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Senate

The Senate met at 12 noon and was called to order by the Honorable JON KYL, a Senator from the State of Arizona.

PRAYER

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

Dear God, we respond to the repeated biblical admonition to give You praise for the gift of life and to thank You for Your daily goodness, faithfulness, and grace in answer to our prayers for each other. You seek our gratitude because it turns all of life into a constant expression of love to You. All that we have and are is a gift from Your gracious care.

Today we thank You for the Senate family of friends. You not only have called the Senators to lead this Nation but to share with each other a deep friendship of mutual caring. In times of personal need and in times of special blessing, they stand together to encourage each other and rejoice with each other.

As we begin this new week, we are united in mutual thanksgiving. We praise You for the continued healing of Senator ARLEN SPECTER. Bless him and return him to work with Your strength.

And today, we join with Senator TRENT and Tricia Lott in delight in the birth of their grandson, Chester Trent Lott III, born Saturday evening to Chet and Diane Lott. Thank You, dear Father, for this wonderful child of promise.

Now we commit to You the work of this day. Draw us into deeper friendship with You and with each other. In the Name of our Lord and Savior. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The ACTING PRESIDENT pro tempore. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The bill clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 22, 1998.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON KYL, a Senator from the State of Arizona, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. KYL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished Senator from Iowa.

SCHEDULE

Mr. GRASSLEY. Mr. President, on behalf of the leader, I will announce today's business. Today, the Senate will resume the defense authorization bill. It is hoped that Members will come to the floor to offer and debate amendments to the defense bill under short time agreements.

As ordered, at 3 o'clock, the Senate will begin 2 hours of debate on the nomination of Susan Mollway to be U.S. district judge. It is expected that the first vote of today's session will occur at 5 p.m. on the confirmation of that nomination.

As a reminder to all Members, a cloture motion was filed on Friday to the DOD bill. The cloture vote will occur tomorrow, Tuesday, June 23, at a time to be determined by the two leaders. Under rule XXII, Senators have until 1 p.m. today to file first-degree amendments. The cloture vote will not necessarily be the first vote of Tuesday's session, so Members may expect early morning votes on amendments to the defense bill.

The majority leader would like to remind all Members that the Independence Day recess is fast approaching. The cooperation of all Members will be necessary for the Senate to complete work on many important items, including appropriations bills, the Higher Education Act, the Department of Defense authorization bill, the conference reports on the Coverdell education bill and the IRS reform bill, and any other legislative or executive items that may be cleared for action.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 2057, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2057) 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.

The Senate resumed consideration of the bill.

Pending:

Feinstein amendment No. 2405, to express the sense of the Senate regarding the Indian nuclear tests.

Brownback amendment No. 2407 (to amendment No. 2405), to repeal a restriction on the provision of certain assistance and other transfers to Pakistan.

Warner motion to recommit the bill to the Committee on Armed Services with instructions to report back forthwith with all

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

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amendments agreed to in status quo and with a Warner amendment No. 2735 (to the instructions on the motion to recommit), condemning forced abortions in the People's Republic of China.

Warner amendment No. 2736 (to the instructions of the motion to recommit), of a perfecting nature.

Warner amendment No. 2737 (to amendment No. 2736), condemning human rights abuses in the People's Republic of China.

PRIVILEGE OF THE FLOOR

The ACTING PRESIDENT pro tempore. Without objection, John Rood is granted floor privileges during consideration of the pending debate of the defense authorization bill, S. 2057.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. Mr. President, I will make some comments on the defense bill that we are considering.

This defense authorization bill, as reported by the Armed Services Committee, contains essential elements to ensure that our military men and women and the equipment that we have are prepared to respond when and if needed for our national security. Funds are included in the bill that continue to modernize the force and continue to improve the quality of life for our military personnel and families.

The bill remains within the limits of last year's budget agreement. It cuts spending by about 1 percent in real terms from last year. The committee approved a budget of $270.6 billion in budget authority.

The bill represents a number of very difficult choices—choices that we had to make when we proposed increases in funding for the programs that the committee wanted to increase. For every dollar of increase, of course, we had to find funds elsewhere and, accordingly, there are some cuts in the budget that came from the administration. There are a few significant departures from funding levels in programs that were in the budget last year. In my view, it is a more ''responsible'' budget than we have had here on the Senate floor in several years with regard to our defense spending.

That said, the relative stability in the bill can be a good thing. It can also prevent us from moving swiftly in important directions that require a timely response. I want to speak to some of those in a moment.

At its best, the bill takes good care of the military personnel and their families. It contains a 3.1 percent pay raise, effective January 1, and three health care demonstration projects for retired military personnel, who are over 65, and for their families. These projects are designed to meet the concerns voiced by retirees who have served their country and seek equitable and quality health care services. There is a provision to enhance cooperation between the Veterans' Administration and the Department of Defense in providing health care to dual-eligible beneficiaries. There is a continuation of pilot and nuclear personnel bonuses and increased limits on certain bonuses to enhance recruitment and retention. There is increased funding for construction and upgrades of family housing. There are provisions to make it easier for military families to move when they are required to move.

For my home State of New Mexico, the bill includes significant funding for our military bases and our National Laboratories that will benefit not only my State but the Nation. It includes funds for the High Energy Laser Test Facility and the Tactical High Energy Laser Program at White Sands Missile Range. It includes funding for the high-tech research being conducted at Phillips Laboratory in Albuquerque. It includes substantial funding for the defense programs at Los Alamos and Sandia to support their work in the stockpile stewardship program, nonproliferation research and development, and nuclear security assistance programs. It includes funds for military construction projects that we have been seeking—a new support facility for National Guard in Taos, NM, refurbishment of facilities and new family housing at Kirtland Air Force Base, a new war readiness facility at Holloman Air Force Base, and a badly needed runway repair project at Cannon Air Force Base.

Mr. President, for all the good things that this bill provides for our military personnel and to the facilities in my State and to the Nation, there are still some aspects of the bill that I find troubling.

The bill continues to place relatively greater emphasis on programs that address potential, rather than actual, long-term threats for which there is no current deployment requirement. Increased spending in those areas has come at the expense of programs designed to meet near-term threats which are actual and for which validated requirements exist.

For example, the bill contains $1.1 billion for strategic missile defense programs, including national missile defense and space-based laser programs; that is an increase of $100 million over the President's request. That $1.1 billion is compared to $675 million for programs designed to reduce the threat of proliferation of nuclear, chemical, and biological weapons. The committee approved cuts in funding to proliferation prevention programs at a time when India's actions, and now Pakistan's actions, remind us of the immediacy of such threats.

Information provided to the committee indicates that the intercontinental ballistic missile threat for which the national missile defense is intended is limited. The Intelligence people told our committee that such threats from rogue nations are not likely to occur for many years in the future.

The tradeoff seems clear to me. The committee prefers to allocate the lion's share of resources to meet a poorly defined threat that lies somewhere in the distant future, rather than allocating resources to meet the near-term, real world threat of proliferation of weapons of mass destruction.

Particularly, the bill does not fully fund programs intended to meet the threat of proliferation of weapons grade fissile materials, highly enriched uranium, and plutonium. A small amount of any of these materials in knowledgeable hands could wreak havoc upon our cities.

It is extremely important that we continue to work cooperatively with Russia and with other former Soviet States to account for and secure former Soviet nuclear weapons and related nuclear materials.

Despite the clear and present danger of that threat, the committee chose to reduce funding for the DOD's cooperative threat reduction program, also known as the Nunn-LUGAR program, by $2 million after considering much deeper cuts.

The committee cut similar programs managed by the Department of Energy by $20 million. Those programs are designed to improve the security of Russian nuclear weapons and materials and to provide protection against their theft, unauthorized use, or accidental misuse.

The Department of Energy's materials protection control and accounting program provides those security measures to a small portion of Russia's nuclear arsenal. With more funding, that program could provide greater security against the threat of smuggling dangerous materials to terrorists or rogue nations.

Instead, if the bill is passed as it stands, funding for this program—an essential program for our Nation's security now and in the future—is going to be cut. Efforts to secure hundreds of tons of nuclear materials at 53 sites will be delayed.

Mr. President, I spoke of India and Pakistan a moment ago. I would like to take a few more minutes to relate that problem to this defense bill. Shocking as India and Pakistan's nuclear tests have been, they should serve as a wakeup call to this country and to the Senate. The proliferation clock ticks on, while the Senate defers debate and consideration of the Comprehensive Test Ban Treaty. Other nonnuclear States could be reconsidering their positions on nuclear weapons in light of events in south Asia.

China, who is a signatory to the Comprehensive Test Ban Treaty, may now choose not to ratify. The U.S.—the first to sign the treaty—should have led the effort to implement a comprehensive testing ban before now. Perhaps our leadership in that area could

have forestalled the tests in south Asia. Instead, the Senate has chosen not to step forward. Now we see ourselves more as a follower than as a leader in this area.

One element that could support a leadership role in ratifying a comprehensive test ban is an effective nuclear stockpile stewardship program. That program is an essential element for ensuring the safety and reliability of our nuclear weapons in the absence of testing. The directors of our National Laboratories at Livermore, Los Alamos, and Sandia have testified about the effectiveness of that program in the absence of nuclear testing. In spite of that testimony, this bill reduces funding by $145 million in prior year balances that, according to the DOE, no longer exist.

