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106TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPORT 106–621

PROVIDING FOR THE CONSIDERATION OF H.R. 4205, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

MAY 17 (legislative day, MAY 16), 2000.—Referred to the House Calendar and ordered to be printed

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

REPORT

[To accompany H. Res. 503]

The Committee on Rules, having had under consideration House Resolution 503, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for the consideration of H.R. 4205, the National Defense Authorization Act for FY 2001, under a structured rule. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Committee on Armed Services.

The rule waives all points of order against consideration of the bill. The rule provides that it shall be in order to consider as an original bill for the purpose of amendment, the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule further provides that no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in this report or specified by a subsequent order of the House, amendments en bloc described in section 3 of the resolution, and pro forma amendments offered by the chairman or ranking minority member of the Committee on Armed Services for the purpose of debate.

The rule provides that, except as specified in section 5 of the resolution, each amendment printed in this report shall be considered only in the order printed in this report, may be offered only by a

79–008

Member designated in this report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule further provides that, unless otherwise specified in this report, each amendment printed in this report shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of debate on any pending amendment).

The rule waives all points of order against the amendments printed in this report or amendments en bloc described in section 3 of the resolution. The rule provides that it shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in this report not earlier disposed of or germane modifications of any such amendment, which shall be considered as read (except that modifications shall be reported), shall be debatable for 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule provides that, for the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The rule further provides that the original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. The rule allows the Chairman of the Committee of the Whole to recognize for the consideration of any amendment printed in this report out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect. Finally, the rule provides that, after disposition of the amendments printed in this report, the Committee of the Whole shall rise without motion and no further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

SUMMARY OF AMENDMENTS MADE IN ORDER UNDER THE RULE ON H.R. 4205—NATIONAL DEFENSE AUTHORIZATION ACT, FY 2001

1. Kasich/Shays/Frank/Condit/Bachus: Makes the U.S. ground forces in Kosovo conditional on presidentially-certified progress by our European allies. Requires the President, before April 1, 2001, to submit a report on commitment and delivery of certain types of aid to Kosovo by the European Commission, members of the European Union, and European members of NATO. The President must also certify by that date that these nations and organizations have met a specified percentage of their aid pledges. (60 minutes)

2. Frank/Luther: Reduces the total Defense authorization by 1% from the amount proposed in the bill. In carrying out such a reduction, no cuts can be made in the operations and maintenance accounts or from personnel accounts. (20 minutes)

3. Dreier/Skelton/Gilman/Tauscher: Shortens the waiting period from 180 days to 60 days for Congress to review a proposed adjustment in the performance level that defines high-speed computers and excludes any days in which the House or Senate is in sine die adjournment. (40 minutes)

4. Luther/Ramstad/Frank: Concludes further production of the Trident II (D–5) submarine-launched ballistic missile. (10 minutes)

5. Hunter: Requires the Secretary of Defense to submit a report detailing the economic analysis on the benefits of incrementally funding the CVN(X) class of carriers and the LHD class of ships. (10 minutes)

6. Underwood: Defines the term "United States" in a geographic sense to mean "the 50 states, the District of Columbia, and any Commonwealth, territory, or possession of the United States" for the scope of the reports required by section 233, which requires reports on the ballistic missile threat posed by North Korea. (10 minutes)

7. Hansen: Clarifies that section 312 of the bill is intended only to protect future flexibility of DoD airspace to accomplish low-level training. (10 minutes)

8. McKeon: Funds a study, plan and design for clean-up of perchlorates in the City of Santa Clarita, California, resulting from munitions development and production for the Department of Defense. (10 minutes)

9. Fowler: Clarifies that the Secretary of Defense may delegate the authority to submit reports required by Section 364 only to the Deputy Undersecretary of Defense of Installations or his superiors in the DoD. (10 minutes)

10. Sanford: Eliminates 10 U.S.C. Sec. 381 and 10 U.S.C. 2576a which authorize the Secretary of Defense to convey surplus military property to local governments at less than fair market prices. (10 minutes)

11. Buyer: Makes technical corrections to the Army National Guard's selective reserve, active-guard and reserve (AGR), and military technician (dual status) end strengths for fiscal year 2001. (10 minutes)

12. Camp: Authorizes service Secretaries to specify a later time of death for disability retirement purposes for members of the armed services who die in civilian medical facilities. The amendment requires that the time of death determined by the service Secretary be consistent with the time of death that would be determined if the member had died in a military facility which shall not be later than 48 hours after the time of death determined by the civilian medical facility. (10 minutes)

13. Stearns: Makes coverage and reimbursement for physical and occupational therapy by TRICARE comparable to other entities providing the same benefits. (10 minutes)

14. Stenholm/Thune: Improves access to health care under the TRICARE system by eliminating non-availability statements (NAS) and pre-authorization requirements for TRICARE standard bene-

ficiaries to receive care; and eliminates the requirement for an NAS to receive care specialized treatment facilities outside the 200 miles radius of a military facility. (10 minutes)

15. Velazquez: Directs the Secretary of Defense to conduct a comprehensive study on contract bundling and its effects on small business, and develop a database containing information on all bundled contract. (10 minutes)

16. Traficant: Requires that expenditures made under the bill conform to the Buy American Act and expresses the Sense of Congress that entities spending funds made available through the bill purchase American-made goods where possible and establishes penalties for fraudulently labeling an item as "Made in America". (10 minutes)

17. Bereuter: Streamlines the DoD's management of all five Regional Centers for Strategic Studies in various parts of the world; consolidates existing authority to waive reimbursement of certain costs; and authorizes the employment and compensation of Regional Center directors, faculty and staff at competitive rates. (10 minutes)

18. Coburn: Requires the Secretary of Defense to develop, no later than October 1, 2000, a comprehensive plan to ensure full compliance by the DoD with all statutory and regulatory financial management requirements applicable to the Department. (10 minutes)

19. Gilchrest: Urges the Secretary of Defense to pursue funding for five additional Weapons of Mass Destruction Civil Support Teams (WMD–CST) which will result in a total of 32 WMD–CST's nationwide by the end of fiscal year 2001. (10 minutes)

20. Traficant: Assigns, at the request of the Attorney General and the Secretary of the Treasury, military personnel to assist in patrolling our borders for weapons of mass destruction, illegal narcotics, and other terrorist or drug trafficking itmes. (10 minutes)

21. Weldon (FL): Establish a commission to review the future of the American aerospace industry. (10 minutes)

22. Miller, Gary: Expresses the Sense of Congress that the DoD must focus on upgrading information technology systems to allow seamless and interoperable communications. (10 minutes)

23. Hall (OH)/Hobson: Creates a three-year pilot program permitting the Air Force to offer early outs and retirement bonuses to up to 1,000 employees each year for the purpose of maintaining continuity of skills among employees and to hire workers with critically needed technical skills. (10 minutes)

