—In this section:

''(1) The term 'United States Soldiers' and Airmen's Home' means the separate facility of the Retirement Home that is known as the United States Soldiers' and Airmen's Home.

''(2) The term 'Naval Home' means the separate facility of the Retirement Home that is known as the Naval Home.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998.

SEC. 1076. SENSE OF THE CONGRESS ON THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

(a) FUNDING REQUIREMENTS FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM BUDGET.—It is the sense of the Congress that for each of the fiscal years 2000 through 2008, it should be an objective of the Secretary of Defense to increase the budget for the Defense Science and Technology Program 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.

(b) GUIDELINES FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.—

(1) RELATIONSHIP OF DEFENSE SCIENCE AND TECHNOLOGY PROGRAM TO UNIVERSITY RESEARCH.—It is the sense of the Congress that the following should be key objectives of the Defense Science and Technology Program—

(A) the sustainment of research capabilities in scientific and engineering disciplines critical to the Department of Defense;

(B) the education and training of the next generation of scientists and engineers in disciplines that are relevant to future defense systems, particularly through the conduct of basic research; and

(C) the Continued support of the Defense Experimental Program to Stimulate Competitive Research and research programs at historically black colleges and universities and minority institutions.

(2) RELATIONSHIP OF THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM TO COMMERCIAL RESEARCH AND TECHNOLOGY.—

(A) It is the sense of the Congress that in supporting projects within the Defense Science and Technology Program, the Secretary of Defense should attempt to leverage commercial research, technology, products, and processes for the benefit of the Department of Defense.

(B) It is the sense of the Congress that funds made available for projects and programs of the Defense Science and Technology Program should be used only for the benefit of the Department of Defense, which includes—

(i) the development of technology that has only military applications;

(ii) the development of militarily useful, commercially viable technology; or

(iii) the adaption of commercial technology, products, or processes for military purposes.

(3) SYNERGISTIC MANAGEMENT OF RESEARCH AND DEVELOPMENT.—It is the sense of the Congress that the Secretary of Defense may allocate a combination of funds available for the Department of Defense for basic and applied research and for advanced development to support any individual project or program within the Defense Science and Technology Program. This flexibility is not intended to change the allocation of funds in any fiscal year among basic and applied research and advanced development.

(c) DEFINITIONS.—In this section:

(1) The term ''Defense Science and Technology Program'' means basic and applied research and advanced development.

(2) The term ''basic and applied research'' means work funded in program elements for defense research and development under Department of Defense R&D Budget Activities 1 or 2.

(3) The term ''advanced development'' means work funded in program elements for defense research and development under Department of Defense R&D Budget Activity 3.

SEC. 1077. DEMILITARIZATION AND EXPORTATION OF DEFENSE PROPERTY.

(a) CENTRALIZED ASSIGNMENT OF DEMILITARIZATION CODES FOR DEFENSE PROPERTY.—(1) Chapter 153 of title 10, United States Code, is amended by inserting after section 2572 the following:

''§ 2573. Demilitarization codes for defense property

''(a) AUTHORITY.—The Secretary of Defense shall—

''(1) assign the demilitarization codes to the property (other than real property) of the Department of Defense; and

''(2) take any action that the Secretary considers necessary to ensure that the property assigned demilitarization codes is demilitarized in accordance with the assigned codes.

''(b) SUPREMACY OF CODES.—A demilitarization code assigned to an item of property by the Secretary of Defense under this section shall take precedence over any demilitarization code assigned to the item before the date of enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 by any other official in the Department of Defense.

''(c) ENFORCEMENT.—The Secretary of Defense shall commit the personnel and resources to the exercise of authority under subsection (a) that are necessary to ensure that—

''(1) appropriate demilitarization codes are assigned to property of the Department of Defense; and

''(2) property is demilitarized in accordance with the assigned codes.

''(d) ANNUAL REPORT.—The Secretary of Defense shall include in the annual reports submitted to Congress under section 113(c)(1) of this title in 1999 and 2000 a discussion of the following:

''(1) The exercise of the authority under this section during the fiscal year preceding the fiscal year in which the report is submitted.

''(2) Any changes in the exercise of the authority that are taking place in the fiscal year in which the report is submitted or are planned for that fiscal year or any subsequent fiscal year.

''(e) DEFINITIONS.—In this section:

''(1) The term 'demilitarization code', with respect to property, means a code that identifies the extent to which the property must be demilitarized before disposal.

''(2) The term 'demilitarize', with respect to property, means to destroy the military offensive or defensive advantages inherent in the property, by mutilation, cutting, crushing, scrapping, melting, burning, or altering the property so that the property cannot be used for the purpose for which it was originally made.''.

(2) The table of sections at the beginning of such chapter 153 is amended by inserting after the item relating to section 2572 the following:

''2573. Demilitarization codes for defense property.''.

(b) CRIMINAL OFFENSE.—(1) Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

''§ 554. Violations of regulated acts involving the exportation of United States property

''(a) Any person who—

''(1) fraudulently or knowingly exports or otherwise sends from the United States (as defined in section 545 of this title), or attempts to export or send from the United States any merchandise contrary to any law of the United States; or

''(2) receives, conceals, buys, sells, or in any manner facilitates, the transportation, concealment, or sale of any merchandise prior to exportation, knowing that the merchandise is intended for exportation in violation of Federal law;

shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) The penalties under this section shall be in addition to any other applicable criminal penalty.''.

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

''554. Violations of regulated acts involving the exportation of United States property.''.

SEC. 1078. DESIGNATION OF AMERICA'S NATIONAL MARITIME MUSEUM.

(a) DESIGNATION OF AMERICA'S NATIONAL MARITIME MUSEUM.—The Mariners' Museum building located at 100 Museum Drive, Newport News, Virginia, and the South Street Seaport Museum buildings located at 207 Front Street, New York, New York, shall be known and designated as ''America's National Maritime Museum''.

(b) REFERENCE TO AMERICA'S NATIONAL MARITIME MUSEUM.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the buildings referred to in subsection (a) shall be deemed to be a reference to America's National Maritime Museum.

(c) LATER ADDITIONS OF OTHER MUSEUMS NOT PRECLUDED.—The designation of museums named in subsection (a) as America's National Maritime Museum does not preclude the addition of any other museum to the group of museums covered by that designation.

(d) CRITERIA FOR LATER ADDITIONS.—A museum is appropriate for designation as a museum of America's National Maritime Museum if the museum—

(1) houses a collection of maritime artifacts clearly representing America's maritime heritage; and

(2) provides outreach programs to educate the public on America's maritime heritage.

SEC. 1079. BURIAL HONORS FOR VETERANS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Throughout the years, men and women have unselfishly answered the call to arms, at tremendous personal sacrifice. Burial honors for deceased veterans are an important means of reminding Americans of the sacrifices endured to keep the Nation free.

(2) The men and women who serve honorably in the Armed Forces, whether in war or peace, and whether discharged, separated, or

retired, deserve commemoration for their military service at the time of their death by an appropriate military tribute.

(3) It is tremendously important to pay an appropriate final tribute on behalf of a grateful Nation to honor individuals who served the Nation in the Armed Forces.

(b) CONFERENCE ON MILITARY BURIAL HONOR PRACTICES.—(1) Not later than October 31, 1998, the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, convene and preside over a conference for the purpose of determining means of improving and increasing the availability of military burial honors for veterans. The Secretary of Veterans Affairs shall also participate in the conference.

(2) The Secretaries shall invite and encourage the participation at the conference of appropriate representatives of veterans service organizations.

(3) The participants in the conference shall—

(A) review current policies and practices of the military departments and the Department of Veterans Affairs relating to the provision of military honors at the burial of veterans;

(B) analyze the costs associated with providing military honors at the burial of veterans, including the costs associated with utilizing personnel and other resources for that purpose;

(C) assess trends in the rate of death of veterans; and

(D) propose, consider, and determine means of improving and increasing the availability of military honors at the burial of veterans.

(4) Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report on the conference under this subsection. The report shall set forth any modifications to Department of Defense directives on military burial honors adopted as a result of the conference and include any recommendations for legislation that the Secretary considers appropriate as a result of the conference.

(c) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term ''veterans service organization'' means any organization recognized by the Secretary of Veterans Affairs under section 5902 of title 38, United States Code.

SEC. 1080. CHEMICAL STOCKPILE EMERGENCY PREPAREDNESS PROGRAM.

Section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521) is amended by adding at the end of subsection (c) the following:

''(4)(A) The Director of the Federal Emergency Management Agency shall carry out a program to provide assistance to State and local governments in developing capabilities to respond to emergencies involving risks to the public health or safety within their jurisdictions that are identified by the Secretary as being risks resulting from—

''(i) the storage of any such agents and munitions at military installations in the continental United States; or

''(ii) the destruction of such agents and munitions at facilities referred to in paragraph (1)(B).

''(B) No assistance may be provided under this paragraph after the completion of the destruction of the United States stockpile of lethal chemical agents and munitions.''.

SEC. 1081. SENSE OF SENATE REGARDING THE AUGUST 1995 ASSASSINATION ATTEMPT AGAINST PRESIDENT SHEVARDNADZE OF GEORGIA.

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

(1) On Tuesday, August 29, 1995, President Eduard Shevardnadze of Georgia narrowly survived a car bomb attack as he departed his offices in the Georgian Parliament building to attend the signing ceremony for the new constitution of Georgia.