Without sufficient funding for the stockpile stewardship program, this bill threatens the likelihood of ratifying the Comprehensive Test Ban Treaty. Failure to ratify that treaty plays into the hands of the Indian and Pakistani Governments and could encourage other nonnuclear nations to follow their lead. The result will be a far more dangerous world than the one we live in today.

Mr. President, I am concerned that while many of my colleagues are focused on the long-term future security issues, they may have their focus in the wrong place. Funding for basic research and development and building, the building blocks for future technological advances, continues to receive low priority in this defense budget. It is not anticipated to increase for the foreseeable future under current Department of Defense plans.

My colleagues acknowledged when considering this bill that funding for basic research and development has often been and remains a bill payer for other programs.

Efforts to identify this problem and establish long-term spending goals for basic research were rejected during the deliberations in the committee on this bill.

I believe that the high-tech future so many of us in the Senate consider an axiom of America's future security is unlikely to become a reality in the defense area unless we make the investment that is needed in the future today.

In addition, funding for the Nation's test and evaluation facilities and their operations lags behind efforts to modernize our weapons.

I have seen this with personnel cuts, neglect of infrastructure, and aging instrumentation at White Sands Missile Range in my State. These cuts reflect a low priority that has been given to the testing activities across the Department of Defense in this budget.

These cuts suggest that even if our technical genius continues to provide new technological opportunities, we may not be able to adequately evaluate whether they will actually work as intended.

Mr. President, I am concerned about the inertia contained in this bill. I believe that in many ways it fails to meet our most immediate high priority security concerns. It may also fail to lay a sound scientific foundation for the long-term security needs of our country.

I urge my colleagues to consider these large issues as we consider the bill this week. We have an opportunity to fix some of these problems. I hope we are able to do so. I intend to have one or more amendments to offer later in the week which will help us to accomplish that.

Mr. President, let me yield the floor and suggest the absence of a quorum at this point.

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

The legislative clerk proceeded to call the roll.

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

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

CORRECTION OF THE RECORD

Mr. BYRD. Mr. President, I wish to make a couple of corrections in the RECORD of Friday, June 19.

In the middle column on page S. 6661, where I quote Tennyson, the RECORD indicates that I quoted Tennyson as saying, ''I am a part of all that I have met, and we are all a part of each other.''

Mr. President, only the first clause is an accurate quote by Tennyson. The second clause was an editorial comment of my own. It should not be included in Tennyson's quote. So I ask unanimous consent that in the permanent RECORD Tennyson's quote as quoted by me read, ''I am a part of all that I have met,'' and take out the quotation mark at the end of the sentence which appears in the RECORD in the middle column.

The next correction I should like to make is in the same speech, the same page, S. 6661, middle column. I am quoted as saying, ''The Bible says, 'see us now a man diligent in his business; he shall stand before kings.' ''

That is a misquote. I did not say, ''See us now.'' I said, ''Seest thou.'' ''Seest thou a man diligent in his business; he shall stand before kings.''

I ask unanimous consent that that correction be made in the permanent RECORD. Sometimes in talking I sound like I have my mouth full of turnips, and I am sure it is hard for the Official Reporters to catch the diction correctly. So I ask that those corrections be made.

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

Mr. WARNER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, those of us who had the real privilege to be in the Chamber during Friday had the benefit of an absolutely magnificent set of remarks by our distinguished colleague, the senior Senator from West Virginia, the former majority leader of the Senate. I reflected over the course of the weekend on those remarks. I urge others to take a look at the RECORD today which, with these minor corrections, clearly sets forth those remarks. I thank the Senator.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. WARNER. Mr. President, we are in the process of resuming consideration of S. 2057, the National Defense Authorization Act for fiscal year 1999. On behalf of Chairman THURMOND and the distinguished ranking member, I urge Senators who have amendments to the bill to bring their amendments to the floor. Last Friday, Chairman THURMOND, together with the distinguished Senator from Michigan, Mr. LEVIN, cleared some 45 amendments to this important bill. The majority and minority staffs of the Committee on the Armed Forces will continue to work today with others and Members to get further amendments cleared.

I remind Senators that a cloture vote on S. 2057 will occur tomorrow, at a time to be determined by the majority leader after consultation with the Democrat leader. And if cloture is imposed, all nongermane amendments which have not already been adopted will be terminated. Therefore, I urge Senators to come to the floor. The bill will be up until 3 o'clock today, according to the previous order. Hopefully, we can conclude a profitable day towards further concluding this bill which must be concluded this week.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me just clarify what my colleague from Virginia said. My understanding is that the present parliamentary situation is that no amendments can be offered unless that is done with unanimous consent; is that correct?

Mr. WARNER. The Senator is correct.

Mr. BINGAMAN. We are urging people to come to the floor and try to obtain that unanimous consent. But those Senators who do have amendments that have not been agreed to are not able to offer those amendments at this time.

Mr. WARNER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, in response to the observation of my distinguished colleague, the situation is that there are pending amendments, of course. I hope my colleague and I, and such others who are managing this bill throughout the day, can work out accommodations and perhaps get unanimous consent for other amendments so we can proceed. I thank the Chair.

Mr. BINGAMAN. Mr. President, since we do have a lull in the proceedings, I have filed two amendments that together would incorporate in this year's defense bill the key provisions of S. 2081, which is the National Defense Science and Technology Investment Act of 1998. Consistent with the strong bipartisan support for defense research, I am very pleased to say that we have Senator SANTORUM, Senator LIEBERMAN, Senator LOTT, Senator FRIST, all as original cosponsors of this bill and also as sponsors of these complementary amendments.

I will not, of course, try to get a vote on these at this point because it would require unanimous consent to do so, but I would like to just briefly describe what the amendments do so when the opportunity comes to have a vote, people will be informed.

These amendments lay the fiscal framework for the defense research that is needed to achieve, early in the next century, what the Department of Defense calls full spectrum dominance, that is the ability of our Armed Forces to dominate potential adversaries across the entire spectrum of military operations, from humanitarian operations through the highest intensity conflicted.

One of the two amendments sets goals that would result in the Defense Science and Technology Program budget reaching the equivalent of at least $9 billion in today's dollars by the year 2008; that would be an increase of 16 percent above today's level. The other amendment sets similar increased goals for the nonproliferation research at the Department of Energy.

It is worth focusing on why defense research is so important. Much of the technology that gave the United States a quick victory with so very few casualties in Desert Storm came out of defense-related research in the 1960s and 1970s. Those kinds of results, plus the fact that our military remains the most technologically sophisticated in the world, have fostered a broad agreement that defense research is one of the best investments that our country makes, one providing enormous long-term returns to our military. Even with the cold war over, there are a number of reasons why now is the time to vigorously invest in defense research.

First, as the Department of Defense has noted, the two keys to this full spectrum dominance, which is the cornerstone of our strategy as we move forward—the two keys will be information superiority and, second, technological innovation.

The Department of Defense has been the preeminent Federal agency funding the disciplines that undergird these two key enablers, for example, supporting roughly 80 percent of the federally sponsored research in electrical engineering, 50 percent of that in computer science and mathematics. No other organizations, public or private, can substitute for the unique role and focus of the Department of Defense in these research areas. We simply will not be able to achieve this so-called full spectrum dominance without a vigorous program of defense research.

A second important point is that the global spread of advanced technology and a nascent revolution in military affairs are creating new threats to the United States which will challenge our ability to achieve full spectrum dominance. Those are threats requiring new responses and requiring new technology. They include information warfare; cheap, precise cruise missiles and the spread of weapons of mass destruction.

Recent events in India and Pakistan, which I alluded to earlier, may have concentrated our thinking on this last problem, this threat of the spread of weapons of mass destruction. In the words of the National Defense Panel, ''We must lead the coming technological revolution or be vulnerable to it.'' That said, right now we are in a relatively secure interlude in our international relations. We are in a time where we can afford to work on transforming our military forces. While the world is still a dangerous place, it will be even more dangerous in the future. So now is the time for the defense research to be accomplished, which is needed to achieve this full spectrum dominance.

When you look, though, at DOD's current science and technology budget plans, they do not reflect these realities. The out-year budgets are basically flat in real terms, out to the year 2003, at a level of around $200 million lower than the 1998 level. This is the money that pays for the research and concept experimentation needed to invent and try out new military capabilities. Worse yet, the budget of the Department of Energy for nonproliferation research is slated to decline by about 20 percent in real terms by the year 2003.

These budget plans are not consistent with the vision of full spectrum dominance. They are not consistent with the threats on the horizon or with the opportunity that we have today. These two amendments that I filed would promote budget plans that are consistent with the vision, threats and opportunity. What they do is this: From fiscal year 2003 to fiscal year 2008, the first amendment would give the Secretary of Defense a goal—not a requirement, but a goal—to increase the defense science and technology budget request by at least 2 percent a year over inflation greater than the previous year's budget request. The other amendment gives the same 2 percent goal, 2 percent increased goal to the Secretary of Energy for nonproliferation research.

The end result will be a defense science and technology budget that reaches at least $9 billion in today's dollars by 2008, an increase of $1.2 billion, or 16 percent over the 1998 level. The budget for nonproliferation research would increase it around 23 percent over today's level.

These budget increases are significant for research, yet they are modest and achievable when you look at our overall defense budget. If you look at a graph of the projected Science and Technology Program budget under this agreement, you can see that the increases will be, No. 1, gradual; that is, the total increase by 2008 will be less than some year-to-year changes in the past. Also, the increase will be smooth in that they will not be a huge change from the Defense Department's current plans at the start. They will also be reasonable; the $9 billion endpoint is comparable with previous levels of science after technology funding.