24. Hunter: Requires the Secretary of Defense to submit a report regarding the cost associated with Operation Allied Force. (10 minutes)

25. Skelton: Requires the Comptroller General to conduct a study on the value to American national security interests of the engagement of our military forces in Europe and from military strategies employed to shape the international security environment in Europe. (10 minutes)

26. Fowler: Expresses the Sense of Congress that the Secretary of Defense has not complied with the requirements in the bill which require him to publish and update a list of Communist Chinese military companies operating in the U.S. (10 minutes)

27. Largent: Strikes subsection 2 of Section 2813 which authorizes the competitive privatization of military utilities distribution patterns. (10 minutes)

28. Ryun: Enables the Dept. of the Army and the Kansas Commission on Veterans Affairs to agree to a transfer of property at Ft. Riley, KS for the purpose of establishing a State-operated veterans cemetery. (10 minutes)

29. Baird: Provides for the transfer of the U.S. Army Barracks at Fort Vancouver in Washington to the City of Vancouver. (10 minutes)

30. Hefley: Authorizes the Secretary of the Air Force to convey, without consideration, or to lease approximately 23 acres at the former Lowry Air Force Base, Colorado, to the Lowry Redevelopment Authority for the furtherance of economic development and other public purposes. (10 minutes)

31. Hastings (WA): Designate the tank waste remediation system environmental project in Richland, Washington as the "River Protection Project". (10 minutes)

32. Hayes: Ensures that Section 3157 of the National Defense Authorization Act of 1998 is consistent with Section 1211 of that same Act regarding export control thresholds for computer exports to Tier III countries. (10 minutes)

33. Udall (CO) Allows DoE to authorize additional accumulation of annual leave; payment of lump-sum retention allowances; details of employees to other duties; and voluntary separation incentive payments. (10 minutes)

34. Lampson: Amends the Maritime Administration (MARAD) section of the bill to release a promissory note of $196,490.75 to MARAD, provided the Offshore Energy Center continues to operate the rig as a public museum. (10 minutes)

35. Bryant: Amends the section of the bill creating a new sentence in the Uniform Code of Military Justice (UCMJ) of life without parole and clarifies that Congress' intent in creating a life without parole sentence in the UCMJ was that clemency would not apply. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER UNDER THE RULE

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KASICH OF OHIO, OR REPRESENTATIVE SHAYS OF CONNECTICUT, OR A DESIGNEE, DEBATABLE FOR 60 MINUTES

At the end of title XII (page 338, after line 13), insert the following new section:

SEC. 1205. ACTIVITIES IN KOSOVO.

(a) CONTINGENT REQUIRED WITHDRAWAL OF FORCES FROM KOSOVO.—If the President does not submit to Congress a certification under subsection (c) and a report under subsection (d) before April 1, 2001, then, effective on April 1, 2001, funds appropriated or otherwise made available to the Department of Defense may not be obligated or expended for the continued deployment of United States ground combat forces in Kosovo. Such funds shall be available with respect to Kosovo only for the purpose of conducting a safe, orderly, and phased withdrawal of United States ground combat forces from Kosovo, and no other amounts appropriated for the

Department of Defense in this Act or any other Act may be obligated to continue the deployment of United States ground combat forces in Kosovo. In that case, the President shall submit to Congress, not later than April 30, 2001, a report on the plan for the withdrawal.

(b) WAIVER AUTHORITY.—(1) The President may waive the provisions of subsection (a) for a period or periods of up to 90 days each in the event that—

(A) United States Armed Forces are involved in hostilities in Kosovo or imminent involvement by United States Armed forces in hostilities in Kosovo is clearly indicated by the circumstances; or

(B) the North Atlantic Treaty Organization, acting through the Supreme Allied Commander, Europe, requests emergency introduction of United States ground forces into Kosovo to assist other NATO or non-NATO military forces involved in hostilities or facing imminent involvement in hostilities.

(2) The authority in paragraph (1) may not be exercised more than twice unless Congress by law specifically authorizes the additional exercise of that authority.

(c) CERTIFICATION.—(1) Whenever the President determines that the Kosovo burdensharing goals set forth in paragraph (2) have been achieved, the President shall certify in writing to Congress that those goals have been achieved.

(2) The Kosovo burdensharing goals referred to in paragraph (1) are that the European Commission, the member nations of the European Union, and the European member nations of the North Atlantic Treaty Organization have, in the aggregate—

(A) obligated or contracted for at least 50 percent of the amount of the assistance that those organizations and nations committed to provide for 1999 and 2000 for reconstruction in Kosovo;

(B) obligated or contracted for at least 85 percent of the amount of the assistance that those organizations and nations committed for 1999 and 2000 for humanitarian assistance in Kosovo;

(C) provided at least 85 percent of the amount of the assistance that those organizations and nations committed for 1999 and 2000 for the Kosovo Consolidated Budget; and

(D) deployed at least 90 percent of the number of police, including special police, that those organizations and nations pledged for the United Nations international police force for Kosovo.

(d) REPORT ON COMMITMENTS AND PLEDGES BY OTHER NATIONS AND ORGANIZATIONS.—The President shall submit to Congress a report containing detailed information on—

(1) the commitments and pledges made by the European Commission, each of the member nations of the European Union, and each of the European member nations of the North Atlantic Treaty Organization for reconstruction assistance in Kosovo, humanitarian assistance in Kosovo, the Kosovo Consolidated Budget, and police (including special police) for the United Nations international police force for Kosovo;

(2) the amount of assistance that has been provided in each category, and the number of police that have been deployed to Kosovo, by each such organization or nation; and

(3) the full range of commitments and responsibilities that have been undertaken for Kosovo by the United Nations, the European Union, and the Organization for Security and Cooperation in Europe (OSCE), the progress made by those organizations in fulfilling those commitments and responsibilities, an assessment of the tasks that remain to be accomplished, and an anticipated schedule for completing those tasks.

(e) CONSTRUCTION OF SECTION.—Nothing in this section shall be deemed to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FRANK OF MASSACHUSETTS, OR REPRESENTATIVE LUTHER OF MINNESOTA, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of subtitle A of title X (page 302, after line 11), insert the following new section:

SEC. 1006. ONE PERCENT REDUCTION IN FUNDING.

The total amount obligated from amounts appropriated pursuant to authorizations of appropriations in this Act may not exceed the amount equal to the sum of such authorizations reduced by one percent. In carrying out reductions required by the preceding sentence, no reduction may be made from amounts appropriated for operation and maintenance or from amounts appropriated for military personnel.

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DREIER OF CALIFORNIA, OR REPRESENTATIVE SKELTON OF MISSOURI, OR A DESIGNEE, DEBATABLE FOR 40 MINUTES

At the end of title XII (page 338, after line 13), add the following:

SEC. 1205. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS.