(2) The former Chief of the Georgian National Security Service, Lieutenant General Igor Giorgadze, after being implicated in organizing the August 29, 1995, assassination attempt on President Shevardnadze, fled Georgia from the Russian-controlled Varziani airbase on a Russian military aircraft.

(3) Lieutenant General Giorgadze has been seen openly in Moscow and is believed to have been given residence at a Russian government facility despite the fact that Interpol is conducting a search for Lieutenant General Giorgadze for his role in the assassination attempt against President Shervardnadze.

(4) The Russian Interior Ministry claims that it is unable to locate Lieutenant General Giorgadze in Moscow.

(5) The Georgian Security and Interior Ministries presented information to the Russian Interior Ministry on November 13, 1996; January 17, 1997; March 7, 1997; March 24, 1997 and August 12, 1997, which included the exact location in Moscow of where Lieutenant General Giorgadze's family lived, the exact location where Lieutenant General Giorgadze lived outside of Moscow in a dacha of the Russian Ministry of Defense; as well as the changing official Russian government license tag numbers and description of the automobile that Lieutenant General Giorgadze uses; the people he associates with; the apartments he visits, and the places including restaurants, markets, and companies, that he frequents.

(6) On May 12, 1998, the Moscow-based Russian newspaper Zavtra carried an interview with Lieutenant General Giorgadze in which Lieutenant General Giorgadze calls for the overthrow of the Government of Georgia.

(7) Title II of the Foreign Operations Appropriations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105–118) prohibits assistance to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the national sovereignty of any other new independent state.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Defense should—

(1) urge the Government of the Russian Federation to extradite the former Chief of the Georgian National Security Service, Lieutenant General Igor Giorgadze, to Georgia for the purpose of standing trial for his role in the attempted assassination of Georgian President Eduard Shevardnadze on August 29, 1995;

(2) request cooperation from the Minister of Defense of the Russian Federation and the Government of the Russian Federation to ensure that Russian military bases on Georgian territory are no longer used to facilitate the escape of assassins seeking to kill the freely elected President of Georgia and to otherwise respect the national sovereignty of Georgia; and

(3) use all authorities available to the United States Government to provide urgent and immediate assistance to ensure to the maximum extent practicable the personal security of President Shevardnadze.

SEC. 1082. ISSUANCE OF BURIAL FLAGS FOR DECEASED MEMBERS AND FORMER MEMBERS OF THE SELECTED RESERVE.

Section 2301(a) of title 38, United States Code, is amended—

(1) by striking out ''and'' at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof ''; and''; and

(3) by adding at the end the following:

''(3) deceased individual who—

''(A) was serving as a member of the Selected Reserve (as described in section 10143 of title 10) at the time of death;

''(B) had served at least one enlistment, or the period of initial obligated service, as a member of the Selected Reserve and was discharged from service in the Armed Forces under conditions not less favorable than honorable; or

''(C) was discharged from service in the Armed Forces under conditions not less favorable than honorable by reason of a disability incurred or aggravated in line of duty during the individual's initial enlistment, or period of initial obligated service, as a member of the Selected Reserve.''.

SEC. 1083. ELIMINATING SECRET SENATE HOLDS.

(a) STANDING ORDER.—It is a standing order of the Senate that a Senator who provides notice to leadership of his or her intention to object to proceeding to a motion or matter shall disclose the objection or hold in the Congressional Record not later than 2 session days after the date of the notice.

(b) RULEMAKING.—This section is adopted—

(1) as an exercise of the rulemaking power of the Senate and as such it is deemed a part of the rules of the Senate and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of the Senate to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

SEC. 1084. DEFENSE BURDENSHARING.

(a) REVISED GOALS FOR EFFORTS TO INCREASE ALLIED BURDENSHARING.—Subsection (a) of section 1221 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1935; 22 U.S.C. 1928 note) is amended to read as follows:

''(a) EFFORTS TO INCREASE ALLIED BURDENSHARING.—The President shall seek to have each nation that has cooperative military relations with the United States (including security agreements, basing arrangements, or mutual participation in multinational military organizations or operations) take one or more of the following actions:

''(1) For any nation in which United States military personnel are assigned to permanent duty ashore, increase its financial contributions to the payment of the nonpersonnel costs incurred by the United States Government for stationing United States military personnel in that nation, with a goal of achieving by September 30, 2000, 75 percent of such costs. An increase in financial contributions by any nation under this paragraph may include the elimination of taxes, fees, or other charges levied on United States military personnel, equipment, or facilities stationed in that nation.

''(2) Increase its annual budgetary outlays for national defense as a percentage of its gross domestic product by 10 percent or at least to a percentage level commensurate to that of the United States by September 30, 1999.

''(3) Increase the military assets (including personnel, equipment, logistics, support and other resources) that it contributes or has pledged to contribute to multinational military activities worldwide by 10 percent by September 30, 1999.

''(4) Increase its annual budgetary outlays for foreign assistance (funds to promote democratization, governmental accountability and transparency, economic stabilization and development, defense economic conversion, respect for the rule of law and internationally recognized human rights, or humanitarian relief efforts) by 10 percent, or to

provide such foreign assistance at a minimum annual rate equal to one percent of its gross domestic product, by September 30, 1999.''.

(b) REVISED REQUIREMENT FOR REPORT ON PROGRESS IN INCREASING ALLIED BURDENSHARING.—Subsection (c) of such section is amended to read as follows:

''(c) REPORT ON PROGRESS IN INCREASING ALLIED BURDENSHARING.—Not later than March 1, 1999, the Secretary of Defense shall submit to Congress a report on—

''(1) steps taken by other nations toward completing the actions described in subsection (a);

''(2) all measures taken by the President, including those authorized in subsection (b), to achieve the actions described in subsection (a);

''(3) the difference between the amount allocated by other nations for each of the actions described in subsection (a) during the period beginning on October 1, 1996, and ending on September 30, 1997, and during the period beginning on October 1, 1997, and ending on September 30, 1998, or, in the case of any nation for which the data for such periods is inadequate, the difference between the amounts for the latest periods for which adequate data is available; and

''(4) the budgetary savings to the United States that are expected to accrue as a result of the steps described under paragraph (1).''.

(c) EXTENSION OF DEADLINE FOR REPORT REGARDING NATIONAL SECURITY BASES FOR FORWARD DEPLOYMENT AND BURDENSHARING RELATIONSHIPS.—Subsection (d)(2) of such section is amended by striking out ''March 1, 1998'' and inserting in lieu thereof ''March 1, 1999''.

SEC. 1085. REVIEW OF DEFENSE AUTOMATED PRINTING SERVICE FUNCTIONS.

(a) REVIEW REQUIRED.—The Secretary of Defense shall provide for a review of the functions of the Defense Automated Printing Service in accordance with this section and submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives the matters required under subsection (d) not later than March 31, 1999.

(b) PERFORMANCE BY INDEPENDENT ENTITY.—The Secretary of Defense shall select the General Accounting Office, an experienced entity in the private sector, or any other entity outside the Department of Defense to perform the review. The Comptroller General shall perform the review if the Secretary selects the Comptroller General to do so.

(c) REPORT.—The entity performing the review under this section shall submit to the Secretary of Defense a report that sets forth the findings and recommendations of that entity resulting from the review. The report shall contain the following:

(1) The functions that are inherently national security functions and, as such, need to be performed within the Department of Defense, together with a detailed justification for the determination for each such function.

(2) The functions that are appropriate for transfer to another appropriate entity to perform, including private sector entity.

(3) Any recommended legislation and any administrative action that is necessary for transferring or outsourcing the functions.

(4) A discussion of the costs or savings associated with the transfers or outsourcing.

(5) A description of the management structure of the Defense Automated Printing Service.

(6) A list of all sites where functions of the Defense Automated Printing Service are performed by the Defense Automated Printing Service.

(7) The total number of the personnel employed by the Defense Automated Printing Service and the locations where the personnel perform the duties as employees.

(8) A description of the functions performed by the Defense Automated Printing Service and, for each such function, the number of employees of the Defense Automated Printing Service that perform the function.

(9) For each site identified under paragraph (6), an assessment of each type of equipment at the site.

(10) The type and explanation of the networking and technology integration linking all of the sites referred to in paragraph (6).

(11) The current and future requirements of customers of the Defense Automated Printing Service.

(12) An assessment of the effectiveness of the current structure of the Defense Automated Printing Service in supporting current and future customer requirements and plans to address any deficiencies in supporting such requirements.

(13) A description and discussion of the best business practices that are used by the Defense Automated Printing Service and of other best business that could be used by the Defense Automated Printing Service.

(14) Options for maximizing the Defense Automated Printing Service structure and services to provide the most cost effective service to its customers.

(d) REVIEW AND COMMENTS OF SECRETARY OF DEFENSE.—(1) After reviewing the report, the Secretary of Defense shall submit the report to Congress, together with the Secretary's comments on the report and a plan to transfer or outsource from the Defense Automated Printing Service to another appropriate entity the functions of the Defense Automated Printing Service that—

(1) are not identified in the report as being inherently national security functions; and

(2) the Secretary believes should be transferred or outsourced for performance outside the Department of Defense in accordance with law.