Achieving these increases will require some shifting the funds within the DOD budget. The total amount shifted will be only around half a percent of the total DOD budget over 10 years.

I am extremely confident the Secretary of Defense will be able to make this kind of gradual shift without damaging other priorities. I am also quite sure that this is a priority need for our country.

Technological supremacy has been a keystone of our security strategy since World War II. Supporting that supremacy has been this defense research. The coming decade is the time to start increasing the investment in our national security. These amendments are a modest bipartisan, sensible and achievable approach to make that investment. I am sure that these modest increases will yield substantial returns to our military.

I hope that when we get an opportunity to vote on these amendments that my colleagues will join me and Senators SANTORUM, LIEBERMAN, LOTT and FRIST in supporting both of these important amendments.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ABRAHAM. 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. ABRAHAM. Mr. President, I rise to address the ongoing debate in the Senate connected to the pending business, I believe, regarding United States relations with the People's Republic of China.

As the Senate considers the Department of Defense authorization bill, S. 2057, a number of my colleagues and I have been working to try to find a vehicle, or vehicles, through which to present amendments to this bill, intended to put United States-China relations on the path toward what we consider to be meaningful engagement. Many of our amendments have already been filed. Two of these, one to combat slave labor in China and the other to monitor People's Liberation Army companies operating in the United

States, were adopted by voice vote last month. This shows, I believe, the substantial support among Senators for measures upholding principles of freedom and human rights and measures protecting the national security interests of the United States.

Today I would like to clarify the intents of the remaining amendments and the context in which we hope to offer them. Put simply, I and my colleagues seek meaningful engagement with the Chinese Government, consistent with our moral principles and with our national security interests. On this, I believe, all Americans are agreed. Unfortunately, this administration's policies towards China have, in my opinion, failed to produce that kind of relationship. For that reason, I believe amendments intended to promote meaningful engagement are necessary.

Some people have charged that any attempt to go beyond current policies of what I consider to be hollow engagement with China will necessarily lead to isolationism. I disagree. I believe a more reasoned approach lies between the extremes of appeasement on the one hand and isolationism on the other. The problem with current discussions regarding United States-China relations, in my view, is best illustrated by debates over most-favored-nation trading status. Until recently, debates over our relations with China have focused almost entirely and exclusively on whether we should extend or revoke China's MFN status.

It is time, in my view, to move the discussion out of the MFN box and to find common means to achieve common American goals. Revoking MFN would punish Americans with higher prices without significantly affecting the Chinese Government and its policies, and it would also punish innocent Chinese citizens by withdrawing economic opportunities provided by United States trade and investment. Even in the short term, in my view, we should not underestimate trade and investment's positive impact. ''Already,'' writes China expert Stephen J. Yates of the Heritage Foundation, Chinese ''employees at U.S. firms earn higher wages and are free to choose where to live, what to eat, and how to educate and care for their children.''

It is my belief that MFN, by itself, is a necessary element of any meaningful engagement between the United States and China. However, MFN alone is not sufficient to bring the changes so sorely needed in China or to protect the principles and interests of the United States. Unfortunately, the Clinton administration has not pursued the policies necessary to make meaningful engagement possible.

The administration has claimed that our current relationship with the People's Republic of China has improved through a process of constructive engagement. On this view, the Chinese Government has improved its behavior in a number of areas out of a desire to maintain good relations with the United States. Specific examples have been cited, including the release of a small number of dissidents, movement toward protection of intellectual property, and China's alleged steadiness during the continuing Asian financial crisis.

I understand my colleagues' continuing hopes that these events might lead to better relations in the future between the United States and China. However, in my view, these hopes must be tempered by a realistic assessment of current Chinese Government practices and behavior. We all want the United States to be able to engage in an open and frank relationship with the Chinese Government, one in which each side can present its views on a broad range of issues, confident that the other side will promptly respond to their concerns and live up to international standards of human rights and mutual security.

Unfortunately, our relationship with China has yet to reach that stage of mutual trust and responsibility. In particular, a clear-eyed view of China's human rights record shows that the hollow engagement that has characterized America's role in its relations with China in recent years has not led to substantive reform. Although the international community roundly condemned the Chinese Government's crushing of prodemocracy demonstrations in Tiananmen Square along with the killing of thousands of student protesters and the imprisonment of many more, Chinese officials continue to claim their actions were justified. They continue to insist that their violent actions were a valid response to a counterrevolutionary riot.

Indeed, Chinese officials now want to place our President at the scene of this crime as a sign of their righteousness. Likewise, even as the administration continues to claim a new era of Chinese nonproliferation resulting from the recent summit, fresh reports have arisen of Chinese assistance to Iranian missile programs and the Chinese decision to abandon previous assurances to observe the Missile Technology Regime's export control standards.

Finally, it is important to recognize that definitive investigations are underway regarding the administration's export control policy toward China and its effect on national security. But it is also important to note that the administration has uniformly waived any sanctions for even the most egregious of Chinese actions harming our national security interests.

The bottom line is that we currently lack the tools with which to pursue meaningful engagement with China. Current policies of hollow engagement allow Chinese leaders to believe that the United States will overlook almost any action on their part simply in order to keep them happy. This provides China's leaders with little incentive to change their behavior or beliefs to bring them more closely into alignment with international standards.

The result is that our Government now constantly finds itself reacting to China's actions in an incoherent, ad hoc fashion. This has produced an unfortunate and increasing abandonment of the principles of freedom and defense of fundamental human rights on which our Nation is based, as well as a failure to fully protect the national security interests of the United States. The United States must, in my view, enunciate a clear and compelling policy disapproving Chinese violations of human rights and international conventions regarding national security. This requires, at a minimum, that we recognize that China's current leadership neither accepts nor acts upon the principle of friendship in international or domestic relations.

Mr. President, I think this is an important debate. I think it is a debate that we need to have here in the Senate. I regret that the current procedural roadblocks that seem to exist will make it very difficult for us to fully act through the amendments that many of us would like to bring up and prevent us from having the kind of full and clear discussion in this debate that I think the Senate should make happen. Consequently, I find myself a bit frustrated today. I would like to applaud the Senator from Arkansas for the ongoing efforts he has engaged in to try to bring these issues to the floor of the Senate, to try to make it possible for us to have the kind of debate that I think many of us wish would occur.

I hope that his efforts with many of us working together can be ultimately successful. If it cannot happen in the context of the current bill, then I think a group of us will find other vehicles coming to the floor of the Senate on which it can be possible for us to have this debate. But whether it happens now or happens later, I think the message to the administration should be clear and to the American people it should be clear: We are deeply concerned about the human rights policies of China. We are deeply concerned about the implications of their policies on American national security, and we in the U.S. Senate are not going to sit idly by and allow these policies to continue without ultimately having the kind of full and detailed debate, discussion and action that they require.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for about 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized.

A LONGTIME FRIEND—ALBERT McDERMOTT

Mr. STEVENS. Mr. President, it is with a sadness and real heavy heart that I report to the Senate that the former chief counsel of the Appropriations Committee passed away this morning at 7 a.m. at NIH. Albert McDermott was a longtime friend. He and I met during the Eisenhower administration when he was the Assistant Secretary of Labor and I was Assistant Secretary of the Interior.

After having been with the Hotel-Motel Association for some 25 years, I convinced him to join the staff of the Rules Committee when I became the ranking member of that committee. He came on board, as I recall, in about 1991. He was a graduate of Georgetown Law School, a distinguished naval officer in World War II who was in charge of an LCT, landing craft tank, that hit Normandy beach several times, I believe.

He became the chief of staff of the Rules Committee when I became chairman, and then moved to the Governmental Affairs Committee and was chief of staff there. When I became chairman of the Appropriations Committee, I asked him to take on the job of counsel for the Appropriations Committee.

He retired from that position late last year. He was a grand friend, and I shall miss him very much. He was my best man when Catherine and I were married and I was his best man when he married at the age of 70.

He has left behind his beloved wife, and she was a longtime friend. Krieks is a great friend now of my wife Catherine. She was also very close to my first wife, Ann.

I announce to the Senate that there will be a visitation at Gawler's Funeral Home on Wisconsin Avenue from 7:30 p.m. to 9:30 p.m. on Thursday and a memorial service at 10 a.m. at the Annunciation Church on Massachusetts Avenue in Northwest.

Thank you, Mr. President.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, having served on the Rules Committee with Mr. STEVENS, the chairman, I remember him very well. I add my expression of deepest sympathy to his family.

Mr. STEVENS. I thank the Senator.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. WARNER. Mr. President, I have advised the distinguished ranking member of the Armed Services Committee of what I am about to do. Hopefully, this announcement will lend some clarity to the procedural situation we are now in.

AMENDMENT NO. 2737, AS MODIFIED

Mr. WARNER. Mr. President, on behalf of Senator HUTCHINSON, I modify the pending amendment with the additional text now at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of the amendment, add the following:

TITLE ___

SEC. ___. SHORT TITLE.

This title may be cited as the ''Forced Abortion Condemnation Act''.

SEC. ___. FINDINGS.

Congress makes the following findings:

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(2) For over 15 years there have been frequent and credible reports of forced abortion and forced sterilization in connection with the population control policies of the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program, in fact the Communist Chinese Government encourages both forced abortion and forced sterilization through a combination of strictly enforced birth quotas and immunity for local population control officials who engage in coercion. Officials acknowledge that there have been instances of forced abortions and sterilization, and no evidence has been made available to suggest that the perpetrators have been punished.