(a) LAYOVER PERIOD FOR NEW PERFORMANCE LEVELS.—Section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. app. 2404 note) is amended—

(1) in the second sentence of subsection (d), by striking "180" and inserting "60"; and

(2) by adding at the end the following:

"(g) CALCULATION OF 60-DAY PERIOD.—The 60-day period referred to in subsection (d) shall be calculated by excluding the days on which either House of Congress is not in session because of an adjournment of the Congress sine die.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any new composite theoretical performance level established for purposes of section 1211(a) of the National Defense Authorization Act for Fiscal Year 1998 that is submitted by the President pursuant to section 1211(d) of that Act on or after the date of the enactment of this Act.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LUTHER OF MINNESOTA, OR REPRESENTATIVE RAMSTAD OF MINNESOTA, OR A DESIGNEE

At the end of subtitle C of title I (page 27, after line 24), insert the following new section:

SEC. ___. DISCONTINUATION OF PRODUCTION OF TRIDENT II (D–5) MISSILES.

(a) PRODUCTION TERMINATION.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 2001 may not be obligated or expended to commence production of additional Trident II (D–5) missiles.

(b) AUTHORIZED SCOPE OF TRIDENT II (D–5) PROGRAM.—Amounts appropriated for the Department of Defense may be expended for the Trident II (D–5) missile program only for the completion of production of those Trident II (D–5) missiles which were commenced with funds appropriated for a fiscal year before fiscal year 2002.

(c) FUNDING REDUCTION.—The amount provided in section 102 for weapons procurement for the Navy is hereby reduced by $472,900,000.

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUNTER OF CALIFORNIA, OR A DESIGNEE

At the end of subtitle C of title I (page 27, after line 24), insert the following new section:

SEC. 125. ECONOMIC ANALYSIS OF CERTAIN SHIPBUILDING PROGRAMS.

(a) ECONOMIC ANALYSIS.—The Secretary of Defense, in consultation with the Secretary of the Navy, shall conduct an economic analysis—

(1) on the benefits of spreading the budget for the CVN(X) class of aircraft carriers over a six-year period, or the optimum number of years, to provide a stable budget; and

(2) on the program profile and the budget for the next LHD of the class over a three-year period, or the optimum number of years, beginning in fiscal year 2002.

(b) SUBMISSION TO CONGRESSIONAL COMMITTEES.—The Secretary shall submit the analysis to the congressional defense committees not later than February 1, 2001. The analysis shall include the following:

(1) The economic effect of stabilizing the annual budget process for the Shipbuilding and Conversion, Navy, account by dividing the expected total funding for each class of ship and spreading it equally over six years, or the optimum number of years and funding profile, for the CVN(X) class, and three years, or the optimum profile, for the LHD class.

(2) The benefits the budgeting method described in paragraph (1) could have on providing greater budget and production stability in other shipbuilding programs in the plan.

(3) A determination as to whether such budgeting method would facilitate the ability of the Navy to acquire vessels in those classes less expensively and when needed.

(4) The effect of entering into a contract with the shipbuilder in the year in which the first increment of funding is provided and the potential cost savings to the program as a result of the shipbuilder having greater certainty and stability in the planning and production schedule.

(5) A recommendation on the safeguards that would have to be put in place to preclude reprogramming of funds for those programs.

(6) A list of all laws, regulations, and other impediments that would have to be amended or modified to effectively implement such a funding approach for those ship classes.

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6. AN AMENDMENT TO BE OFFERED BY DELEGATE UNDERWOOD OF GUAM, OR A DESIGNEE

Page 40, line 14, strike "50 States" and insert "United States".

Page 41, after line 15, insert the following:

(c) DEFINITION.—For purposes of this section, the term "United States", when used in a geographic sense, means the 50 States, the District of Columbia, and any Commonwealth, territory, or possession of the United States.

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HANSEN OF UTAH, OR A DESIGNEE

Page 51, line 13, strike the period at the end and insert the following: "for such special use airspace and the use of such special use airspace established in such environmental impact statements.".

Page 51, lines 14 and 15, strike "OF NETWORK" and insert "FOR LOW-LEVEL FLIGHT TRAINING".

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8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCKEON OF CALIFORNIA, OR A DESIGNEE

At the end of subtitle B of title III (page 53, after line 12), insert the following new section:

SEC. ___. FINDINGS AND SENSE OF CONGRESS REGARDING ENVIRONMENTAL RESTORATION OF FORMER DEFENSE MANUFACTURING SITE, SANTA CLARITA, CALIFORNIA.

(a) FINDINGS.—The Congress finds the following:

(1) A former private sector munitions plant may have demonstratively impacted the environment of a 1,000-acre site in Santa Clarita, California.

(2) Munitions and rocket propellant manufactured at this site for over 60 years may have contributed to various contaminants including, but not limited to, perchlorates and various volatile organic compounds.

(3) The munitions plant used materials and production methods in support of purchase orders from the Department of Defense to meet the national security interests of the United States at the time.

(4) The Santa Clarita site serves a unique role in the future of the community and is the cornerstone to many public benefits, including reduction in transportation congestion, access to much-needed schools, future local government centers, assurance of quality drinking water, more than 400 acres of public space, and affordable housing.

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

(1) every effort should be made to apply all known public and private sector innovative technologies to restore the Santa Clarita site to productive use; and

(2) the experience gained from this site by the private and public sector partnerships has the potential to pay dividends many times over.

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9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOWLER OF FLORIDA, OR A DESIGNEE

Page 80, line 14, insert "only" after "may be delegated".

Page 81, line 15, insert before the period the following: "or to an official in the Office of the Secretary of Defense senior to that Deputy Under Secretary".

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10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SANFORD OF SOUTH CAROLINA, OR A DESIGNEE

At the end of title III (page 82, after line 14), insert the following new section:

SEC. ___. REPEAL OF AUTHORITY FOR LESS-THAN-FAIR-MARKET-VALUE TRANSFERS OF PROPERTY FOR LAW ENFORCEMENT ACTIVITIES.

(a) PROVISIONS REPEALED.—Sections 381 and 257a of title 10, United States Code, are repealed.

(b) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 18 of such title is amended by striking the item relating to section 381.

(2) The table of sections at the beginning of chapter 153 of such title is amended by striking the item relating to section 2576a.

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11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BUYER OF INDIANA, OR A DESIGNEE

Page 83, line 23, strike "350,526" and insert "350,706".

Page 85, line 11, strike "22,974" and insert "23,154".

Page 86, line 2, strike "23,129" and insert "23,392".

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12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CAMP OF MICHIGAN, OR A DESIGNEE

At the end of subtitle D of title VI (page 199, after line 10), insert the following new section:

SEC. 643. EFFECTIVE DATE OF DISABILITY RETIREMENT FOR MEMBERS DYING IN CIVILIAN MEDICAL FACILITIES.