(e) EXTENSION OF REQUIREMENT FOR COMPETITIVE PROCUREMENT OF SERVICES.—Section 351(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 266), as amended by section 351(a) of Public Law 104–201 (110 Stat. 2490) and section 387(a)(1) of Public Law 105–85 (111 Stat. 1713), is further amended by striking out ''1998'' and inserting in lieu thereof ''1999''.

SEC. 1086. INCREASED MISSILE THREAT IN ASIA-PACIFIC REGION.

(a) STUDY.—The Secretary of Defense shall carry out a study of the architecture requirements for the establishment and operation of a theater ballistic missile defense system in the Asia-Pacific region that would have the capability to protect key regional allies of the United States.

(b) REPORT.—(1) Not later than January 1, 1999, the Secretary shall submit to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate a report containing—

(A) the results of the study conducted under subsection (a);

(B) the factors used to obtain such results; and

(C) a description of any existing United States missile defense system that could be transferred to key allies of the United States in the Asia-Pacific region to provide for their self-defense against limited ballistic missile attacks.

(2) The report shall be submitted in both classified and unclassified form.

SEC. 1087. COOPERATION BETWEEN THE DEPARTMENT OF THE ARMY AND THE EPA IN MEETING CWC REQUIREMENTS.

(a) FINDINGS.—The Senate finds that:

(1) Compliance with international obligations to destroy the United States chemical stockpile by April 28, 2007, as required under the Chemical Weapons Convention (CWC), is a national priority.

(2) The President should ensure that the Department of Defense and the Department of the Army receive all necessary assistance from Federal agencies in expediting and accelerating the destruction of the lethal chemical stockpile.

(3) The Environmental Protection Agency, as one of the Federal agencies with responsibilities to assist the Department of Defense and the Department of the Army, has asserted that it is not adequately funded to provide, or meet its National responsibilities under the Resource Conservation and Recovery Act (RCRA) permitting requirements, in order to assist the United States Government in meeting its international obligations to destroy its lethal chemical stockpile.

(4) The Environmental Protection Agency (EPA) should work in concert with the State and local governments in this process, and that they should properly budget for this process.

(b) REPORT REQUIRED.—The Department of Defense, in coordination with the Environmental Protection Agency, shall report to the congressional defense committees by April 1, 1999, on the following—

(1) responsibilities associated with obligations under the Resource Conservation and Recovery Act (RCRA) permitting process related to United States international obligations under the CWC to destroy the United States chemical stockpile;

(2) technical assistance provided by the EPA to its regional offices and the States and local governments in the permitting process, and how that assistance facilitates the issuance of the environmental permits at the various sites;

(3) responsibility of the Department of Defense to provide funding to the EPA, for the facilitation of meetings of the National Chemical Agent Demilitarization Workgroup, meetings between the Office of Solid Waste and the affected EPA Regional Offices and States, and meetings between the Office of Solid Waste, the Program Manager for Chemical Demilitarization and the Department of Defense; and

(4) responsibility of the Department of Defense and the Department of the Army to provide funds to the Environmental Protection Agency to hire full-time equivalents to assist in the formulation of RCRA permits.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

SEC. 1101. REPEAL OF EMPLOYMENT PREFERENCE NOT NEEDED FOR RECRUITMENT AND RETENTION OF QUALIFIED CHILD CARE PROVIDERS.

Section 1792 of title 10, United States Code, is amended—

(1) by striking out subsection (d); and

SEC. 1102. MAXIMUM PAY RATE COMPARABILITY FOR FACULTY MEMBERS OF THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

Section 9314(b)(2)(B) of title 10, United States Code, is amended by striking out ''section 5306(e)'' and inserting in lieu thereof ''section 5373''.

(2) by redesignating subsection (e) as subsection (d).

SEC. 1103. FOUR-YEAR EXTENSION OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORITY.

Section 5597(e) of title 5, United States Code, is amended by striking out ''September 30, 2001'' and inserting in lieu thereof ''September 30, 2003''.

SEC. 1104. DEPARTMENT OF DEFENSE EMPLOYEE VOLUNTARY EARLY RETIREMENT AUTHORITY.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8336 of title 5, United States Code, is amended—

(1) in subsection (d)(2), by inserting ''except in the case of an employee described in subsection (o)(1),'' after ''(2)''; and

(2) by adding at the end the following:

''(o)(1) An employee of the Department of Defense who is separated from the service under conditions described in paragraph (2) after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity.

''(2) Paragraph (1) applies to an employee who—

''(A) has been employed continuously by the Department of Defense for more than 30 days before the date on which the Secretary concerned requests the determinations required under in subparagraph (D)(i);

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

''(C) has not received a decision notice of involuntary separation for misconduct or unacceptable performance that is pending decision; and

''(D) is separated from the service voluntarily during a period in which—

''(i) the Department of Defense or the military department or subordinate organization within the Department of Defense or military department in which the employee is serving is undergoing a major reorganization, a major reduction in force, or a major transfer of function, and employees comprising a significant percentage of the employees serving in that department or organization are to be separated or subject to an immediate reduction in the rate of basic pay (without regard to subchapter VI of chapter 53, or comparable provisions of law), as determined by the Office of Personnel Management (under regulations prescribed by the Office) upon the request of the Secretary concerned; and

''(ii) the employee is within the scope of an offer of voluntary early retirement (as defined by organizational unit, occupational series or level, geographical location, any other similar factor that the Office of Personnel Management determines appropriate, or any combination of such definitions of scope), as determined by the Secretary concerned under regulations prescribed by the Office.

''(3) In this subsection, the term 'Secretary concerned' means—

''(A) the Secretary of Defense, with respect to an employee of the Department of Defense not employed in a position in a military department;

''(B) the Secretary of the Army, with respect to an employee of the Department of the Army;

''(C) the Secretary of the Navy, with respect to an employee of the Department of the Navy;

''(D) the Secretary of the Air Force, with respect to an employee of the Department of the Air Force.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8414 of such title is amended—

(1) in subsection (b)(1)(B), inserting ''except in the case of an employee described in subsection (d)(1),'' after ''(B)''; and

(2) by adding at the end the following:

''(d)(1) An employee of the Department of Defense who is separated from the service under conditions described in paragraph (2) after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity.

''(2) Paragraph (1) applies to an employee who—

''(A) has been employed continuously by the Department of Defense for more than 30 days before the date on which the Secretary concerned requests the determinations required under subparagraph (D)(i);

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

''(C) has not received a decision notice of involuntary separation for misconduct or unacceptable performance that is pending decision; and

''(D) is separated from the service voluntarily during a period in which—

''(i) the Department of Defense or the military department or subordinate organization within the Department of Defense or military department in which the employee is serving is undergoing a major reorganization, a major reduction in force, or a major transfer of function, and employees comprising a significant percentage of the employees serving in that department or organization are to be separated or subject to an immediate reduction in the rate of basic pay (without regard to subchapter VI of chapter 53, or comparable provisions of law), as determined by the Office of Personnel Management (under regulations prescribed by the Office) upon the request of the Secretary concerned; and

''(ii) the employee is within the scope of an offer of voluntary early retirement (as defined by organizational unit, occupational series or level, geographical location, any other similar factor that the Office of Personnel Management determines appropriate, or any combination of such definitions of scope), as determined by the Secretary concerned under regulations prescribed by the Office.

''(3) In this subsection, the term 'Secretary concerned' means—

''(A) the Secretary of Defense, with respect to an employee of the Department of Defense not employed in a position in a military department;

''(B) the Secretary of the Army, with respect to an employee of the Department of the Army;

''(C) the Secretary of the Navy, with respect to an employee of the Department of the Navy;

''(D) the Secretary of the Air Force, with respect to an employee of the Department of the Air Force.''.

(c) CONFORMING AMENDMENTS.—(1) Section 8339(h) of such title is amended by striking out ''or (j)'' in the first sentence and inserting in lieu thereof ''(j), or (o)''.

(2) Section 8464(a)(1)(A)(i) of such title is amended by striking out ''or (b)(1)(B)'' and inserting in lieu thereof '', (b)(1)(B), or (d)''.

SEC. 1105. DEFENSE ADVANCED RESEARCH PROJECTS AGENCY EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR TECHNICAL PERSONNEL.

(a) PROGRAM AUTHORIZED.—During the 5-year period beginning on the date of the enactment of this Act, the Secretary of Defense may carry out a program of experimental use of special personnel management authority provided in this section in order to facilitate the recruitment of eminent experts in science or engineering for research and development projects administered by the Defense Advanced Research Projects Agency.

(b) SPECIAL PERSONNEL MANAGEMENT AUTHORITY.—Under the program, the Secretary may—

(1) appoint scientists and engineers from outside the civil service and uniformed services (as such terms are defined in section 2101 of title 5, United States Code) to not more than 20 scientific and engineering positions in the Defense Advanced Research Projects Agency without regard to any provision of title 5, United States Code, governing the appointment of employees in the civil service;

(2) prescribe the rates of basic pay for positions to which employees are appointed under paragraph (1) at rates not in excess of the maximum rate of basic pay authorized for senior-level positions under section 5376 of title 5, United States Code, notwithstanding any provision of such title governing the rates of pay or classification of employees in the executive branch; and

(3) pay any employee appointed under paragraph (1) payments in addition to basic pay within the limit applicable to the employee under subsection (d)(1).

(c) LIMITATION ON TERM OF APPOINTMENT.—(1) Except as provided in paragraph (2), the service of an employee under an appointment under subsection (b)(1) may not exceed four years.