(B) People's Republic of China population control officials, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical force.

(C) Official sanctions for giving birth to unauthorized children include fines in amounts several times larger than the per capita annual incomes of residents of the People's Republic of China. In Fujian, for example, the average fine is estimated to be twice a family's gross annual income. Families which cannot pay the fine may be subject to confiscation and destruction of their homes and personal property.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. For example, according to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to population control under the slogan ''better to have more graves than one more child''. Enforcement measures included torture, sexual abuse, and the detention of resisters' relatives as hostages.

(E) Forced abortions in Communist China often have taken place in the very late stages of pregnancy.

(F) Since 1994 forced abortion and sterilization have been used in Communist China not only to regulate the number of children, but also to eliminate those who are regarded as defective in accordance with the official eugenic policy known as the ''Natal and Health Care Law''.

SEC. ___. DENIAL OF ENTRY INTO THE UNITED STATES OF PERSONS IN THE PEOPLE'S REPUBLIC OF CHINA ENGAGED IN ENFORCEMENT OF FORCED ABORTION POLICY.

The Secretary of State may not issue any visa to, and the Attorney General may not admit to the United States, any national of the People's Republic of China, including any official of the Communist Party or the Government of the People's Republic of China and its regional, local, and village authorities (except the head of state, the head of government, and cabinet level ministers) who the Secretary finds, based on credible information, has been involved in the establishment or enforcement of population control policies resulting in a woman being forced to undergo an abortion against her free choice, or resulting in a man or woman being forced to undergo sterilization against his or her free choice.

SEC. ___. WAIVER.

The President may waive the requirement contained in section ___ with respect to a national of the People's Republic of China if the President—

(1) determines that it is in the national interest of the United States to do so; and

(2) provides written notification to Congress containing a justification for the waiver.

This title may be cited as the ''Communist China Subsidy Reduction Act of 1998''.

SEC. ___. FINDINGS.

Congress finds that—

(1) the People's Republic of China has enjoyed ready access to international capital through commercial loans, direct investment, sales of securities, bond sales, and foreign aid;

(2) regarding international commercial lending, the People's Republic of China had $48,000,000,000 in loans outstanding from private creditors in 1995;

(3) regarding international direct investment, international direct investment in the People's Republic of China from 1993 through 1995 totaled $97,151,000,000, and in 1996 alone totaled $47,000,000,000;

(4) regarding investment in Chinese securities, the aggregate value of outstanding Chinese securities currently held by Chinese nationals and foreign persons is $175,000,000,000, and from 1993 through 1995 foreign persons invested $10,540,000,000 in Chinese stocks;

(5) regarding investment in Chinese bonds, entities controlled by the Government of the People's Republic of China have issued 75 bonds since 1988, including 36 dollar-denominated bond offerings valued at more than $6,700,000,000, and the total value of long-term Chinese bonds outstanding as of January 1, 1996, was $11,709,000,000;

(6) regarding international assistance, the People's Republic of China received almost $1,000,000,000 in foreign aid grants and an additional $1,566,000,000 in technical assistance grants from 1993 through 1995, and in 1995 received $5,540,000,000 in bilateral assistance loans, including concessional aid, export credits, and related assistance; and

(7) regarding international financial institutions—

(A) despite the People's Republic of China's access to international capital and world financial markets, international financial institutions have annually provided it with more than $4,000,000,000 in loans in recent years, amounting to almost a third of the loan commitments of the Asian Development Bank and 17.1 percent of the loan approvals by the International Bank for Reconstruction and Development in 1995; and

(B) the People's Republic of China borrows more from the International Bank for Reconstruction and Development and the Asian Development Bank than any other country, and loan commitments from those institutions to the People's Republic of China quadrupled from $1,100,000,000 in 1985 to $4,300,000,000 by 1995.

SEC. ___. OPPOSITION OF UNITED STATES TO CONCESSIONAL LOANS TO THE PEOPLE'S REPUBLIC OF CHINA.

Title XV of the International Financial Institutions Act (22 U.S.C. 262o–262o–1) is amended by adding at the end the following:

"SEC. 1503. OPPOSITION OF UNITED STATES TO CONCESSIONAL LOANS TO THE PEOPLE'S REPUBLIC OF CHINA.

''(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Directors at each international financial institution (as defined in section 1702(c)(2) of the International Financial Institutions Act) to use the voice and vote of the United States to oppose the provision by the institution of concessional loans to the People's Republic of China, any citizen or national of the People's Republic of China, or any entity established in the People's Republic of China.

''(b) CONCESSIONAL LOANS DEFINED.—As used in subsection (a), the term 'concessional loans' means loans with highly subsidized interest rates, grace periods for repayment of 5 years or more, and maturities of 20 years or more.''.

SEC. ___. PRINCIPLES THAT SHOULD BE ADHERED TO BY ANY UNITED STATES NATIONAL CONDUCTING AN INDUSTRIAL COOPERATION PROJECT IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) PURPOSE.—It is the purpose of this section to create principles governing the conduct of industrial cooperation projects of United States nationals in the People's Republic of China.

(b) STATEMENT OF PRINCIPLES.—It is the sense of Congress that any United States national conducting an industrial cooperation project in the People's Republic of China should:

(1) Suspend the use of any goods, wares, articles, or merchandise that the United States national has reason to believe were mined, produced, or manufactured, in whole or in part, by convict labor or forced labor, and refuse to use forced labor in the industrial cooperation project.

(2) Seek to ensure that political or religious views, sex, ethnic or national background, involvement in political activities or nonviolent demonstrations, or association with suspected or known dissidents will not prohibit hiring, lead to harassment, demotion, or dismissal, or in any way affect the status or terms of employment in the industrial cooperation project. The United States national should not discriminate in terms or conditions of employment in the industrial cooperation project against persons with past records of arrest or internal exile for nonviolent protest or membership in unofficial organizations committed to nonviolence.

(3) Ensure that methods of production used in the industrial cooperation project do not pose an unnecessary physical danger to workers and neighboring populations or property, and that the industrial cooperation project does not unnecessarily risk harm to the surrounding environment; and consult with community leaders regarding environmental protection with respect to the industrial cooperation project.

(4) Strive to establish a private business enterprise when involved in an industrial cooperation project with the Government of the People's Republic of China or other state entity.

(5) Discourage any Chinese military presence on the premises of any industrial cooperation projects which involve dual-use technologies.

(6) Undertake to promote freedom of association and assembly among the employees of the United States national. The United States national should protest any infringement by the Government of the People's Republic of China of these freedoms to the International Labor Organization's office in Beijing.

(7) Provide the Department of State with information relevant to the Department's efforts to collect information on prisoners for the purposes of the Prisoner Information Registry, and for other purposes.

(8) Discourage or undertake to prevent compulsory political indoctrination programs from taking place on the premises of the industrial cooperation project.

(9) Promote freedom of expression, including the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media. To this end, the United States national should raise with appropriate authorities of the Government of the People's Republic of China concerns about restrictions on the free flow of information.

(10) Undertake to prevent harassment of workers who, consistent with the United Nations World Population Plan of Action, decide freely and responsibly the number and spacing of their children; and prohibit compulsory population control activities on the premises of the industrial cooperation project.

(c) PROMOTION OF PRINCIPLES BY OTHER NATIONS.—The Secretary of State shall forward a copy of the principles set forth in subsection (b) to the member nations of the Organization for Economic Cooperation and Development and encourage them to promote principles similar to these principles.

(d) REGISTRATION REQUIREMENT.—

(1) IN GENERAL.—Each United States national conducting an industrial cooperation project in the People's Republic of China shall register with the Secretary of State and indicate that the United States national agrees to implement the principles set forth in subsection (b). No fee shall be required for registration under this subsection.

(2) PREFERENCE FOR PARTICIPATION IN TRADE MISSIONS.—The Secretary of Commerce shall consult the register prior to the selection of private sector participants in any form of trade mission to China, and undertake to involve those United States nationals that have registered their adoption of the principles set forth above.

(e) DEFINITIONS.—As used in this section—

(1) the term ''industrial cooperation project'' refers to a for-profit activity the business operations of which employ more than 25 individuals or have assets greater than $25,000; and

(2) the term ''United States national'' means—

(A) a citizen or national of the United States or a permanent resident of the United States; and

(B) a corporation, partnership, or other business association organized under the laws of the United States, any State or territory thereof, the District of Columbia, the Commonwealth of Puerto Rico, or the Commonwealth of the Northern Mariana Islands.

SEC. ___. PROMOTION OF EDUCATIONAL, CULTURAL, SCIENTIFIC, AGRICULTURAL, MILITARY, LEGAL, POLITICAL, AND ARTISTIC EXCHANGES BETWEEN THE UNITED STATES AND CHINA.

(a) EXCHANGES BETWEEN THE UNITED STATES AND CHINA.—Agencies of the United States Government which engage in educational, cultural, scientific, agricultural, military, legal, political, and artistic exchanges shall endeavor to initiate or expand such exchange programs with regard to China.

(b) SENSE OF CONGRESS.—It is the sense of Congress that a federally chartered not-for-profit organization should be established to fund exchanges between the United States and China through private donations.

SEC. ___. CONGRESSIONAL STATEMENT OF POLICY.