(a) IN GENERAL.—(1) Chapter 61 of title 10, United States Code, is amended by inserting after section 1219 the following new section:

"§ 1220. Members dying in civilian medical facilities: authority for determination of later time of death to allow disability retirement

"(a) AUTHORITY FOR LATER TIME-OF-DEATH DETERMINATION TO ALLOW DISABILITY RETIREMENT.—In the case of a member of the armed forces who dies in a civilian medical facility in a State, the Secretary concerned may, solely for the purpose of allowing retirement of the member under section 1201 or 1204 of this title and subject to subsection (b), specify a date and time of death of the member later than the date and time of death determined by the attending physician in that civilian medical facility.

"(b) LIMITATIONS.—A date and time of death may be determined by the Secretary concerned under subsection (a) only if that date and time—

"(1) are consistent with the date and time of death that reasonably could have been determined by an attending physician in a military medical facility if the member had died in a military medical facility in the same State as the civilian medical facility; and

"(2) are not more than 48 hours later than the date and time of death determined by the attending physician in the civilian medical facility.

"(c) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia and any Commonwealth or possession of the United States.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1219 the following new item:

"1220. Members dying in civilian medical facilities: authority for determination of later time of death to allow disability retirement.".

(b) EFFECTIVE DATE.—(1) Section 1220 of title 10, United States Code, as added by subsection (a), shall apply with respect to any member of the Armed Forces dying in a civilian medical facility on or after January 1, 1998.

(2) In the case of any such member dying on or after such date and before the date of the enactment of this Act, any specification by the Secretary concerned under such section with respect to the date and time of death of such member shall be made not later than 180 days after the date of the enactment of this Act.

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13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STEARNS OF FLORIDA, OR A DESIGNEE

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

SEC. 7____. STUDY ON COMPARABILITY OF COVERAGE FOR PHYSICAL, SPEECH, AND OCCUPATIONAL THERAPIES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study comparing coverage and reimbursement for covered beneficiaries under chapter 55 of title 10, United States Code, for physical, speech, and occupational therapies under the TRICARE program and the Civilian Health and Medical Program of the Uniformed Services to coverage and reimbursement for such therapies by insurers under medicare and the Federal Employees Health Benefits Program. The study shall examine the following:

(1) Types of services covered.

(2) Whether prior authorization is required to receive such services.

(3) Reimbursement limits for services covered.

(4) Whether services are covered on both an inpatient and outpatient basis.

(b) REPORT.—Not later than March 31, 2001, the Secretary shall submit a report on the findings of the study conducted under this section to the Committees on Armed Services of the Senate and the House of Representatives.

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14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STENHOLM OF TEXAS, OR REPRESENTATIVE THUNE OF SOUTH DAKOTA, OR A DESIGNEE

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

SEC. 7____. IMPROVEMENT OF ACCESS TO HEALTH CARE UNDER THE TRICARE PROGRAM.

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

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

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

(b) NOTICE.—The Secretary may require that the covered beneficiary inform the primary care manager of the beneficiary of any health care received from a civilian provider or in a specialized treatment facility.

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

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

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

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

(d) EFFECTIVE DATE—This section shall take effect on October 1, 2001.

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15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VELAZQUEZ OF NEW YORK, OR A DESIGNEE

At the end of title VIII (page 263, after line 2), insert the following new section:

SEC. 8___. REQUIREMENT TO CONDUCT STUDY ON CONTRACT BUNDLING.

(a) IN GENERAL.—The Secretary of Defense shall conduct a comprehensive study on the practice known as "contract bundling" by the Department of Defense, and the effects of such practice on small business concerns, economically and socially disadvantaged small business concerns, and small business concerns owned and controlled by women (as such terms are used in the Small Business Act (15 U.S.C. 632 et seq.)).

(b) DEADLINE.—The Secretary shall submit the results of the study to the Committees on Armed Services and Small Business of the Senate and the House of Representatives before submission of the budget request of the Department of Defense for fiscal year 2002.

(c) DATABASE.—For purposes of conducting the study required by this section, the Secretary shall develop, in consultation with the General Accounting Office, and maintain a database on all contracts of the Department of Defense (excluding contracts for the procurement of weapons systems) for which requirements have been bundled.

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16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TRAFICANT OF OHIO, OR A DESIGNEE

At the end of title VIII (page 263, after line 2), insert the following new section:

SEC. 8___. COMPLIANCE WITH BUY AMERICAN ACT.

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

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

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

United States Code, whether the person should be debarred from contracting with the Department of Defense.

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17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BEREUTER OF NEBRASKA, OR A DESIGNEE

Page 292, line 5, strike the closing quotation marks and second period.

Page 292, after line 5, insert the following:

"(f) PROVISIONS RELATING SPECIFICALLY TO ASIA-PACIFIC CENTER.—The Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel without reimbursement is in the national security interest of the United States. Costs for which reimbursement is waived pursuant to this subsection shall be paid from appropriations available for the Asia-Pacific Center.".

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18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COBURN OF OKLAHOMA, OR A DESIGNEE

At the end of subtitle A of title X (page 302, after line 11), insert the following new section:

SEC. 10___. REQUIREMENT FOR PLAN TO ENSURE COMPLIANCE WITH FINANCIAL MANAGEMENT REQUIREMENTS.

(a) IN GENERAL.—(1) The Secretary of Defense shall develop a comprehensive plan to ensure compliance by the Department of Defense, not later than October l, 2001, with all statutory and regulatory financial management requirements applicable to the Department. In developing such plan, the Secretary shall give the same priority to achieving compliance with statutory and regulatory financial management requirements as the priority given to ensuring that the computer systems of the Department would be fully functional in the year 2000.

(2) Not later than January 1, 2001, the Secretary shall submit the plan required by this subsection to the Committees on Armed Services, the Committees on the Budget, and the Committees on Appropriations of the Senate and the House of Representatives, and the Comptroller General.

(b) COMPTROLLER GENERAL REPORT.—Not later than March 1, 2001, the Comptroller General shall submit to the Committees on Armed Services and the Committees on the Budget of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, a report on the adequacy of the plan developed under subsection (a).

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19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GILCHREST OF MARYLAND, OR A DESIGNEE

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

SEC. 1038. ADDITIONAL WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

During fiscal year 2001, the Secretary of Defense may establish up to five additional teams designated as Weapons of Mass Destruction Civil Support Teams (for a total of 32 such teams), to the extent that sources of funding for such additional teams are identified.

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20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TRAFICANT OF OHIO, OR A DESIGNEE

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

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

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

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

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

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

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

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

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

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

"(c) TRAINING PROGRAM REQUIRED.—The Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary of Defense, shall establish a training program to ensure

that members receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

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

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

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

"(B) supersede section 1385 of title 18 (popularly known as the 'Posse Comitatus Act').

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

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

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

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by subsection (b) of section 374a of title 10, United States Code, shall be established as soon as practicable after the date of the enactment of this Act.

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

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

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21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELDON OF FLORIDA, OR A DESIGNEE

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

SEC. ___. COMMISSION ON THE FUTURE OF THE UNITED STATES AEROSPACE INDUSTRY.