(2) The Secretary may, in the case of a particular employee, extend the period to which service is limited under paragraph (1) by up to two years if the Secretary determines that such action is necessary to promote the efficiency of the Defense Advanced Research Projects Agency.

(d) LIMITATIONS ON ADDITIONAL PAYMENTS.—(1) The total amount of the additional payments paid to an employee under subsection (b)(3) for any 12-month period may not exceed the least of the following amounts:

(A) $25,000.

(B) The amount equal to 25 percent of the employee's annual rate of basic pay.

(C) The amount of the limitation that is applicable for a calendar year under section 5307(a)(1) of title 5, United States Code.

(2) An employee appointed under subsection (b)(1) is not eligible for any bonus, monetary award, or other monetary incentive for service except for payments authorized under subsection (b)(3).

(e) PERIOD OF PROGRAM.—(1) The program authorized under this section shall terminate at the end of the 5-year period referred to in subsection (a).

(2) After the termination of the program—

(A) no appointment may be made under paragraph (1) of subsection (b);

(B) a rate of basic pay prescribed under paragraph (2) of that subsection may not take effect for a position; and

(C) no period of service may be extended under subsection (c)(1).

(f) SAVINGS PROVISIONS.—In the case of an employee who, on the day before the termination of the program, is serving in a position pursuant to an appointment under subsection (b)(1)—

(1) the termination of the program does not terminate the employee's employment in that position before the expiration of the lesser of—

(A) the period for which the employee was appointed; or

(B) the period to which the employee's service is limited under subsection (c), including any extension made under paragraph (2) of that subsection before the termination of the program; and

(2) the rate of basic pay prescribed for the position under subsection (b)(2) may not be reduced for so long (within the period applicable to the employee under paragraph (1)) as the employee continues to serve in the position without a break in service.

(g) ANNUAL REPORT.—(1) Not later than October 15 of each year, beginning in 1999, the Secretary of Defense shall submit a report on the program to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report submitted in a year shall

cover the 12-month period ending on the day before the anniversary, in that year, of the date of the enactment of this Act.

(2) The annual report shall contain, for the period covered by the report, the following:

(A) A detailed discussion of the exercise of authority under this section.

(B) The sources from which appointees were recruited.

(C) The methodology used for identifying and selecting appointees.

(D) Any additional information that the Secretary considers helpful for assessing the utility of the authority under this section.

TITLE XII—JOINT WARFIGHTING EXPERIMENTATION

SEC. 1201. FINDINGS.

Congress makes the following findings:

(1) The collapse of the Soviet Union in 1991 and the unprecedented explosion of technological advances that could fundamentally redefine military threats and military capabilities in the future have generated a need to assess the defense policy, strategy, and force structure necessary to meet future defense requirements of the United States.

(2) The assessment conducted by the administration of President Bush (known as the ''Base Force'' assessment) and the assessment conducted by the administration of President Clinton (known as the ''Bottom-Up Review'') were important attempts to redefine the defense strategy of the United States and the force structure of the Armed Forces necessary to execute that strategy.

(3) Those assessments have become inadequate as a result of the pace of global geopolitical change and the speed of technological change, which have been greater than expected.

(4) The Chairman of the Joint Chiefs of Staff reacted to the changing environment by developing and publishing in May 1996 a vision statement, known as ''Joint Vision 2010'', to be a basis for the transformation of United States military capabilities. The vision statement embodies the improved intelligence and command and control that is available in the information age and sets forth the operational concepts of dominant maneuver, precision engagement, full-dimensional protection, and focused logistics to achieve the objective of full spectrum dominance.

(5) In 1996 Congress, concerned about the shortcomings in defense policies and programs derived from the Base-Force Review and the Bottom-Up Review, determined that there was a need for a new, comprehensive assessment of the defense strategy of the United States and the force structure of the Armed Forces necessary for meeting the threats to the United States in the 21st century.

(6) As a result of that determination, Congress passed the Military Force Structure Review Act of 1996 (subtitle B of title IX of the National Defense Authorization Act for Fiscal Year 1997), which required the Secretary of Defense to complete in 1997 a quadrennial defense review of the defense program of the United States. The review was required to include a comprehensive examination of the defense strategy, force structure, force modernization plans, infrastructure, and other elements of the defense program and policies with a view toward determining and expressing the defense strategy of the United States and establishing a revised defense program through 2005. The Act also established a National Defense Panel to assess the Quadrennial Defense Review and to conduct an independent, nonpartisan review of the strategy, force structure, and funding required to meet anticipated threats to the national security of the United States through 2010 and beyond.

(7) The Quadrennial Defense Review, completed by the Secretary of Defense in May 1997, defined the defense strategy in terms of ''Shape, Respond, and Prepare Now''. The Quadrennial Defense Review placed greater emphasis on the need to prepare now for an uncertain future by exploiting the revolution in technology and transforming the force toward Joint Vision 2010. It concluded that our future force will be different in character than our current force.

(8) The National Defense Panel Report, published in December 1997, concluded that ''the Department of Defense should accord the highest priority to executing a transformation strategy for the United States military, starting now.'' The panel recommended the establishment of a Joint Forces Command with the responsibility to be the joint force integrator and provider and the responsibility for driving the process for transforming United States forces, including the conduct of joint experimentation, and to have the budget for carrying out those responsibilities.

(9) The assessments of both the Quadrennial Defense Review and the National Defense Panel provide Congress with a compelling argument that the future security environment and the military challenges to be faced by the United States in the future will be fundamentally different than the current environment and challenges. The assessments also reinforce the foundational premise of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 that warfare, in all of its varieties, will be joint warfare requiring the execution of developed joint operational concepts.

(10) A process of joint experimentation is necessary for—

(A) integrating advances in technology with changes in the organizational structure of the Armed Forces and the development of joint operational concepts that will be effective against national security threats anticipated for the future; and

(B) identifying and assessing the interdependent aspects of joint warfare that are key for transforming the conduct of military operations by the United States to meet those anticipated threats successfully.

(11) It is critical for future readiness that the Armed Forces of the United States innovatively investigate and test technologies, forces, and joint operational concepts in simulations, wargames, and virtual settings, as well as in field environments under realistic conditions against the full range of future challenges. It is essential that an energetic and innovative organization be established and empowered to design and implement a process of joint experimentation to develop and validate new joint warfighting concepts, along with experimentation by the Armed Forces, that is directed at transforming the Armed Forces to meet the threats to the national security that are anticipated for the early 21st century. That process will drive changes in doctrine, organization, training and education, materiel, leadership, and personnel.

(12) The Department of Defense is committed to conducting aggressive experimentation as a key component of its transformation strategy.

(13) The competition of ideas is critical for achieving effective transformation. Experimentation by each of the Armed Forces has been, and will continue to be, a vital aspect of the pursuit of effective transformation. Joint experimentation leverages the effectiveness of each of the Armed Forces and the Defense Agencies.

SEC. 1202. SENSE OF CONGRESS.

(a) DESIGNATION OF COMMANDER TO HAVE JOINT WARFIGHTING EXPERIMENTATION MISSION.—It is the sense of Congress that Congress supports the initiative of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to designate a commander of a combatant command to have the mission for joint warfighting experimentation, consistent with the understanding of Congress that the Chairman of the Joint Chiefs of Staff will assign the designated commander the tasks to develop and validate new joint warfighting concepts and capabilities, and to determine the implications, for doctrine, organization, training and education, materiel, leadership, and personnel, of the Department of Defense strategy for transforming the Armed Forces to meet the national security threats of the future.

(b) RESOURCES OF COMMANDER.—It is, further, the sense of Congress that the commander designated to have the joint warfighting experimentation mission should—

(1) have sufficient freedom of action and authority over the necessary forces to successfully establish and conduct the process of joint warfighting experimentation;

(2) be provided resources adequate for the joint warfighting experimentation process; and

(3) have authority over the use of the resources for the planning, preparation, conduct, and assessment of joint warfighting experimentation.

(c) AUTHORITY AND RESPONSIBILITIES OF COMMANDER.—It is, further, the sense of Congress that, for the conduct of joint warfighting experimentation to be effective, it is necessary that the commander designated to have the joint warfighting experimentation mission also have the authority and responsibility for the following:

(1) Developing and implementing a process of joint experimentation to formulate and validate concepts critical for joint warfighting in the future, including (in such process) analyses, simulations, wargames, information superiority and other experiments, advanced concept technology demonstrations, and joint exercises conducted in virtual and actual field environments.

(2) Planning, preparing, and conducting the program of joint warfighting experimentation.

(3) Assessing the effectiveness of organizational structures, operational concepts, and technologies employed in joint experimentation, investigating opportunities for coordinating the evolution of the organizational structure of the Armed Forces compatibly with the concurrent evolution of advanced technologies, and investigating new concepts for transforming joint warfighting capabilities to meet the operational challenges expected to be encountered by the Armed Forces in the early 21st century.

(4) Coordinating with each of the Armed Forces and the Defense Agencies regarding the development of the equipment (including surrogate or real technologies, platforms, and systems) necessary for the conduct of joint experimentation, or, if necessary, developing such equipment directly.

(5) Coordinating with each of the Armed Forces and the Defense Agencies regarding the acquisition of the materiel, supplies, services, and surrogate or real technology resources necessary for the conduct of joint experimentation, or, if necessary, acquiring such items and services directly.