It is the sense of Congress that the President should make freedom of religion one of the major objectives of United States foreign policy with respect to China. As part of this policy, the Department of State should raise in every relevant bilateral and multilateral forum the issue of individuals imprisoned, detained, confined, or otherwise harassed by the Chinese Government on religious grounds. In its communications with the Chinese Government, the Department of State should provide specific names of individuals of concern and request a complete and timely response from the Chinese Government regarding the individuals' whereabouts and condition, the charges against them, and sentence imposed. The goal of these official communications should be the expeditious release of all religious prisoners in China and Tibet and the end of the Chinese Government's policy and practice of harassing and repressing religious believers.

SEC. ___. PROHIBITION ON USE OF FUNDS FOR THE PARTICIPATION OF CERTAIN CHINESE OFFICIALS IN CONFERENCES, EXCHANGES, PROGRAMS, AND ACTIVITIES.

(a) PROHIBITION.—Notwithstanding any other provision of law, for fiscal years after fiscal year 1997, no funds appropriated or otherwise made available for the Department of State, the United States Information Agency, and the United States Agency for International Development may be used for the purpose of providing travel expenses and per diem for the participation of nationals of the People's Republic of China described in paragraphs (1) and (2) in conferences, exchanges, programs, and activities:

(1) The head or political secretary of any of the following Chinese Government-created or approved organizations:

(A) The Chinese Buddhist Association.

(B) The Chinese Catholic Patriotic Association.

(C) The National Congress of Catholic Representatives.

(D) The Chinese Catholic Bishops' Conference.

(E) The Chinese Protestant ''Three Self'' Patriotic Movement.

(F) The China Christian Council.

(G) The Chinese Taoist Association.

(H) The Chinese Islamic Association.

(2) Any military or civilian official or employee of the Government of the People's Republic of China who carried out or directed the carrying out of any of the following policies or practices:

(A) Formulating, drafting, or implementing repressive religious policies.

(B) Imprisoning, detaining, or harassing individuals on religious grounds.

(C) Promoting or participating in policies or practices which hinder religious activities or the free expression of religious beliefs.

(b) CERTIFICATION.—

(1) Each Federal agency subject to the prohibition of subsection (a) shall certify in writing to the appropriate congressional committees no later than 120 days after the date of enactment of this Act, and every 90 days thereafter, that it did not pay, either directly or through a contractor or grantee, for travel expenses or per diem of any national of the People's Republic of China described in subsection (a).

(2) Each certification under paragraph (1) shall be supported by the following information:

(A) The name of each employee of any agency of the Government of the People's Republic of China whose travel expenses or

per diem were paid by funds of the reporting agency of the United States Government.

(B) The procedures employed by the reporting agency of the United States Government to ascertain whether each individual under subparagraph (A) did or did not participate in activities described in subsection (a)(2).

(C) The reporting agency's basis for concluding that each individual under subparagraph (A) did not participate in such activities.

(c) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of this section the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. ___. CERTAIN OFFICIALS OF THE PEOPLE'S REPUBLIC OF CHINA INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION.

(a) REQUIREMENT.—Notwithstanding any other provision of law, any national of the People's Republic of China described in section ___(a)(2) (except the head of state, the head of government, and cabinet level ministers) shall be ineligible to receive visas and shall be excluded from admission into the United States.

(b) WAIVER.—The President may waive the requirement in subsection (a) with respect to an individual described in such subsection if the President—

(1) determines that it is vital to the national interest to do so; and

(2) provides written notification to the appropriate congressional committees (as defined in section ___(c)) containing a justification for the waiver.

SEC. ___. SUNSET PROVISION.

Sections ___ and ___ shall cease to have effect 4 years after the date of the enactment of this Act.

SEC. ___. SATELLITE CONTROLS UNDER THE UNITED STATES MUNITIONS LIST.

(a) CONTROL OF SATELLITES ON THE UNITED STATES MUNITIONS LIST.—Notwithstanding any other provision of law, the export control of satellites and related items on the Commerce Control List of dual-use items in the Export Administration Regulations (15 C.F.R. Part 730 et seq.) on the day before the effective date of this section shall be considered, on or after such date, to be transferred to the United States Munitions List under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(b) REPORT.—Each report to Congress submitted pursuant to section 902(b) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246) to waive the restrictions contained in that Act on the export to the People's Republic of China of United States-origin satellites and defense articles on the United States Munitions List shall be accompanied by a detailed justification setting forth—

(1) a detailed description of all militarily sensitive characteristics integrated within, or associated with, the satellite;

(2) an estimate of the number of United States civilian contract personnel expected to be needed in country to carry out the proposed satellite launch;

(3) a detailed description of—

(A) the United States Government's plan to monitor the proposed satellite launch to ensure that no unauthorized transfer of technology occurs, together with an estimate of the number of officers and employees of the United States Government expected to be needed in country to carry out monitoring of the proposed satellite launch; and

(B) the manner in which the costs of such monitoring shall be borne; and

(4) the reasons why the proposed satellite launch is in the national security interest of the United States, including—

(A) the impact of the proposed export on employment in the United States, including the number of new jobs created in the United States, on a State-by-State basis, as a direct result of the proposed export;

(B) the number of existing jobs in the United States that would be lost, on a State-by-State basis, as a direct result of the proposed export not being licensed;

(C) the impact of the proposed export on the balance of trade between the United States and China and a reduction in the current United States trade deficit with China;

(D) the impact of the proposed export on China's transition from a nonmarket to a market economy and the long-term economic benefit to the United States;

(E) the impact of the proposed export on opening new markets to American-made products through China's purchase of United States-made goods and services not directly related to the proposed export;

(F) the impact of the proposed export on reducing acts, policies, and practices that constitute significant trade barriers to United States exports or foreign direct investment in China by United States nationals;

(G) the increase in the United States overall market share for goods and services in comparison to Japan, France, Germany, the United Kingdom, and Russia;

(H) the impact of the proposed export on China's willingness to modify its commercial and trade laws, practices, and regulations to make American-made goods and services more accessible to that market; and

(I) the impact of the proposed export on China's willingness to reduce formal and informal trade barriers and tariffs, duties, and other fees on American-made goods and services entering China.

(c) NATIONAL SECURITY WAIVER FOR THE EXPORT OF SATELLITES TO CHINA.—Section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246; 22 U.S.C. 2151 note) is amended by inserting before the period at the end the following: '', except that, in the case of a proposed export of a satellite under subsection (a)(5), on a case-by-case basis, that it is in the national security interests of the United States to do so''.

(d) DEFINITIONS.—In this section:

(1) MILITARILY SENSITIVE CHARACTERISTICS.—The term ''militarily sensitive characteristics'' includes, but is not limited to, antijamming capability, antennas, crosslinks, baseband processing, encryption devices, radiation-hardened devices, propulsion systems, pointing accuracy, or kick motors.

(2) RELATED ITEMS.—The term ''related items'' means the satellite fuel, ground support equipment, test equipment, payload adapter or interface hardware, replacement parts, and non-embedded solid propellant orbit transfer engines described in the report submitted to Congress by the Department of State on February 6, 1998, pursuant to section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)).

(e) EFFECTIVE DATE.—This section shall take effect 15 days after the date of enactment of this Act.

SEC.___. DEPUTY UNDER SECRETARY OF DEFENSE FOR TECHNOLOGY SECURITY POLICY.

(a) ESTABLISHMENT OF POSITION.—Section 134 of title 10, United States Code, is amended by adding at the end the following:

''(d)(1) There is a Deputy Under Secretary of Defense for Technology Security Policy in the Office of the Under Secretary. The Deputy Under Secretary serves as the Director of the Defense Technology Security Administration.

''(2) The Deputy Under Secretary has only the following duties:

''(A) To supervise activities of the Department of Defense relating to export controls.

''(B) To develop for the Department of Defense policies and positions regarding the appropriate export control policies and procedures that are necessary to protect the national security interests of the United States.

''(3) The Deputy Under Secretary may report directly to the Secretary of Defense on the matters that are within the duties of the Deputy Under Secretary.''.

(b) IMPLEMENTATION.—The Secretary of Defense shall complete the actions necessary to implement section 134(d) of title 10, United States Code (as added by subsection (a)), not later than 45 days after the date of the enactment of this Act.

(c) REPORT.—Not later than 30 days 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 the Committee on National Security of the House of Representatives a report on the plans of the Secretary for implementing section 134(d) of title 10, United States Code, as added by subsection (a). The report shall include the following:

(1) A description of any organizational changes that are to be made within the Department of Defense to implement the provision.

(2) A description of the role of the Chairman of the Joint Chiefs of Staff in the export control activities of the Department of Defense after the provision is implemented, together with a discussion of how that role compares to the Chairman's role in those activities before the implementation of the provision.

(d) LIMITATION.—Unless specifically authorized and appropriated for such purpose, no funds may be obligated to relocate office space or personnel of the Defense Technology Security Administration.

Mr. WARNER. Mr. President, it will be my intention to move to table this amendment at approximately 11 a.m. tomorrow, Tuesday, June 23. I will be working with Senator LEVIN to reach an agreement as to the exact time. Members will be notified as soon as that time agreement has been reached. In addition, other votes could occur prior to the scheduled weekly recess for our party conferences, which begins at 12:30 p.m. on Tuesday. I thank all colleagues for their attention to this matter.

Mr. President, I hope that while we only have another 50 minutes on the bill prior to business, according to the pending order, that there will be statements and other matters relating to this bill so that we can make as productive use of the time as possible. I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. I thank my friend from Virginia for the statement he has made. I know all Members of the Senate will be on notice accordingly.