(a) ESTABLISHMENT.—Not later than March 1, 2001, the President shall establish a commission to be known as the "Commission on the Future of the United States Aerospace Industry" (in this section referred to as the "Commission").

(b) DUTIES.—The Commission shall have the following duties:

(1) To study the issues relevant to the future of the United States aerospace industry with respect to the economic and national security of the United States.

(2) To assess the future importance of the United States aerospace industry to the economic and national security of the United States.

(3) To evaluate the effect on the United States aerospace industry of the laws, regulations, policies, and procedures of the Federal Government with respect to—

(A) the budget;

(B) research and development;

(C) acquisition, including financing and payment of contracts;

(D) operation and maintenance;

(E) international trade and export of technology;

(F) taxation; and

(G) science and engineering education.

(4) To study in particular detail the adequacy of projected budgets of Federal agencies for—

(A) aerospace research and development and procurement;

(B) maintaining the national space launch infrastructure; and

(C) supporting aerospace science and engineering efforts at institutions of higher education.

(5) To consider and recommend feasible actions by the Federal Government to support the ability of the United States aerospace industry to remain robust into the future.

(c) COMPOSITION.—(1) The Commission shall be composed of not less than 10 and not more than 17 members appointed by the President.

(2) Each member shall be an individual with extensive experience and a national reputation with respect to one or more of the following:

(A) Aerospace manufacturing.

(B) Labor organizations associated with aerospace manufacturing.

(C) Economics or finance.

(D) National security.

(E) International trade or foreign policy.

(3) Members shall serve without pay by reason of their work on the Commission.

(4) Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(5) The Chairperson of the Commission shall be designated by the President at the time of the appointment.

(d) POWERS.—(1) A number not less than 50 percent of the total number of members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(2) The Commission shall meet at the call of the Chairperson.

(3) The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(4) Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(5) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(6) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(7) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(e) DIRECTOR AND STAFF.—(1) The Chairperson shall appoint and fix the pay of a Director.

(2) The Chairperson may appoint and fix the pay of additional personnel as the Chairperson considers appropriate.

(3) The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(4) With the approval of the Commission, the Chairperson may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(5) Upon request of the Chairperson, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(f) REPORT.—Not later than March 1, 2002, the Commission shall transmit a report to the Congress. The report shall contain a detailed statement of the findings and conclusions of the Commission, the recommendations of the Commission for legislation or administrative action, and such other information as the Commission considers appropriate.

(g) TERMINATION.—The Commission shall terminate 30 days after submitting its report pursuant to subsection (f).

(h) FUNDING.—Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities. Upon receipt of a written certification from the Chairperson of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

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22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GARY MILLER, OF CALIFORNIA, OR A DESIGNEE

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

SEC. ____. SENSE OF CONGRESS REGARDING INFORMATION TECHNOLOGY SYSTEMS.

It is the sense of Congress that—

(1) the Department of Defense must focus on upgrading information technology systems to allow seamless and interoperable communications; and

(2) each Secretary of a military department must demonstrate an unwavering commitment to achieving this goal and must ensure that communications systems within the active, reserve, and National Guard component of that military department receive equal attention and funding for information technology.

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23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HALL OF OHIO, OR REPRESENTATIVE HOBSON OF OHIO, OR A DESIGNEE

At the end of title XI (page 334, after line 17), insert the following new section:

SEC. 11____. TEMPORARY AUTHORITY REGARDING VOLUNTARY SEPARATION INCENTIVES AND EARLY RETIREMENT FOR EMPLOYEES OF THE DEPARTMENT OF THE AIR FORCE.

(a) SEPARATION PAY.—Section 5597 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(i)(1) In this subsection:

"(A) the term 'agency' means the Department of the Air Force;

"(B) the term 'employee' means an employee (as defined by section 2105) who is employed by the agency, is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 3 years, but does not include—

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

"(ii) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under subchapter III of chapter 83 or chapter 84, or another retirement system for employees of the agency;

"(iii) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

"(iv) an employee who has previously received any voluntary separation incentive payment by the Federal Government under this section or any other authority and has not repaid such payment;

"(v) an employee covered by statutory reemployment rights who is on transfer to another organization; or

"(vi) any employee who, during the 24-month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 or who, within the 12-month period preceding the date of separation, received a retention allowance under section 5754.

"(2)(A) A voluntary separation incentive payment may be paid under this section by the agency to any employee to maintain continuity of skills among the agency's employees or to adapt the skills of the agency's workforce to the emerging technologies critical to the agency's needs and goals.

"(B) A voluntary separation incentive payment under this subsection—

"(i) shall be paid in a lump sum after the employee's separation;

"(ii) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

"(iii) shall be equal to the lesser of—

"(I) an amount equal to the amount the employee would be entitled to receive under section 5595(c); or

"(II) an amount determined by the agency head not to exceed $25,000;

"(iv) may not be made except in the case of any qualifying employee who voluntarily separates (whether by retirement or resignation) before December 31, 2003;

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

"(vi) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 based on any other separation.

"(3)(A) The head of the agency, prior to obligating any resources for voluntary separation incentive payments under this subsection, shall submit to the House and Senate Committees on Armed Services and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

"(B) The agency's plan shall include—

"(i) any positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

"(ii) the number and amounts of voluntary separation incentive payments to be offered;

"(iii) the steps to be taken to maintain continuity of skills among the agency's employees or to adapt the skills of the agency's workforce to the emerging technologies critical to the agency's needs and goals; and

"(iv) a description of how the agency will operate without the eliminated positions and functions.

"(4) In addition to any other payments which it is required to make under subchapter III of chapter 83 the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to be determined in accordance with paragraph (5).

"(5)(A) The amount remitted to the Treasury shall be the sum determined as follows. First, apply the following percentages to the final basic pay of each employee who is covered under subchapter

III of chapter 83 or chapter 84 to whom a voluntary separation incentive has been paid under this section and who retires on an early retirement or an immediate annuity:

"(i) 19 percent in the case of an employee covered under subchapter III of chapter 83 who takes an early retirement; or

"(ii) 58 percent in the case of an employee covered under subchapter III of chapter 83 who takes an immediate annuity.

"(B) Second, the sum of the amounts determined under clauses (i) and (ii) of subparagraph (A) shall be reduced, but not below zero, by the sum determined by applying the following percentages to the final basic pay of each employee who is covered under chapter 84 to whom a voluntary separation incentive has been paid under this section and who resigns or retires on an early retirement or immediate annuity, or an employee covered under subchapter III of chapter 83 to whom a voluntary separation incentive has been paid under this section and who resigns:

"(i) 419 percent in the case of an employee covered under subchapter III of chapter 83 who resigns;

"(ii) 17 percent in the case of an employee covered under chapter 84 who takes an early retirement;

"(iii) 8 percent in the case of an employee covered under chapter 84 who retires on an immediate annuity; and

"(iv) 211 percent in the case of an employee covered under chapter 84 who resigns.