(6) Developing scenarios and measures of effectiveness for joint experimentation.

(7) Conducting so-called ''red team'' vulnerability assessments as part of joint experimentation.

(8) Assessing the interoperability of equipment and forces.

(9) Providing the Secretary of Defense and the Chairman of the Joint Chiefs of Staff

with the commander's recommendations (developed on the basis of joint experimentation) for reducing unnecessary redundancy of equipment and forces.

(10) Providing the Secretary of Defense and the Chairman of the Joint Chiefs of Staff with the commander's recommendations (developed on the basis of joint experimentation) regarding synchronization of the fielding of advanced technologies among the Armed Forces to enable the development and execution of joint operational concepts.

(11) Submitting, reviewing, and making recommendations (in conjunction with the joint experimentation and evaluation process) to the Chairman of the Joint Chiefs of Staff on mission needs statements and operational requirements documents.

(12) Exploring new operational concepts (including those developed within the Office of the Secretary of Defense and Defense Agencies, other unified commands, the Armed Forces, and the Joint Staff), and integrating and testing in joint experimentation the systems and concepts that result from warfighting experimentation by the Armed Forces and the Defense Agencies.

(13) Developing, planning, refining, assessing, and recommending to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff the most promising joint concepts and capabilities for experimentation and assessment.

(14) Assisting the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to prioritize joint requirements and acquisition programs on the basis of joint warfighting experimentation.

(d) CONTINUED EXPERIMENTATION BY OTHER DEFENSE ORGANIZATIONS.—It is, further, the sense of Congress that—

(1) the Armed Forces are expected to continue to develop concepts and conduct intraservice and multiservice warfighting experimentation within their core competencies; and

(2) the commander of United States Special Operations Command is expected to continue to develop concepts and conduct joint experimentation associated with special operations forces.

(e) CONGRESSIONAL REVIEW.—It is, further, the sense of Congress that—

(1) Congress will carefully review the initial report and annual reports on joint warfighting experimentation required under section 1203 to determine the adequacy of the scope and pace of the transformation of the Armed Forces to meet future challenges to the national security; and

(2) if the progress is inadequate, Congress will consider legislation to establish a unified combatant command with the mission, forces, budget, responsibilities, and authority described in the preceding provisions of this section.

SEC. 1203. REPORTS ON JOINT WARFIGHTING EXPERIMENTATION.

(a) INITIAL REPORT.—(1) On such schedule as the Secretary of Defense shall direct, the commander of the combatant command assigned the mission for joint warfighting experimentation shall submit to the Secretary an initial report on the implementation of joint experimentation. Not later than April 1, 1999, the Secretary shall submit the report, together with any comments that the Secretary considers appropriate and any comments that the Chairman of the Joint Chiefs of Staff considers appropriate, to the Chairmen of the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(2) The initial report of the commander shall include the following:

(A) The commander's understanding of the commander's specific authority and responsibilities and of the commander's relationship to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Joint Staff, the commanders of other combatant commands, the Armed Forces, and the Defense Agencies and activities.

(B) The organization of the commander's combatant command, and of its staff, for carrying out the joint warfighting experimentation mission.

(C) The process established for tasking forces to participate in joint warfighting experimentation and the commander's specific authority over the forces.

(D) Any forces designated or made available as joint experimentation forces.

(E) The resources provided for joint warfighting experimentation, including the personnel and funding for the initial implementation of joint experimentation, the process for providing the resources to the commander, the categories of the funding, and the authority of the commander for budget execution.

(F) The authority of the commander, and the process established, for the development and acquisition of the material, supplies, services, and equipment necessary for the conduct of joint warfighting experimentation, including the authority and process for development and acquisition by the Armed Forces and the Defense Agencies and the authority and process for development and acquisition by the commander directly.

(G) The authority of the commander to design, prepare, and conduct joint experiments (including the scenarios and measures of effectiveness used) for assessing operational concepts for meeting future challenges to the national security.

(H) The role assigned the commander for—

(i) integrating and testing in joint warfighting experimentation the systems that emerge from warfighting experimentation by the Armed Forces or the Defense Agencies;

(ii) assessing the effectiveness of organizational structures, operational concepts, and technologies employed in joint warfighting experimentation; and

(iii) assisting the Secretary of Defense and the Chairman of the Joint Chiefs of Staff in prioritizing acquisition programs in relationship to future joint warfighting capabilities.

(I) Any other comments that the commander considers appropriate.

(b) ANNUAL REPORT.—(1) On such schedule as the Secretary of Defense shall direct, the commander of the combatant command assigned the mission for joint warfighting experimentation shall submit to the Secretary an annual report on the conduct of joint experimentation activities for the fiscal year ending in the year of the report. Not later than December 1 of each year, the Secretary shall submit the report, together with any comments that the Secretary considers appropriate and any comments that the Chairman of the Joint Chiefs of Staff considers appropriate, to the Chairmen of the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The first annual report shall be submitted in 1999.

(2) The annual report of the commander shall include, for the fiscal year covered by the report, the following:

(A) Any changes in—

(i) the commander's authority and responsibilities for joint warfighting experimentation;

(ii) the commander's relationship to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Joint Staff, the commanders of the other combatant commands, the Armed Forces, or the Defense Agencies or activities;

(iii) the organization of the commander's command and staff for joint warfighting experimentation;

(iv) any forces designated or made available as joint experimentation forces;

(v) the process established for tasking forces to participate in joint experimentation activities or the commander's specific authority over the tasked forces;

(vi) the procedures for providing funding for the commander, the categories of funding, or the commander's authority for budget execution;

(vii) the authority of the commander, and the process established, for the development and acquisition of the material, supplies, services, and equipment necessary for the conduct of joint warfighting experimentation;

(viii) the commander's authority to design, prepare, and conduct joint experiments (including the scenarios and measures of effectiveness used) for assessing operational concepts for meeting future challenges to the national security; or

(ix) any role described in subsection (a)(2)(H).

(B) The conduct of joint warfighting experimentation activities, including the number of activities, the forces involved, the national security challenges addressed, the operational concepts assessed, and the scenarios and measures of effectiveness used.

(C) An assessment of the results of warfighting experimentation within the Department of Defense.

(D) The effect of warfighting experimentation on the process for transforming the Armed Forces to meet future challenges to the national security.

(E) Any recommendations that the commander considers appropriate regarding—

(i) the development or acquisition of advanced technologies; or

(ii) changes in organizational structure, operational concepts, or joint doctrine.

(F) An assessment of the adequacy of resources, and any recommended changes for the process of providing resources, for joint warfighting experimentation.

(G) Any recommended changes in the authority or responsibilities of the commander.

(H) Any additional comments that the commander considers appropriate.

CONVENTION FOR THE PROTECTION OF PLANTS

(The text of the resolution of ratification as agreed to by the Senate on June 26, 1998, follows:)

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of The International Convention for the Protection of New Varieties of Plants of December 2, 1961, as revised at Geneva on November 10, 1972, on October 23, 1978, and on March 19, 1991 and signed by the United States on October 25, 1991 (Treaty Doc. 104–17), subject to the reservation of subjection (a), the declarations of subsection (b), and the proviso of subjection (c).

(a) RESERVATION.—The advice and consent of the Senate is subject to the following reservation, which shall be included in the instrument of ratification and shall be binding on the President:

PROTECTION FOR ASEXUALLY REPRODUCED VARIETIES.—Pursuant to Article 35(2), the United States will continue to provide protection for asexually reproduced varieties by an industrial property title other than a breeder's right and will not, therefore, apply the terms of this Convention to those varieties.

(b) DECLARATIONS.—The advice and consent of the Senate is subject to the following declarations:

(1) LIMITED RESERVATIONS PROVISIONS.—It is the Sense of the Senate that a ''limited reservations'' provision, such as that contained in Article 35, has the effect of inhibiting the Senate in its exercise of its constitutional duty to give advice and consent to ratification of a treaty, and the Senate's approval of this treaty should not be construed as a precedent of acquiescence to future treaties containing such a provision.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

INTERNATIONAL GRAINS AGREEMENT, 1995

(The text of the resolution of ratification as agreed to by the Senate on June 26, 1998, follows:)

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of The Grains Trade Convention and Food Aid Convention Constituting the International Grains Agreement, 1995, signed by the United States on June 26, 1995 (Treaty Doc. 105–4), subject to the declaration of subsection (a), and the proviso of subsection (b).

(a) DECLARATION.—The advice and consent of the Senate is subject to the following declaration.

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(a) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

TRADEMARK LAW TREATY WITH REGULATIONS

(The text of the resolution of ratification as agreed to by the Senate on June 26, 1998, follows:)

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of The Trademark Law Treaty done at Geneva October 27, 1994, with Regulations, signed by the United States on October 28, 1994 (Treaty Doc. 105–35), subject to the declarations of subsection (a), and the proviso of subsection (b).

(a) DECLARATIONS.—The advice and consent of the Senate is subject to the following declarations:

(1) LIMITED RESERVATIONS PROVISIONS.—It is the Sense of the Senate that a ''limited reservations'' provision, such as that contained in Article 21, has the effect of inhibiting the Senate in its exercise of its constitutional duty to give advice and consent to ratification of a treaty, and the Senate's approval of this treaty should not be construed as a precedent for acquiescence to future treaties containing such a provision.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President.