I take this moment to speak generally to the amendment that is before the Senate regarding China policy and the overall question before the country about China policy, as President Clinton prepares to leave for China later this week.

Mr. President, this debate is nothing new. Nonetheless, it takes on a special meaning and intensity, because it happens in the week in which the President will go to China. I understand the Senator from Arkansas, who is the proponent of most of the amendments, has stated over and over again that it was not his intention that these amendments be brought up in the week in which the President was going to China, and I know that is absolutely the fact. These amendments were filed earlier. He had discussed them earlier. It just happens that here we are on this bill, and they are coming up.

I hope that we will proceed, may I say, with an appropriate sense of respect for the mission that the President will carry out on all our behalf, because, though we may have different sides of this American policy towards China that we speak to on the floor, I know that we all hope and pray that the President's trip will be successful, in the sense that it will not only strengthen our bilateral relationship with China, but will do so based on honest exchange and principle, including the very principles that are the subject of some of the amendments that are before us, most particularly human rights, proliferation, which is to say security, and trade policy, and the others as well.

Mr. President, this question of our relationship with China is, in some ways, the most difficult, complicated and yet the most important of our foreign and defense policies because of the size of China, the enormous changes that are occurring in China, and the significant role that China will play in the next century as a true military, economic superpower. The question of our policy is often described as a choice between engagement or nonengagement, which is to say engagement, on the one hand, or isolation and containment on the other.

Well, I favor engagement. I think that the truth is when you come down to it, there are very few people here that I have heard in the Senate who really want to isolate China, or that is the stated intention of their policy. The question then becomes, I believe, not whether or not to engage; China is too big for us not to engage with; we are too sensible for us to try to isolate or contain this great country with such a long and proud history. The question then becomes, How do we engage? And do we engage in a way that works together in an honest, principled fashion to not only improve our relations—military, economic, ideological, philosophical—but to improve the lot, the plight, the lives of people in China consistent with our own principles.

My fear is that some of the amendments that are offered here on this bill, and some of the statements of intention that have been made regarding American policy toward China, while they may want a form of engagement or they may acknowledge the inevitability of engagement with China, they do so in a way that is confrontational, in some sense is punitive, perhaps without justification for all the punitive qualities, and in the end will put us in a course of conflict with China which many of us feel is not necessary. That, I think, is the issue drawn by these amendments. Yes, engagement, but what kind of engagement will it be?

On the other side there is an engagement that would be so devoid of honesty and principle that it would sacrifice America's national interests and our traditional values, human rights being at the top of them, which is to say it would be engagement for the sake of engagement, to yield, if you will, to the People's Republic of China in any point of conflict between us. That is as unacceptable as the policy on the other side of isolation and attempted containment.

I think we have to see if we can work together here to find a common ground on which we engage honestly and consistent with our principles and interests, which is to say we have an interest—military, economic, philosophical—in engaging China in the world community, in building peaceful relationships and prosperous relationships with her, but that engagement must be honest in the sense that we do not conceal our differences, and principled in the sense that we do not yield on the principles that make us uniquely American.

I hope out of the kind of debate that—though it is awkward to have it the week that the President is going to China—but I hope that out of the debate that is occurring here on these amendments, and the debate that I am sure will follow on MFN as the days and weeks go by, that we will be able to find a common ground.

It is not surprising that this debate is occurring. China is not only a big country and an important country, but it is a country with a different culture and history from ours. It is a country that lived under a remarkably rigid, ideological, Communist dictatorship for a long period of time that has seen outbursts, spasmodic alterations in the political status quo, and it is different from us. So these differences about how to engage China, what to expect of China, are not surprising. And we express those in the debate that is occurring on this bill.

My own strong support for the policy of engagement—honest, principled, direct engagement; one that I think is in our national interest—is premised on a conclusion which is that that policy of engagement, begun 26 years ago by President Nixon, followed by every President since of both political parties, has worked. We have had tough times, crises in the relationship—cultural revolution two decades ago; and very fresh, still stinging for us, the tragedy on Tiananmen Square a little less than a decade ago.

But overall, if you look at the changes, the revolutionary changes within this country, China, I believe the facts indicate that the policy of engagement has produced a China today that is significantly different than the China of two decades ago of the cultural revolution, and one decade ago of the Tiananmen Square tragedy—an atrocity—that it is a country today that is moving in exactly the direction we would want it to, remarkably toward a market economy—and I will speak in a moment more to that—and also more in the direction of human rights than before, though, God knows, not enough.

But remember, again, we are dealing with a culture and a country very different from ours, a culture and a country during communism and before so large that it lived with the constant fear of the leadership, of the disintegration of this enormous national entity, a country in which leaders have traditionally portrayed themselves as riding on the back of a tiger. But the changes have most assuredly occurred.

It has been fascinating in the last month or so just to pay a little bit of extra attention to the newspaper reports from China, not so much the political reports, but what might be called feature stories in the press. And they showed a China that is dramatically different, much more like us than it was before.

There was a story a while back in one of the papers about the fact that half of the villages in China have held elections. It was a concerted effort by the leadership—not unlimited; that is for sure—but a concerted effort by the leadership of China to introduce some form of participatory electoral system in half of the villages in China, almost 500,000 villages.

There was another story about a professor at a university in Beijing, a brilliant man, from the article, who had an idea for a new technology; this kind of thing that happens around America, particularly in places like Silicon Valley. It did not happen in Communist China. But he found his way to some capital, started a company, and is doing brilliantly. He is excited about his stock options. Wow. That is not one of Mao's—I do not remember stock options being in Mao's little red book.

There was a different kind of story about a change in the use of the media. Remember, under Mao the television or the propaganda instruments only had one—it was all straight ahead. It was all: ''Support Mao. Support the State.'' There was a story about a gentleman who is producing the most popular sitcom on television in China. He had been, I am proud to say, in my own State of Connecticut, in Waterford at the Eugene O'Neill Theater for a period of months studying and saw ''The Cosby Show'' and was inspired by it. I take some license here, but he went back and created the Chinese version of ''Cosby,'' the most popular show in China at this point.

There was an announcement of the sale of 3 million state-owned residences

to people, to citizens of China, property ownership fundamental to our view of the world, not theirs; tens of thousands of State-owned enterprises about to be privatized or closed down because they are inefficient.

Under the leadership I would describe as revolutionary, of the new Premier, Zhu Rongji, one of the ways in which the Communist State controls the lives and political behavior of all of its citizens is by employing all of its citizens. Once you take these tens of thousands, hundreds of thousands, of State-owned enterprises, privatize them, and people are not working for the State any more but working for private owners, you have the conditions for a whole new expression and experience of freedom—remarkable, remarkable changes.

Let me talk about religion, because it is of real interest to me. I worked with colleagues and cosponsored one of the two bills before this body that try to put religious freedom and protection from religious persecution and discrimination at the center of our foreign policy and impose penalties on countries or at least alter our relationship with countries that don't respect the bedrock American principle of freedom of religion.

Last March, Senator MACK, a colleague and dear friend from Florida, and I went to China. It happened to be Holy Week, the week before Easter. Senator MACK went to mass each day. The churches were more or less full.

Let me read from a New York Times article of just less than a week ago, June 17, so you can get a flavor of the changes that are occurring, and yet the enormous changes that have not yet occurred that we need to have occurring. I will read briefly from the New York Times of June 17, an article by Eric Eckholm, from Nanjing. The article begins with a report that:

New Bibles stream forth from a computerized printing press in this onetime southern capital at a rate of two and a half million a year for sale to Christians all over China. [Bibles in Chinese, of course.]

* * * * *

Critics in the West point to the restrictions and repression as evidence of systematic persecution, while the Government's defenders here point, instead, to the relative freedom most Christians now enjoy.

Paradoxically, the rising outcry abroad comes as Christianity in China, especially evangelical Protestantism, is growing explosively. The Rev. Don Argue [many of us are privileged to know in this Chamber], recent president of the National Association of Evangelicals in the United States, says China may be experiencing ''the single greatest Revival in the history of Christianity.''

Much of that growth has occurred with official acquiescence, and though they remain a small minority in a giant country, millions of Chinese people like Zhang Linmei, a 32-year-old worshiper at St. Paul's [in Nanjing], find the same comfort in religion that Christians do anywhere, without worrying much about politics.

''I feel life is meaningless in society at large,'' Zhang said after services as she picked up her 5-year-old daughter, dressed in her finest, from Sunday school.

''This is the only reliable place in my life,'' Zhang added.

''The situation for religion is in many ways the best it's been since 1949,'' [the year of the Communist revolution] said Richard Madsen, an expert on Chinese religion at the University of California at San Diego. Though the Government still controls their growth and closely monitors their activities, he said, the official churches enjoy more autonomy [today] than [ever] in the past.

Even the illegal churches—[of course, here we get to the problem] unregistered Protestant churches and openly pro-Vatican Catholic groups—function without serious trouble in many places, Dr. Madsen and others say. But those who refuse to pledge support to the Government and its apparatus of religious control, and those with unorthodox or ecstatic styles of worship, can face harsh repression. The situation is similar for other major religions here, including Buddhists and Muslims. Many believers now enjoy relative freedom, but Tibetan Buddhists who consider the Dalai Lama their leader face repression.