"(6) Under regulations prescribed by the Office of Personnel Management, the agency may elect to make the remittances required under paragraph (4) in installments over a period not to exceed 3 years. In such case, the percentages to be applied under paragraph (5) shall be those determined by the Office as are necessary to equalize the net present value of retirement benefits payable to employees who retire or resign with a separation incentive under this subsection and the net present value of retirement benefits those employees would have received if they had continued to work and then retired or resigned at the standard rates observed for the workforce.".

(b) RETIREMENT UNDER CIVIL SERVICE RETIREMENT SYSTEM.—Section 8336 of such title is amended by adding at the end the following new subsection:

"(o)(1) An employee of the Department of the Air Force who is separated from the service voluntarily as a result of a determination 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) A determination under this paragraph is a determination by the Secretary of the Air Force that the separation described in paragraph (1) is necessary for the purpose of maintaining continuity of skills among employees of the Department of the Air Force and adapting the skills of the workforce of the Department to emerging technologies critical to the needs and goals of the Department.".

(c) RETIREMENT UNDER FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8414 of such title is amended by adding at the end the following new subsection:

"(d)(1) An employee of the Department of the Air Force who is separated from the service voluntarily as a result of a determination 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) A determination under this paragraph is a determination by the Secretary of the Air Force that the separation described in paragraph (1) is necessary for the purpose of maintaining continuity of skills among employees of the Department of the Air Force and adapting the skills of the workforce of the Department to emerging technologies critical to the needs and goals of the Department.".

(d) REPORTS.—The Secretary of the Air Force shall submit annual reports to the House and Senate Committees on Armed Services and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives describing the use of the authority provided in the amendments made by this section and the bases for using such authority with respect to the employees chosen.

(e) LIMITATION OF APPLICABILITY.—The authority to provide separation pay and retirement benefits under the amendments made by this section—

(1) may be exercised with respect to not more than 1000 civilian employees of the Department of the Air Force during each calendar year; and

(2) shall expire on December 31, 2003.

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24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUNTER OF CALIFORNIA, OR A DESIGNEE

At the end of the title XII (page 338, after line 13), insert the following new section:

SEC. 1205. NATO FAIR BURDENSHARING.

(a) REPORT ON COSTS OF OPERATION ALLIED FORCE.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the costs to the United States of the 78-day air campaign known as Operation Allied Force conducted against the Federal Republic of Yugoslavia during the period from March 24 through June 9, 1999. The report shall include the following:

(1) The costs of ordnance expended, fuel consumed, and personnel.

(2) The estimated cost of the reduced service life of United States aircraft and other systems participating in the operation.

(3) Whether and how the United States is being compensated by other North Atlantic Treaty Organization member nations for the costs of Operation Allied Force, including a detailed accounting of the estimated monetary value of peacekeeping and reconstruction activities undertaken by those member nations to partially or wholly compensate the United States for the costs of such operation.

(b) REPORT ON COST SHARING OF FUTURE NATO OPERATIONS.—Whenever the North Atlantic Treaty Organization undertakes a military operation with the participation of the United States, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing—

(1) how the costs of that operation are to be equitably distributed among the North Atlantic Treaty Organization member nations; or

(2) if the costs of the operation are not equitably distributed, but are to be borne disproportionately by the United States, how the United States is to be compensated by other North Atlantic Treaty Organization member nations.

(c) TIME FOR SUBMISSION OF REPORT.—A report under subsection (b) shall be submitted not later than 30 days after the beginning of the military operation, except that the Secretary of Defense may submit the report at a later time if the Secretary determines that such a delay is necessary to avoid an undue burden to ongoing operations.

(d) APPLICABILITY.—Subsection (b) shall apply only with respect to military operations begun after the date of the enactment of this Act.

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25. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SKELTON OF MISSOURI, OR A DESIGNEE

At the end of title XII (page 338, after line 13), insert the following new section:

SEC. 1205. GAO STUDY ON VALUE OF UNITED STATES MILITARY ENGAGEMENT IN EUROPE.

(a) COMPTROLLER GENERAL STUDY.—The Comptroller General shall conduct a study assessing the value to the United States and its national security interests gained from the engagement of United States forces in Europe and from military strategies used to shape the international security environment in Europe.

(b) MATTERS TO BE INCLUDED.—The study shall include an assessment of the following matters:

(1) The value to United States security interests from having forces stationed in Europe and assigned to areas of regional conflict such as Bosnia and Kosovo.

(2) The value in sharing the risks, responsibilities, and costs of deploying United States forces with the forces of European allies.

(3) The costs associated with stationing United States forces in Europe and with assigning them to areas of regional conflict.

(4) The value of the following kinds of contributions made by European allies:

(A) Financial contributions.

(B) Contributions of military personnel and units.

(C) Contributions of nonmilitary personnel, such as medical personnel, police officers, judicial officers, and other civic officials.

(D) Contributions in kind that may be used for infrastructure building or activities that contribute to regional stability, whether in lieu of or in addition to military-related contributions.

(5) The value of a forward United States military presence in compensating for existing shortfalls of air and sea lift capability in the event of further regional conflict in Europe or the Middle East.

(6) The value of humanitarian and reconstruction assistance provided by European countries and by the United States in maintaining or improving regional stability.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study to the Committees on Armed Services of the Senate and House of Representatives not later than March 1, 2001.

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26. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOWLER OF FLORIDA, OR A DESIGNEE

At the end of title XII (page 338, after line 13), insert the following new section:

SEC. 1205. SENSE OF CONGRESS REGARDING NONCOMPLIANCE WITH LAW REGARDING OVERSIGHT OF COMMUNIST CHINESE MILITARY COMPANIES OPERATING IN THE UNITED STATES.

It is the sense of Congress that the Secretary of Defense has not complied with the requirements of section 1237(b) of the Strom Thurmond National Defense Authorization for Fiscal Year 1999 (50 U.S.C. 1701 note) to publish and update a list of Communist Chinese military companies operating in the United States. Congress expects that the Secretary, working with such other executive branch officials as necessary to comply fully with such section, will immediately comply with the provisions of that section. Furthermore, Congress notes that any requirement to assess information within the purview of other Federal departments and agencies in order to comply with that section was expressly anticipated by the requirement for interagency consultation provided in paragraph (3) of that section and that such consultation process ought to have been completed well before the mid-January 1999 deadline specified for the initial publication under that section.

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27. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LARGENT OF OKLAHOMA, OR A DESIGNEE

Page 400, line 17, strike "(1)".

Page 400, line 23, through page 401, line 5, strike paragraph (2).