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

AMENDMENTS TO THE CONVENTION ON THE INTERNATIONAL MARITIME ORGANIZATION

(The text of the resolution of ratification as agreed to by the Senate on June 26, 1998, follows:)

Resolved, (two-thirds of the Senators present concurring therein). That the Senate advise and consent to the ratification of the Amendments to the Convention on the International Maritime Organization, adopted on November 7, 1991, and November 4, 1993 (Treaty Doc. 104–36), subject to the declaration of subsection (a), and the proviso of subsection (b).

(a) DECLARATION.—The advice and consent of the Senate is subject to the following declaration:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall be binding on the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

MEASURE READ THE FIRST TIME—H.R. 2431

Mr. BOND. Madam President, I understand that H.R. 2431 has arrived from the House and is at the desk. I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 2431) to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes.

Mr. BOND. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. The bill will remain at the desk and have its next reading on the next legislative day.

MEASURE READ THE FIRST TIME—H.R. 3150

Mr. BOND. Madam President, I understand that H.R. 3150 is also at the desk, and I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 3150) to amend title 11 of the United States Code, and for other purposes.

Mr. BOND. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. The bill will remain at the desk and have its second reading on the next legislative day.

ORDERS FOR TUESDAY, JULY 7, 1998

Mr. BOND. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, July 7. I further ask that when the Senate reconvenes on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. I further ask that the Senate stand in recess from 12:30 until 2:15 p.m. to allow the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BOND. Madam President, for the information of all Senators, when the Senate reconvenes Tuesday morning at 9:30 a.m., there will immediately be a vote on the motion to invoke cloture on the motion to proceed to the product liability bill. If cloture is invoked, the Senate will debate the motion to proceed until the policy luncheons at 12:30. Following the policy luncheons, it is expected that the Senate will resume consideration of the VA–HUD bill. It is our hope that Members will come to the floor during Tuesday's session to offer and debate amendments to the VA–HUD bill. The Senate may also consider the IRS reform conference report Tuesday night, hopefully, under a short time agreement, with a vote occurring on adoption of the conference report Wednesday morning.

The majority leader would like to remind Members that July will be a very busy month with late-night sessions and votes. The cooperation of all Members will be necessary for the Senate to complete its work prior to the August recess.

Ms. MIKULSKI. Madam President, I would like to echo for all staffs and Senators returning from the Fourth of July work period that we really would like to see a definite list of amendments to the VA–HUD appropriations bill so that when we take it up, we can move as expeditiously as possible.

ORDER FOR ADJOURNMENT

Mr. BOND. Madam President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of the Senator from North Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized.

IRS REFORM BILL

Mr. DORGAN. Madam President, I have come to the floor to talk a bit about the crisis in agriculture, especially the crisis facing family farmers in my State of North Dakota. But before I do that, I would like to talk just for a moment about a piece of legislation that I understand may be brought to the floor of the Senate tomorrow—probably tomorrow evening. It is the so-called IRS reform bill.

In my judgement, there is much in the IRS reform bill that has merit. The hearings that were held in the Senate, which reviewed cases of harassment of taxpayers, some unacceptable behavior by Internal Revenue Service agents, and some other items clearly made the case for the need for some changes with respect to the Internal Revenue Service. Much of this piece of legislation, as I indicated, has merit. But I want to object to something that was done in legislative darkness in putting this conference report together. It is a provision that was not in either the House or Senate bills. It is a provision that had never been debated. It had not been put in either bill in the House or Senate. Yet at the last moment, in legislative darkness, it was stuck in this conference report in the conference committee. I don't understand by what rules they operate when they say we are going to stick something in the conference report that is not in either the House or Senate bill.

Here is what they did. They said in the conference report that they will reduce the holding period of assets for capital gains from 18 months to 12 months. What does that mean? Well, it means that those with incomes in this country of over $100,000 a year are going to get 90 percent of the benefit of a $2 billion tax break. That is $2 billion in tax breaks. Ninety percent of it will go to people who make over $100,000 in income. In fact, 76 percent goes to people making over $200,000 a year or more. This was done without debate. This was one of those little nuggets that was stuck in the bill. It was not debated by the House or the Senate.

The same day they said we have $2 billion to give away to the upper-income people, they said we don't have enough money to provide for low-income heating assistance during the winter for low-income folks in the northern climates. This majority in Congress doesn't have enough money for that. They don't have enough money for low-income people who are trying to heat their homes. They say we are out of money, so we will cut that program off. They don't have enough money for summer jobs for disadvantaged youth. Gee, there is not enough money for that. They say there is not enough money for school construction in Indian schools, where the schools are falling apart and kids are walking through school doors into classrooms of which we all ought to be ashamed. No, there is not enough money for that.

But in the dark of the legislative night, there is enough money to stick $2 billion into the purses of the richest Americans. This is done with no debate in this Congress. To the people who behave and operate like that and carry those knapsacks full of money to the upper-income folks, I just say that is a terrible way to legislate. On one hand you say you can't afford to help people who really need help, and that you have to abolish low-income energy assistance. Yet, on the other side there is plenty of money to reduce the capital gains holding period, without even a discussion in Congress about who it is going to benefit. It seems to me this is not a very happy day, when you talk about what should be our legislative priorities around this Capitol Building. I will talk more about that when the bill comes to the floor of the Senate tomorrow evening.

FAMILY FARM CRISIS

Mr. DORGAN. Madam President, for the RECORD, I want to read a letter from Joni Flaten from Langdon, ND. I visited with her this afternoon. She sent me a letter some while ago. She is a farm wife. We have a huge farm crisis not only in my State of North Dakota, but also in the entire wheat belt. Grain prices have collapsed. We have been hit with the toughest, worst outbreak of crop disease in a century in North Dakota. So you take crop disease that devastates the crop and then you add collapsed prices, and you have a calamity for a lot of family farmers.

Joni Flaten writes:

> My husband has been farming now for 18 years. He is a third generation farmer, and with my oldest son graduating last Sunday, we were looking forward to some day having the fourth generation. However, that will no longer be possible for we have been unable to get an operating loan this season due to low grain prices . . .
>
> I have 3 children and have stayed home for 18 years to raise them and help my husband on the farm. We are now going to be forced into giving up the family farm, and I'm not sure if there is a lot of need for a 38-year-old combine operator/tractor driver/trucker/run for parts person and be a mother in the work force in North Dakota. We have been a true family operation since the boys were able to see over the steering wheels . . . We have not been able to hire an extra man to help us, but we have pulled together as a family at planting and harvest times to get the job done. Now Farm Credit tells us we are unable to get a loan to operate our farm. FAHS tells us we can't have a loan and the sad truth is such a blow to all of my family. Not that you or anyone can do much about this but maybe somehow you can stop it from happening to some other family in the future. It is a good life here in ND but I think you will be 5 people less come this winter!!!

This is from a woman named Joni Flaten, a farm wife, has been a farm wife for 18 years, and they are losing their livelihood, losing their family farm.

Let me show you a picture of Bev and Jim McAllister from Oriska, ND. Jim McAllister came to a meeting that I had in Mandan, ND, a few months ago. You can see Jim is a pretty big guy. He stood up at that meeting and began talking about his family farm. He said his granddad farmed it, his dad farmed it, and he has farmed it for 23 years. Then his chin began to quiver and he got tears in his eyes. Then he said he is going to have to quit farming. Jim and Bev McAllister love farming. They are family farmers. They have raised their family on the farm. It is a way of life they say they wouldn't have traded for anything, and yet they are having to leave the farm. There family farm will be history. No more family farming for the McAllister family.

Why is this happening?

This is a picture of an auction sale in North Dakota. You can see what an auction sale looks like. There are a lot of folks standing around with an auctioneer auctioning off farm machinery. Here are pages from a North Dakota newspaper. It shows about 150 auction sales. It is all advertised in the same week's paper. These auction sales go out for a good number of weeks. This listing includes some 150 auction sales.

They have had so many auction sales on North Dakota farms that they have had to call retired auctioneers back from retirement to handle the auction sales. Every one of these auction sales represents a family farmer who has tried to invest everything they have, and have worked hard, to run a family farm. And then they discover they can't make it.

Why can't they make it? Well, farmers are beset by a whole range of problems these days. First, they wrote a new farm program in Congress two years ago. I didn't vote for it. I thought it was a terrible farm program. But those who voted for it—and the President reluctantly signed it—essentially said we are going to pull the safety net

out from under family farmers. It doesn't matter what the circumstances are. If grain prices collapse, somehow we are going to still pull the safety net out from under family farmers and instead set up a decreasing scale of price supports, eventually hoping that family farmers will deal in whatever is the open market. They called this program Freedom to Farm.

It would be like saying to the people in the workforce we are going to reduce the minimum wage to $1 an hour and we are going to call it ''Freedom to Work.'' It is the same logic, exactly the same logic. If they cut the minimum wage to $1 an hour and call it ''Freedom to Work,'' it would make as much sense as what they have done to family farmers.