Finally, a few more paragraphs which I think express the explosion in belief and freedom to believe, and yet the repression that still exists for those who trouble and offend particularly provincial administrators, administrators of the various Chinese provinces, or touch a vulnerable cord in the Chinese experience, which is the fear of a loyalty to a force outside of China and beyond the Government.

I read again from the New York Times article of June 17 last week:

Officials say Catholics now number four million, while outside researchers say the true total may be closer to 10 million, with many secretly accepting the Pope as the true head of their church.

The peculiar hybrid state of Christianity here reflects the obsession of the Communist party with control: virtually any organization, whether political or social or religious, must gain party approval.

The party is an officially atheist organization that asserts that religion will eventually wither away. But in a policy spelled out in the early 1980's, the Government officially guarantees freedom of religion—within prescribed boundaries including a required allegiance to the state, adherence to certain styles of worship and limits on church construction, evangelizing and the baptism of children, among other rules.

Of course, those are all unacceptable to us.

For those willing to accommodate, the 1990's seem a golden time.

''From our perspective, now is the best time ever for implementing the policy of religious freedom,'' said Han Wenzao, who as president of the China Christian Council is the national leader of the official Protestant church and a prime link to the Communist Government. ''The criterion should be, is the word of God being propagated or not? [And Mr. Han Wenzao says] It is and it's good.''

Well, that is a rational report, sobering and disappointing in the continuation of official sanctions, repression, anxiety about religion; and yet, clearly, the momentum is all in favor of faith. That, too, represents a maturing, a changing and development within the mind and outlook of the leadership of China. I think it is at least in part a reaction to the centrality that we have placed on religious freedom, absent persecution, in our relations with the People's Republic of China.

So, I hope we will pass one of these bills that set up a system in our Government to rank and report on the state of religious freedom in all the countries of the world. Of course, I don't favor a specific action regarding the People's Republic of China, because that tends to scapegoat them and it tends to create a confrontation between us separately that is not necessary. They ought to be part of the overall policy that I hope this Senate will adopt, that Congress will adopt, before this session ends and, most particularly, to the events of this week.

I hope and believe that when the President meets with Jiang Zemin, when he speaks with the people of China publicly, he will raise this question of religious persecution in a way that he couldn't do if he were not engaged and wouldn't do if we were not honestly and principally engaged; he will speak directly to why it is so important to us in America that countries with which we have normal, bilateral relations respect the right of their citizens to worship God as they choose. That was the initial, primal motivation for those who founded this country. It is right there in the first or second paragraph—first substantive paragraph of the Declaration of Independence, in the first amendment to our Constitution, the beginning of the Bill of Rights. It is what we are about. If we are not directly and principally engaged with that, if our President of the United States does not go to China, the kind of progress that I have described in which I say the glass is certainly half full and getting fuller, the opportunities for that will be lost.

I want to say just a word more about national security, because these amendments, after all, are attached to the Department of Defense authorization bill, S. 2057.

In a literal sense, a parliamentary sense, it seems to me personally that these amendments are not germane. That is a matter of parliamentary conclusion, which I will leave to others. But I want to say that the question of our relations with the People's Republic of China, the question of how we engage and whether we engage with the People's Republic of China is at the center of our national security policy, of our defense policy today and, even more so, in the next century.

We have many important security relationships in the world, beginning with our allies in Europe, and in Japan. Our ability to manage our relationship with the People's Republic of China will, in my opinion, as much as any other relation we have, determine whether or not we will live in a world that remains secure in our time, but whether our children, and whether the pages here, as they grow to be adults, will live in a world that is secure. That is the destiny of China—with 1.2 billion people who are building a military, it is strategically located, an enormous country.

Look at the situations in the world which worry us now—most recently,

the explosions of atomic weapons by India and Pakistan on the Asian subcontinent. Our ability to work with them, as we have been doing since those explosions, greatly strengthens our capacity to limit the possibility that the conflict on the subcontinent will break into a worse conflict, and a nightmare would be a nuclear war.

Consider where we would be today in implementing the policy on the Asian subcontinent if we were not engaged with China, if we could not work with the permanent five members of the Security Council and with China on a problem such as that. Take the Korean peninsula. We have in excess of 30,000 American soldiers there. It is probably the most heavily armed border in the world. Our ability to keep the peace there and, in fact, to begin to move beyond, in the absence of conflict, to better relations between the parties there is very important to us. It is materially helped by our engagement with China—our ability to work with the two Koreas, China, and the United States to try to create more stability and ultimately, perhaps, a reunification of the two parts of Korea.

Take our interest in the Persian Gulf, in the Middle East—an interest so clearly vital to our national security that we sent a half million troops there about 7 years ago in the Persian Gulf war. China and United States will begin to have shared interests—and perhaps even if we are not engaged, a shared competition, as China grows economically—for the energy resources in the Persian Gulf area, for the oil. We have to have a good relationship with China to be able to manage that competition for energy in a way that doesn't break into conflict.

More immediately, the Middle East, Persian Gulf—always a tinderbox in our time—we deeply fear the proliferation of weapons of mass destruction, of ballistic missiles, particularly in Iran. My sense is that the engagement with China has assisted us materially in cutting down the flow of component parts to the Iranians for the development of nuclear weapons, which is not so with missile proliferation, as far as I can tell. I hope and trust that the President will discuss that directly with the leadership of China in the summit that is to come later this week.

But, again, an engagement with China offers us the prospect, in return for what China seeks in our bilateral relationship, including not only economic gain but recognition, stature, involvement in world organizations—in return for that, hopefully, we will be in a position to convince the leadership in China to cut back on any of the component parts of ballistic missiles, which they are selling to Iran, or any other countries that threaten our security, because that is part of what it means to be engaged.

Incidentally, Mr. President, in this regard—and I know there are some amendments that maybe have been put forth that deal with proliferation—this Chamber, a short while ago, passed the Iran Missile Sanctions Act, also passed by the House, on its way to the President. The concern expressed about that bill had mostly to do with its impact on Russia as a major supply of component parts for missile construction in Iran. But Russia is not mentioned in that bill. That is a generic bill. That is the way we ought to deal with problems like proliferation—not to single out the Chinese, but, you know, the PRC, People's Republic of China, will be affected by that legislation, and entities within it will be deprived of doing business with the United States if there is evidence that they are contributing to the ballistic missile capacity of the Iranians. We would not have those opportunities if we were not engaged honestly and in a principled way.

So I draw the conclusion that though these amendments may, in one sense, parliamentary, be ill placed on this bill, that they touch a larger issue. It is the right issue and the right point, which is that our ability to manage our relations with China in our time, and particularly as we head into the next century, will substantially affect the national security of the United States.

Let us say we stopped engaging and we attempted to isolate or contain China. Think of the turmoil that would cause to our allies in Taiwan, our great, dear friends and allies in Taiwan. Think about the prospect of an independent—disengaged from the United States—People's Republic of China, growing stronger in the next century. Could our allies in that region—even our best ally, Japan—maintain as close a relationship with us when China was an emerging strength and was hostile to the United States because we attempted to contain them? I think not.

So, Mr. President, I hope we can find a more constructive course to go forward with than being unnecessarily punitive about everything that happens in the People's Republic of China that doesn't please us. A lot will happen there that doesn't please us. But it is in our overriding national interest, militarily, economically, and ideologically, to continue to be engaged in an honest and direct way.

In my opinion, there is ultimately no choice. And I hope we can find ways—short of some of the amendments that have been put onto this bill—to reason together and come up with common approaches because, as I said at the outset, as much as I support engagement, engagement cannot allow us to become spineless. I don't think it has been in our time. Since President Nixon, and since Tiananmen, and President Bush, and on into President Clinton, I think we have been strong and demanding. It is an appropriate role for Congress to continue to work with the administration to make sure that is the case.

Finally, I will offer for the review of my colleagues, at some point, a bill I was privileged to introduce last fall, in October, with three colleagues, which constituted two Republicans and two Democrats, including myself; Senators BOB KERREY of Nebraska; CHUCK HAGEL of Nebraska, and FRANK MURKOWSKI. I believe it is Senate bill 1303. It is an attempt to create a legislative expression of support for a policy of honest, direct, tough principled engagement with China, that is in our interest, and to create some bilateral entities, commissions, and working groups to work through in a demanding way—and some of them including Members of Congress —these points of conflict that we have with China to see if we cannot build on them instead of striking down and undercutting the relationship as a result of those areas in which we disagree.

I hope at some point to be able to bring this bill to the floor and to either in whole or in part as an amendment ask my colleagues to consider it as an expression of a policy, but also as evidence of a particular way to express that policy to establish a United States-China trade and investment commission, to establish a bilateral energy committee, to establish a bilateral food committee, to establish a U.S. human rights commission to not only create a bilateral dialog on human rights, but for us to have an opportunity directly to speak to the Chinese about how important it is to us, but also to create an opportunity to review the Chinese, province by province, in these areas of concern to us—human rights, proliferation, trade, environment—and to use a carrot instead of a stick, and to offer to those provinces that measure up closer to our standards and ideals: OPIC insurance financing backing, clear access to Eximbank financing that is not available now but only through a Presidential waiver to move constructively, honestly, forward; an understanding that both peoples and both countries have to gain from this involvement, and particularly understanding that the people of China for whose freedom we work and pray and from whose increasing freedom we take great joy.

They are the ones that I think will ultimately suffer as much as we will from a policy of isolation and containment, and will gain from a policy of direct and principled engagement.

I thank my colleagues for giving me the opportunity to speak.