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28. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RYUN OF KANSAS, OR A DESIGNEE

At the end of part I of subtitle C of title XXVIII (page 412, after line 24), insert the following new section:

SEC. ____. LAND CONVEYANCE, FORT RILEY MILITARY RESERVATION, KANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Kansas, all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 70 acres at Fort Riley Military Reservation, Fort Riley, Kansas. The preferred site is adjacent to the Fort Riley Military Reservation boundary, along the north side of Huebner Road across from the First Territorial Capitol of Kansas Historical Site Museum.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army and the Director of the Kansas Commission on Veterans Affairs.

(c) EXCEPTION FROM SCREENING REQUIREMENT.—The Secretary may make the conveyance required by subsection (a) without regard to the requirement under section 2696 of title 10, United States Code, that the property be screened for further Federal use in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(d) CONDITIONS OF CONVEYANCE.—The conveyance required by subsection (a) shall be subject to the conditions that—

(1) the State of Kansas use the property conveyed solely for purposes of establishing and maintaining a State-operated veterans cemetery; and

(2) all costs associated with the conveyance, including the cost of relocating water and electric utilities should such relocation be determined necessary based on the survey described in subsection (b), shall be borne by the State of Kansas.

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

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29. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BAIRD OF WASHINGTON, OR A DESIGNEE

At the end of subtitle A of title XXVIII (page 412, after line 24), insert the following new section:

SEC. 2840. LAND CONVEYANCES, FORT VANCOUVER BARRACKS, VANCOUVER, WASHINGTON.

(a) CONVEYANCE OF WEST BARRACKS.—The Secretary of the Army may convey, without consideration, to the City of Vancouver, Washington (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property encompassing 19 structures at Vancouver Barracks, Washington, which are identified by the Army using numbers between 602 and 676 and are known as the west barracks.

(b) CONVEYANCE OF EAST BARRACKS.—Upon vacation, or agreement to vacate, by the Army Reserve and the Army National Guard of the parcel of real property at Vancouver Barracks encom-

passing 10 structures, which are identified by the Army using numbers between 704 and 786 and the numbers 987, 989, 991, and 993, and are known as the east barracks, the Secretary may convey, without consideration, to the City all right, title, and interest of the United States in and to the parcel.

(c) MODIFICATION AND CONVEYANCE OF REVERSIONARY INTEREST.—(1) The Secretary may modify the reversionary interest that was retained by the United States when a parcel of real property at Vancouver Barracks was conveyed to the Washington State Department of Transportation to remove the condition that the real property be used only for highway-related purposes.

(2) The Secretary may convey, without consideration, to the City the reversionary interest referred to in paragraph (1), modified as provided by such paragraph. Upon conveyance, the Secretary shall execute and file in the appropriate office an amended deed or other appropriate instrument effectuating the modification and conveyance of the reversionary interest.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property authorized to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary of the Army. The cost of any such survey shall be borne by the City.

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

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30. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HEFLEY OF COLORADO, OR A DESIGNEE

At the end of part III of subtitle C of title XXVIII (page 430, after line 15), insert the following new section:

SEC. ___. LAND CONVEYANCE, LOWRY AIR FORCE BASE, COLORADO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, or lease upon such terms as the Secretary considers appropriate, to the Lowry Redevelopment Authority (in this section referred to as the "Authority") all right, title, and interest of the United States in and to seven parcels of real property, including improvements thereon, consisting of approximately 23 acres at the former Lowry Air Force Base, Colorado, for the purpose of permitting the Authority to use the property in furtherance of economic development and other public purposes.

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

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

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31. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF WASHINGTON, OR A DESIGNEE

In section 3131 of the bill (page 462, lines 4 through 6), amend the heading of such section to read as follows:

SEC. 3131. FUNDING FOR TERMINATION COSTS FOR RIVER PROTECTION PROJECT, RICHLAND, WASHINGTON.

In section 3131 of the bill (page 462, lines 9 through 11), strike "relating to" and all that follows through "Richland, Washington" and insert the following: "relating to the River Protection Project, Richland, Washington (as designated by section 3135)".

At the end of title XXXI (page 467, after line 11), insert the following new section:

SEC. 3135. DESIGNATION OF RIVER PROTECTION PROJECT, RICHLAND, WASHINGTON.

The tank waste remediation system environmental project, Richland, Washington, shall be known and designated as the "River Protection Project". Any reference to that project in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the River Protection Project.

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32. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HAYES OF NORTH CAROLINA, OR A DESIGNEE

At the end of title XXXI (page 467, after line 12), insert the following new section:

SEC. 3135. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS FOR POST-SHIPMENT VERIFICATION REPORTS ON ADVANCED SUPERCOMPUTERS SALES TO CERTAIN FOREIGN NATIONS.

Section 3157 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended by adding at the end the following new subsection:

"(e) ADJUSTMENT OF PERFORMANCE LEVELS.—Whenever a new composite theoretical performance level is established under section 1211(d), that level shall apply for the purposes of subsection (a) of this section in lieu of the level set forth in subsection (a).".

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33. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE UDALL OF COLORADO, OR A DESIGNEE

At the end of title XXXI (page 467, after line 11), insert the following new section:

SEC. ___. EMPLOYEE INCENTIVES FOR EMPLOYEES AT CLOSURE PROJECT FACILITIES.

(a) AUTHORITY TO PROVIDE INCENTIVES.—Notwithstanding any other provision of law, the Secretary of Energy may provide to any eligible employee of the Department of Energy one or more of the incentives described in subsection (d).

(b) ELIGIBLE EMPLOYEES.—An individual is an eligible employee of the Department of Energy for purposes of this section if the individual—

(1) has worked continuously at a closure facility for at least two years;

(2) is an employee (as that term is defined in section 2105(a) of title 5, United States Code);

(3) has a fully satisfactory or equivalent performance rating during the most recent performance period and is not subject to an adverse notice regarding conduct; and

(4) meets any other requirement or condition under subsection (d) for the incentive which is provided the employee under this section.

(c) CLOSURE FACILITY DEFINED.—For purposes of this section, the term "closure facility" means a Department of Energy facility at which the Secretary is carrying out a closure project selected under section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n).

(d) INCENTIVES.—The incentives that the Secretary may provide under this section are the following:

(1) The right to accumulate annual leave provided by section 6303 of title 5, United States Code, for use in succeeding years until it totals not more than 90 days, or not more than 720 hours based on a standard work week, at the beginning of the first full biweekly pay period, or corresponding period for an employee who is not paid on the basis of biweekly pay periods, occurring in a year, except that—

(A) any annual leave that remains unused when an employee transfers to a position in a department or agency of the Federal Government shall be liquidated upon the transfer by payment to the employee of a lump sum for leave in excess of 30 days, or in excess of 240 hours based on a standard work week; and

(B) upon separation from service, annual leave accumulated under this paragraph shall be treated as any other accumulated annual leave is treated.