Here is what family farmers face in my State. Wheat costs somewhere around $4.50 to $5 a bushel to raise. When farmers plant it in the spring, in order to plant it they have to have equipment. They have to buy fuel for the tractor. They have to buy seed to plant in the ground. They have to buy fertilizer to fertilize it. They till and seed the ground, and hope and pray and cross their fingers and hope they get enough moisture. If they get enough moisture for that, and if they grow wheat, barley, or corn, they hope it doesn't hail and destroy the crop. Then they hope the insects don't come and eat the crop. And, they hope they don't experience crop disease that will in other ways ravage and decimate the crop. If all of that is avoided, then maybe in the fall they will have a crop that has come out of the ground and is high enough to harvest. Then they will buy fuel for the combine and they will go harvest the crop. When all of that is done, if they have been very lucky, they will have raised a crop that cost them $4.50 or $5 a bushel to raise, and they truck it to the county elevator, and they may get $3.10 a bushel for it. That means they go broke.

On top of the collapsed prices, in North Dakota and a couple of other States, we have been ravaged by the worst possible crop disease. It is called scab. The technical name is fusarium head blight. I am told that this is the worst crop disease in this century. So these family farmers are trying to fight a crop disease that decimates their crop and then a price that is in the tank. The question is: Does anybody care? Does anybody care at all?

We had a group of Senators a week and a half ago who held a press conference that said, ''Gee, this farm bill is working just fine. We think things are on the right track.'' What planet could they have possibly come from? Where on Earth did they get off the mother ship? How could they say, ''This farm bill is working just fine?''

I would encourage anyone who thinks that to go buy a quarter section of land and plant yourself a crop. After you plant it, raise the crop, and then sell it, then you will have the big loss that you are going to get under this farm program. After you have done that, then come and gloat about how the farm program is working. I dare you. See, if you have the courage of your convictions. Any one of those who think this farm program is working just fine, should go buy a farm and have the opportunity to lose some money for awhile. Then you will have your banker tell you it is not working out. Only then should you come back and give us your theory and tell us how great the farm program is working. Just do it. But don't come in here and preach these platitudes about a program working when it is a disaster. Freedom to Farm has been a disaster for family farmers.

Let me tell you what else is facing family farmers. There are hundreds of thousands of family farmers out there. There are almost two million of them out there. You see them with a yard light on at night dotting the countryside. They are raising a family and planting crops. Let s say they are raising livestock and they go to market. Let's assume they are taking some cows to market. What they find at the marketplace is the neck of that bottle up through which they are trying to market is squeezed by four beef packing plants. Four beef packing companies in this country control 87 percent of the market. That is right. Four firms with 87 percent of the market. Ten years ago, it was 67 percent. Now those four control 87 percent of the market. They set the market. They tell somebody out there who is herding cows and raising cattle exactly what they are going to pay them. If they don't like it, tough luck.

If you are not raising cows, maybe you are raising hogs. The top four pork packers in this country control 60 percent of that market. If you go into a packing house that slaughters hogs, 60 percent of the market is controlled by only four companies. With sheep, it is 73 percent of the market that is controlled by the top four companies.

How about raising grain? The top four firms in flour milling in this country have 62 percent of the market. The top four grain elevator firms control nearly 60 percent of the Nation's elevator facilities at our ports. The top four corn milling firms control 74 percent of the market. In soybean crushing, the top four firms have 76 percent of the market. When farmers try to market through the neck of this bottle, it is squeezed with an iron grip by increasing monopoly pricing power by corporations that press down on these farm prices.

If that is not enough for our farmers to face, then they have to haul their grain to the markets on railroads that are increasingly monopolistic. In 1980, there were 40 class-one railroads in this country. Now there are only four.

In our State, when they come through with the railroad cars, they charge $2,300 to ship a carload of wheat from Bismarck, ND, to Minneapolis. The railroad charges $1,000 to ship a carload of wheat from Minneapolis to Chicago, which is the same distance. What is the difference? The difference is that on one segment there is competition and, therefore, lower prices. In North Dakota, there is not. Therefore, they charge us more than double. We get overcharged because there isn't competition.

If farmers aren't discouraged enough by prices that are in the tank or by markets that are controlled by increasingly monopolistic tendencies, then they are beset by trade problems.

The Canadian trade agreement that we have is unforgivable in the way it was negotiated. The United States negotiator went to Canada and negotiated a United States-Canada trade agreement and fundamentally sold out agricultural interests. I say that understanding exactly what I am saying. I am sure the trade ambassador got other concessions. But family farmers had the rug pulled out from under them. Every day we have carloads and carloads of grain coming across from Canada into our marketplace. In my judgment this is in contravention of U.S. law. Yet, the Canadians refuse to open their books to GAO audits. In fact, they just recently refused once again to allow the GAO at my request to go up and audit their books. I think they are guilty of violating American trade laws. But they say, ''No. We are going to ship all of this product into your country and we don't intend to open our books to you.''

The United States-Canada free trade agreement is an outrage. It takes money right out of the pockets of family farmers, and it has gone on for a number of years, and nobody seems to care much. It is not just grain that comes in from Canada. It is also truckload after truckload of livestock. But nobody seems to care much.

It seems to me that farmers are told in every way that somehow it is a free market out there. They are told to go participate in that free market. Yet, when it comes to this country deciding that it wants to impose sanctions on Cuba, farmers are told: Oh, by the way, you can't sell grain to Cuba. Or they are told, by the way, you can't sell grain to Iran; and, you can't sell grain to Iraq; and, you can't sell grain to Libya.

Farmers are told, you have to pay the cost of those markets that are closed to you. Farmers are told they have to pay the cost of lost wheat sales to China, because we don't have the backbone to stand up to China. We should say to China, if you send us your shirts, your trousers, your shoes, and your trinkets, you then have to buy our wheat. Yet, because we don't have the backbone to say to China that as a condition of our market absorbing all her products that China must buy American grain. Farmers bear the consequences of those kinds of incompetent trade agreements and the lack of will and the lack of nerve and the lack of backbone. Farmers bear the consequence of that.

Most people probably don't know much about farming. Most people probably don't care much about farming. They probably in many cases think that food comes from a carton somewhere at the grocery store.

I had a fellow come to North Dakota once. He was a Member of Congress, who had never been on a farm. I decided that since he votes on farm policy issues that I should really take him out and show him a farm. And we did. We went to a dairy barn. And the dairy business is as tough a business as there is. It is hard. You get up early in the morning and milk cows. The last thing you do at the end of the day is milk cows. There is no tougher job in the country.

My friend was standing there in a blue-striped suit, which is the uniform for Congress, and he saw how hard this was. This fellow and his wife were in the dairy barn on a little farm north of New Salem, ND, and they were milking about 90 cows. That is tough. It was about 5:30 in the evening. The light was shafting through the barn, and it was beautiful. And my friend, this Congressman, watched this go on, and finally he said to the farmer, ''How often do you have to do this?'' The farmer was hooking up the milk machines. It is very tough work. He says, ''How often do you have to do this?'' The farmer, whose name was George, said, ''Well, you have to do it twice a day. You have to do it every morning and you have to do it every evening.''

And my friend, the Congressman from out east, thought about that a bit, and then he said, ''George, do you have to do this on weekends, too?'' And he didn't know. Of course, you have to do it on weekends. You milk 7 days a week twice a day. But he didn't know it. He had never been on a farm.

Family farmers work hard, risk everything they have. In every circumstance, all they want to do is make a decent living. And what we are finding in North Dakota and across the farm belt these days is that we have the goofiest, most detrimental farm program you can possibly conceive. What does our farm program say to our family farmers out there? What does it say to some lonely farm family living on the farm with a yard light on at night, 5 miles from the nearest neighbor?

What we say to them is that you are on your own. You fight the big grain trade firms. You fight the railroad companies. You fight the meat packing plants. And, when you are done with those fights, which by the way you are going to lose, then you go ahead and fight the European Union, because they are subsidizing their farmers. You fight China which keeps your wheat out. You fight Japan that doesn't buy enough beef. You go ahead and fight Canada that floods your market and takes money out of your pocket.

We tell our farmers that they have to wage those fights alone, and we know they are going to lose. Yet, we have people on the floor of the Senate who chant, ''Free market.'' All they can do is chant, ''Free market.'' There has never been a free market in agriculture. There never has been, and there probably never will be.

Nobody would like it more than I would if farmers could go to the grain elevator with their 2-ton truck, haul their wheat in and get a decent price. Nobody would like that better than I would, because farmers ought to be able to get a decent price from the marketplace. What if farmers can't? Does this country care whether there are any family farmers left? It is questionable whether at least some in the Congress care at all. But, if this country cares about whether there are family farmers left, then if farmers can't get the price at the grain elevator because the market is a manipulated market that is not a free market at all, then there has to be some mechanism, as other countries have done, that says to family farmers, here is a support price in the event you can't get a decent price at the marketplace. It is the only way we will keep family farmers on the farm.

Now, we don't have much choice, it seems to me, in the coming weeks. We are going to have to decide that we are either going to do something to respond to this farm crisis or we are going to see wholesale farm bankruptcies all across the country. The very survival of family farms is what is at stake.

Let me just briefly go through a couple of charts.

Here is what has happened to wheat prices. Wheat prices have fallen 53 percent in the 2 years since the farm bill was passed. That is what has happened to wheat prices under Freedom to Farm. If you love Freedom to Farm, then vote Freedom to Farm. But here is what has happened to wheat prices. You can chant ''Freedom'' all you like, and it is not going to help families on the farm stay on the farm. As I said when I started, chanting ''Freedom to Farm'' and pulling the rug out from family farmers, would be the same thing as coming to the floor and saying what we propose is to cut the minimum wage to a dollar an hour and we will call it freedom to work. It is exactly the same principle.

That is what has happened to grain prices. They have dropped from $5.75 per bushel to $2.72 per bushel. That is why farmers are in such significant trouble.

Secondly, in addition to that, there is no longer a disaster program. Now when you suffer disasters, we cannot respond to it. That is also part of the Freedom-to-Farm approach. I want to show you what has happened to family farmers in North Dakota.

This is only one State. The red area means that these counties and those farmers living in those counties have been living in a county declared a disaster area for 5 years in a row. The orange areas have had disasters 4 out of 5 years. You can see that takes up the entire eastern half of the State. Incidentally, this half of my State is equal to five times Massachusetts in land mass. North Dakota is 10 times the size of Massachusetts in land size. But this half of North Dakota has had a disaster declaration for every county 4 out of 5 years. A third of our counties have been declared a disaster every year. All of our counties were declared a disaster area this past year.

Family farmers can't make it when they have disaster after disaster after disaster. Yet, we have people in Congress saying to them, ''Well, so what. Go to the marketplace. It's a free market.'' It is not a free market.

When you have crop disease and disasters, resulting from the wet cycle, and collapsed prices, here is what happens to income: In 1 year, there was a 98 percent reduction in net farm income. Family farmers as a group in North Dakota lost 98 percent of their net income. Think of it. Can you think of anyone else in your neighborhood, anyone in your town, who would still be on their feet if they lost 98 percent of their net income? I don't think so; not with a 98 percent loss in net income.

Here is what happened to the production costs for family farmers. They have to buy tractors, right? In 20 years, here is what happened to the price of a tractor? In the past 20 years, here is what happened to the price of a combine. Look at what has happened to the fertilizer costs and what has happened to the price of diesel fuel. And then I showed you what happened to wheat prices. All of those input costs increased dramatically and wheat prices come down.

Well, there are a lot of solutions to this, some of which will appease no one in this Chamber, I suppose. Yet, we must decide as a Congress whether this matters.

If we have big corporations in this country that get into trouble, gosh, there are all kinds of friends there willing to fluff up their pillow and give them an aspirin and get them to bed for a short nap, maybe give them a transitional loan.

It is really interesting. While I am describing to you the problems in family farming, think of what has happened during this period of time when family farmers like Jim McAllister and Joni Flaten and others are losing everything they have. Yes, absolutely everything. What is happening on the front page of your newspaper? All the biggest companies in the country are finding romance once again. They are dating, and then they are getting married, and so we have these big mergers and combinations. Gosh, they love each other. The bigger, the better. At the upper end of this economic system, things are just swimming, I guess. There are record profits, and the largest mergers in the history of humankind. And at the bottom, the folks who are out there trying to raise a family

and keep a yard light on and run a family farm are going broke in record numbers.

There is something really wrong with that. There is something wrong with a system that doesn't reward what this country should value most and that doesn't connect effort and reward. You talk about effort? You know, family farmers are the ones who invest everything they have, work hard, risk everything they have, and then discover at the end of it that they don't have the capability of continuing. And this country has a policy that says that is fine; we don't care about that?

We are going to have a big fight in this Chamber this summer to see who cares. Some people may say they don't care. Or they may say they care, but they have constructed these goof-ball policies and they just want to stand over in a corner and chant about free markets. That is one solution, I guess. But that solution will simply continue this decline, this spiral of failing our family farms.

But there are other ways to address this. One is for this Congress to write a simple farm plan that starts with one single sentence, and that sentence says: The purpose of this farm bill is to maintain a network of family farms in this country.

Otherwise, you will have corporate agrifactories farm from California to Maine. There won't be anybody living in the country, and the price of food will go up. That can happen and probably will happen unless this country decides that family farmers are in this country's best interests. Thomas Jefferson used to say that it is in this country's best interests to maintain a broad network of ownership in this country. Broad-based economic ownership is critical to the success of this country.

Even if one doesn't care about family farmers, one ought to care about the disparity that exists here. We should care about the massive failure at the bottom of the system affecting people who really produce real things, and the orgy of mergers that is occurring at the top with the big getting bigger.

One of the things that bothers me the most about all of this is the people who are out there raising a kernel of wheat or corn or barley to take it to the market are the very ones who are failing. And then everybody else who gets hold of that seems to be making record profits. Go to the grocery store and buy a box of cereal and look at the price. Somebody took that kernel of wheat or corn or grain of rice and they might have puffed it. Now that it is made into puffed wheat, does its price bear any relationship to the price that the farmer gets for the wheat? No, not at all. The farmer gets a pitiful price that is insufficient to keep the farmer in business. But those who process it, those who haul it, those who puff it, those who crisp it, those who shred it, they are all making record profits. There is something wrong with that. There is something wrong with the method by which this system values what people contribute to our economic system.

Some people might say to me, ''Gee, you come from North Dakota and you have a different view of economics. You didn't go to the University of Chicago, the School of Economics; you don't understand free markets,'' and so on. No, I understand it. I understand the difference between the theory, the chanting and all the nonsense and the reality that exists every day confronting people who produce every day.

So I know there will be some in this Chamber who will be upset this summer that we are going to push them very hard on these policies. Those of us who have other ideas and believe there is a better way and different approach and believe there is a way for this Congress to stand up for family farming. We need to say to our family farmers, just as the Europeans have said to their family farmers and other countries have said to theirs, that you matter. Your presence as a producer, as a family farmer in this country, makes a difference to us. It strengthens this country. It nurtures this country.

The formation of family values in America always came from family farms. The seed bed of family values came from family farms. They have rolled into small towns and rolled into the cities, nurturing and refreshing the family values of this country. So, therefore, family farming matters. It is more than just dollars and cents, and it is more than just economics. Family farming, as an economic and social policy, matters in this country.

Those who have currently gained the upper hand politically on this issue have constructed a farm policy that says, ''We are going to pull the rug out from under you even as we negotiate bad trade agreements. We are going to pull the rug out from under you on support and there will be no disaster programs for massive crop disease.'' Those folks are not going to like what some of us feel we must do this summer to try to force the issue to deal with family farming.

Mr. President, I think of Joni Flaten, a 38-year-old woman from Langdon, ND, who writes a letter with resignation. She and her husband have invested in their farm and in fact they are losing their farm, and they wonder what to do next. She says, ''. . . I'm not sure if there is a lot of need for a 38-year-old combine operator/tractor driver/trucker/run for parts person and be a mother in the workforce in North Dakota.'' That is what you do to run a farm. Everybody does everything.

Some, I guess, as the old saying goes, understand the cost of everything and the value of nothing. That is what we have here, in my judgment. We went through this debate a couple of years ago on the Freedom to Farm bill and I was never made quite so despondent about a U-turn in public policy as I was by those who said, ''Gee, family farmers really don't matter very much. We have this market system they can work in.''

Everybody here knows. The statistics I have just used are not foreign to anybody here. They say to the family farmer: You operate in this market system. We understand the grain trading firms have a hammerlock on price; we understand the railroads have a hammerlock on your transportation; we understand that meat packing plants have a hammerlock on your marketing system, but, still, you go ahead and operate in the free market.

I think it would be perfectly understandable for farmers to start their tractors and gas them up and head them towards the byways and highways that haul policy makers to legislative forums where they extol about a free market that doesn't exist and see if they cannot persuade them that family farming matters and that their futures and their fortunes matter as well.

We expect in the coming weeks to have discussions about a disaster program or an indemnification program, either one; about a price support program; about a range of other issues that need to be addressed, including the question of concentration in the meat packing industry and other issues. But through it all, I expect we will debate these issues in the month of July.

Now that the Senate will be back voting tomorrow, we will see work on appropriations bills. Will we see business as usual? Will we see the kind of legislative sleight of hand that I mentioned at the start of this discussion? Will we see conference committees come to the floor of the Senate in which a $2 billion item was offered in legislative darkness that will butter the bread of the richest folks in America? Then the same people who decide they want to do that will say, ''Gee, we don't have enough money to help poor people who can't afford home heating.''

We will see all that kind of thing that goes on around here because people can do it, and they do do it, and that is unfortunate. That is not the bright side of legislating. That is the dark side of legislating. But, hopefully, enough of us will force enough of others of us in this Chamber to confront these questions. Does farm policy work when farmers are told that whatever they get in the marketplace is all there is, and the marketplace collapses like a used accordion, and the farmers are then told, well, it's tough luck; some big corporation will come and farm all that land and America will be just as well off with an agrifactory?

In my judgment, it won't. I recognize I come from a town of 300 people in a small rural area of North Dakota. But the people who farm in North Dakota and up and down the farm belt are some of the best people in this country. They don't deserve to be whipsawed by an economic system that is unfair to them, that treats them fundamentally unfairly with respect to trade agreements and sanctions, and markets that are unfair, markets that are clogged. It is not the right way for this country to treat its family farmers.

So, again, Mr. President, in the coming couple of weeks, the leadership of the Senate should expect to confront these issues. I hope those who feel strongly about the current farm policy will bring their notebooks, bring their theory, and sharpen their chants, because they are going to have an opportunity to tell us about free markets once again. We will have an opportunity to visit about farm families who are going broke under that very same set of circumstances.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate, under the previous order, will stand adjourned until 9:30 a.m., Tuesday, July 7, 1998.

Thereupon, the Senate, at 5:19 p.m., adjourned until Tuesday, July 7, 1998, at 9:30 a.m.