(2) The right to be paid a retention allowance in a lump sum in compliance with paragraphs (1) and (2) of section 5754(b) of title 5, United States Code, if the employee meets the requirements of section 5754(a) of that title, except that the retention allowance may exceed 25 percent, but may not be more than 30 percent, of the employee's rate of basic pay.

(e) AGREEMENT.—An eligible employee of the Department of Energy provided an incentive under this section shall enter into an agreement with the Secretary to remain employed at the closure facility at which the employee is employed as of the date of the agreement until a specific date or for a specific period of time.

(f) VIOLATION OF AGREEMENT.—(1) Except as provided under paragraph (3), an eligible employee of the Department of Energy who violates an agreement under subsection (e), or is dismissed for cause, shall forfeit eligibility for any incentives under this section as of the date of the violation or dismissal, as the case may be.

(2) Except as provided under paragraph (3), an eligible employee of the Department of Energy who is paid a retention allowance under subsection (d)(2) and who violates an agreement under subsection (e), or is dismissed for cause, before the end of the period or date of employment agreed upon under such agreement shall re-

fund to the United States an amount that bears the same ratio to the aggregate amount so paid to or received by the employee as the unserved part of such employment bears to the total period of employment agreed upon under such agreement.

(3) The Secretary may waive the applicability of paragraph (1) or (2) to an employee otherwise covered by such paragraph if the Secretary determines that there is good and sufficient reason for the waiver.

(g) REPORT.—The Secretary shall include in each report on a closure project under section 3143(h) of the National Defense Authorization Act for Fiscal Year 1997 a report on the incentives, if any, provided under this section with respect to the project for the period covered by such report.

(h) AUTHORITY WITH RESPECT TO HEALTH COVERAGE.—Section 8905a(d)(5)(A) of title 5, United States Code (as added by section 1106 of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1598)), is amended by inserting after "readjustment" the following: ", or a voluntary or involuntary separation from a Department of Energy position at a Department of Energy facility at which the Secretary is carrying out a closure project selected under section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n)".

(i) AUTHORITY WITH RESPECT TO VOLUNTARY SEPARATIONS.—(1) The Secretary of Energy may—

(A) separate from service any employee at a Department of Energy facility at which the Secretary is carrying out a closure project selected under section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n) who volunteers to be separated under this subparagraph even though the employee is not otherwise subject to separation due to a reduction in force; and

(B) for each employee voluntarily separated under subparagraph (A), retain an employee in a similar position who would otherwise be separated due to a reduction in force.

(2) The separation of an employee under paragraph (1)(A) shall be treated as an involuntary separation due to a reduction in force.

(3) An employee with critical knowledge and skills (as defined by the Secretary) may not participate in a voluntary separation under paragraph (1)(A) if the Secretary determines that such participation would impair the performance of the mission of the Department of Energy.

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34. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LAMPSON OF TEXAS, OR A DESIGNEE

At the end of title XXXIV (page 474, after line 8), add the following new section:

SEC. 3404. AUTHORITY TO CONVEY OFFSHORE DRILL RIG OCEAN STAR.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation (referred to in this section as the "Secretary") may, without consideration, convey all right, title, and interest of the United States Government in and to the offshore drill rig OCEAN STAR, to

the Offshore Rig Museum, Inc., a nonprofit corporation established under the laws of the State of Texas and doing business as the Offshore Energy Center (in this section referred to as "the recipient").

(2) RELEASE OF ASSOCIATED INTERESTS.—As part of the conveyance, the Secretary shall release any encumbrance and forgive any promissory note or loan held by the United States with respect to the drill rig.

(b) CONDITIONS.—Any conveyance, release, or forgiveness under subsection (a) shall be subject to the following conditions:

(1) The recipient must have at least 3 consecutive years experience in operating a drill rig as a nonprofit museum.

(2) Before the effective date of the conveyance, release, and forgiveness, the recipient must agree—

(A) to continue to use the drill rig as part of a museum to demonstrate to the public the recovery of offshore energy resources;

(B) to make the drill rig available to the Government if the Secretary requires use of the drill rig for a national emergency;

(C) that if the recipient no longer requires the drill rig for use as a museum dedicated to demonstrating to the public the recovery of offshore energy resources, the recipient shall, at the discretion of the Secretary, convey the drill rig to the Government; and

(D) to any other conditions the Secretary considers appropriate.

(3) The drill rig may not be used for commercial transportation or commercial drilling and production of offshore energy resources.

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35. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BRYANT OF TENNESSEE, OR A DESIGNEE

Strike section 554 (page 148, line 20, and all that follows through page 149, line 12) and insert the following:

SEC. 554. CLARIFICATION AND REAFFIRMATION OF THE INTENT OF CONGRESS REGARDING THE COURT-MARTIAL SENTENCE OF CONFINEMENT FOR LIFE WITHOUT ELIGIBILITY FOR PAROLE

(a) CLARIFICATION OF EFFECT OF SENTENCE.—(1) Section 856a(b) of title 10, United States Code (article 56a of the Uniform Code of Military Justice), is amended—

(1) by striking "unless—" and inserting "unless the sentence (or a portion of the sentence including that part of the sentence providing for confinement for life without eligibility for parole)—";

(2) by striking paragraph (1) and inserting the following:

"(1) is set aside or otherwise modified as a result of—

"(A) action taken under section 860 of this title (article 60) by the convening authority or another person authorized to act under that section; or

"(B) any other action taken during post-trial procedure and review under any other provision of subchapter IX;"

(3) in paragraph (2), by striking "the sentence"; and

(4) by striking paragraph (3) and inserting the following:

"(3) a reprieve or pardon by the President.".

(b) OFFICERS SENTENCED TO DISMISSAL.—Subsection (b) of section 871 of such title (article 71) is amended by inserting after the second sentence the following new sentence: "However, if the sentence extends to confinement for life without eligibility for parole, that part of the sentence providing for confinement for life without eligibility for parole may not be commuted, remitted, or suspended.".

(c) ACTION BY CONVENING AUTHORITY AFTER SENTENCE ORDERED EXECUTED.—Subsection (d) of that section is amended by adding at the end the following new sentence: "In the case of a sentence that extends to confinement for life without eligibility for parole, that part of the sentence extending to confinement for life without eligibility for parole may not be suspended after it is ordered executed.".

(d) SECRETARIAL AUTHORITY TO REMIT OR SUSPEND SENTENCE.—Section 874(a) of such title (article 74(a)) is amended by inserting before the period at the end the following: "or, in the case of a sentence that extends to confinement for life without eligibility for parole, that part of the sentence that extends to confinement for life without eligibility for parole".

(e) PAROLE.—Section 952 of that title is amended by adding at the end the following new subsection:

"(c) Parole may not be granted for an offender serving a sentence of confinement for life without eligibility for parole.".

(f) REMISSION OR SUSPENSION OF SENTENCE.—Section 953 of such title is amended by inserting in paragraph (1) after "selected offenders" the following: "other than offenders serving a sentence of confinement for life without eligibility for parole".

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