It would be my intention on the motion to table that the Senator from Virginia has said he will put in tomorrow to vote to table, because while I think this has been a constructive debate, I don't think this is the week to be taking action in the way that some of these amendments would, and I don't favor most of the amendments as expressing the kind of policy of engagement that I think is so much in our American national interests.

I thank my colleagues. I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that current business be set aside for the purpose of immediate consideration of my amendment No. 2405.

Mr. LIEBERMAN. Mr. President, with respect, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. INHOFE. Mr. President, I had the intention, and still have the intention at some later time, of reintroducing the amendment that is at the desk.

What it effectively does is address the potential problem and influence that a company called COSCO, the Chinese Ocean Shipping Company, will have on the United States.

Mr. President, the Chinese Ocean Shipping Company is Communist China's largest shipping group. It has more than doubled the number of ships that our entire U.S. Navy has. This group has been given preferential treatment by this country and other countries for some period of time. It wasn't long ago that they were given the opportunity to have ports at both ends of the Panama Canal, the Ports of Colon and Cristobal, and our country was supportive of that.

This 25-year lease gives them an abundance of control in the Panama Canal and was to cost $22 million a year. But the deal that was made would be to waive that amount of money, and to waive the labor laws and veto rights over a period of approximately 2 years.

Other areas where we have given preferential treatment to COSCO fall in the area of taxpayer-guaranteed loans.

COSCO was the first shipping company owned by Beijing government to receive a U.S. Federal loan guarantee under a 40-year-old Transportation Department program designed to help American shipyards win business. This was a $138 million loan, which constituted 87.5 percent of the cost of the projects to build four container ships in Alabama. The ships were never built. They did not go through. Nonetheless, the permission was given.

There are many other areas where they have received preferential treatment. Since the 1950s, ships from Communist nations have been forced to give 4 day's notice before they could dock near U.S. military establishments. This was to give the U.S. officials early warning about possible spying and this type of thing. The restriction still applies to countries like Cambodia, Vietnam, Russia, and some of the other former Soviet Republics. But in a deal that was worked out in December of 1996, the United States cut China's wait at a dozen sensitive ports from 4 days to 1 day.

Make sure we understand what we have done here. We have allowed this company to only have to wait 1 day, and all the rest of the Communist nations have to wait 4 days. Cambodia still has to wait 4 days. Vietnam still has to wait 4 days. Russia still has to wait 4 days, but China only 1 day.

U.S. firms still can't get sole-tenancy leases at Chinese ports, yet COSCO got just such rights last year from Long Beach, CA. What a lease—a vacant U.S. Naval Station with no security check. What they are attempting to do now is to get the rest of that closed operation.

We are talking about several hundred acres very strategically located.

It is kind of interesting, since we have been giving such preferential treatment to the Chinese Ocean Shipping Company. Why are we doing this?

I think it is important to understand that this shipping company is not a part of the private sector. This is owned by the Chinese Government. It is owned specifically by the People's Liberation Army of Communist China. So their interests are not just in mercantile—not just in ships—but also they have military interests. COSCO reports to the Chinese Ministry of Communications, which falls under the State Council, which in turn is led by the Communist Party Politburo member and Premier Li Peng.

If we are looking at the problems that have come up and surfaced and have caused many of us to be concerned, we might want to remember that back in March of 1996 a COSCO ship, the *Empress Phoenix,* transported 2,000 illegal AK–47 automatic weapons to be used in street gangs in Los Angeles. It was intended to be sold to the California street gangs, and this has been verified. The corporation was the Norinco Corporation, which is controlled by the People's Liberation Army. Fortunately, the guns were confiscated as a part of an FBI sting operation.

Mr. President, it is certainly no coincidence that the firm is also the employer of record of Wang Jun, which is the well-known Chinese arms dealer who attended a recent radio address in this country.

Mr. President, only last week the Washington Times reported that a COSCO ship was on its way to Pakistan.

Now we are talking about shipping, carrying, nuclear technology and equipment in violation of an international nonproliferation agreement. We are talking about carrying this information, carrying this technology, carrying this nuclear technology to Pakistan from China, a clear violation.

The COSCO ships have previously been used to transport military and strategic cargoes, including components for ballistic missiles from China and North Korea to such countries as Pakistan, Iran, Iraq, Syria, and just most recently, we learned last week, Libya.

So I think that we have a great deal of our Nation's security at risk by allowing them—continuing to allow them to have this lease.

With that in mind, I would again renew my unanimous consent request. I will wait and give adequate time for someone to come in, if there is an objection, but my unanimous consent request would be to set aside the pending business for the immediate consideration of my amendment No. 2405.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. I respectfully object.

The PRESIDING OFFICER. The Chair hears an objection.

Mr. INHOFE. I thank the Chair.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, in the few minutes we have, I would like to respond to my good friend and colleague from Connecticut, to some of the comments he made about the pending business and the amendments I have offered regarding China.

He spoke of engagement and the necessity of the engagement policy, and as has so often been the case with administration defenders and the defenders of the engagement policy, they would present a false dichotomy in that if you are not for the current administration's policy, then you are an isolationist. I would suggest it is not engagement or isolation; it is how we are going to engage China.

I would further suggest that the policy this administration has pursued has failed in engaging China adequately. That is evident in a whole host of areas, not the least of which are the abuses addressed by these amendments.

So when my good friend from Connecticut said that he is opposed to these amendments, I was tempted to ask specifically what amendment is it—denying visas to those who perform forced abortions, or is it denying visas to government individuals involved in religious persecution? What is it precisely that is objectionable about these? I would think, rather than undermining the President's hand as he goes to China, this in fact strengthens his hand, strengthens his ability to deal in a more forthright way with those issues of concern to all Americans.

My good friend from Connecticut also spoke in glowing terms of the ''changed China.'' It is becoming more common to hear of the ''changed China.''

In the edition of Newsweek magazine which just came out is a cover article, a beautiful cover article, entitled ''The New China.'' ''The New China.''

Well, I wish that as we looked at the experience of the Chinese people today and what has happened since 9 years ago and the Tiananmen massacre, we could be reassured that there were students to gather on the Tiananmen plaza during the President's visit next week, in fact they would receive a different greeting than they did 9 years ago when they were mowed down with gunfire.

Well, is China different? Is it a new China? These are just reports in the

last 3 weeks. New York Times, June 6: A bishop in the underground Catholic Church has been arrested, was detained on May 31 while traveling to his village.

This is the changed China.

June 14, the Portland Oregonian reports that Chinese police interrogated and threatened three dissidents who urged President Clinton to press Chinese leaders on human rights during the summit. Police ransacked the homes, confiscated their computers, took two to local precincts. June 14.

June 15, South China Morning Post: Dissidents in several areas including Shanghai and Weifang in Shangdong Province, the first stop for Mr. Clinton, have complained of harassment. Incidents have included home raids, detention, telephone tapping and confiscation of computers.

June 16, Japan Economic News Wire. In the runup to President Bill Clinton's visit to China, a veteran Chinese dissident has been indicted for helping another activist escape to Hong Kong.

June 18, Far Eastern Economic Review reports that Beijing warned the Vatican, ''Don't use the Internet or other media channels to interfere with Chinese religious affairs policies.'' And we could go on and on.

That is the last 3 weeks, Mr. President, of news accounts of what is going on in China. That is the ''new China.'' We want to present China today in some kind of rose-colored glasses, that everything is fine, when in fact it is not.

Mr. INHOFE. Will the Senator yield? Will the Senator yield for a question?

Mr. HUTCHINSON. I would love to yield to my good friend from Oklahoma, but I have 5 minutes left. Unfortunately, the Presiding Officer has assured me he is going to gavel me quiet at 3 o'clock, so I am going to have to talk very quickly.

The issue of religious freedom was raised, and my friend from Connecticut spoke once again in glowing terms of improved conditions in China on the issue of religious freedom. While my friend quoted from the New York Times—my good friend and distinguished colleague, whom I admire greatly—I would like to quote from the State Department's Report on Religious Freedom in China just issued in the last—it is a 1997 report just issued recently on China, and I will quote just a portion of this.

Some religious groups have registered while others were refused registration and others have not applied. Many groups have been reluctant to comply due to principled opposition to state control of religion, unwillingness to limit their activities or refusal to compromise their position on matters such as abortion. They fear adverse consequences if they reveal as required the names and addresses of members and details about leadership activities, finances and contacts in China or abroad.

Guided by a central policy directive of October 1996 that launched a national campaign to suppress unauthorized religious groups and social organizations, Chinese authorities in some areas made strong efforts to crack down on the activities of unregistered Catholic and Protestant movements. They raided and closed several hundred house church groups, many with significant memberships, properties and financial resources.

And it goes on and gives many examples of that. So, in fact, our State Department—whatever else the New York Times may say, our State Department says that conditions in China are deplorable and that in fact there has been a crackdown on those who would defy the Government by not registering because of principled opposition to the Government's policy.

Now, we say—and I have heard it argued even today—that the church and religious organizations in China are flourishing. Well, they are growing, but I would just suggest that they are growing in spite of Government policy, in spite of the persecution, not because there has somehow been a blossoming of religious freedom in China.

As I think back to the early days of Christianity and how the Roman empire cracked down with great intensity upon the infant Christian faith, the Christian faith mushroomed and spread all across the known world at that time. But they did so in spite of intense persecution, and actually Christianity began to demise when suddenly it was made the ''official religion.'' So to say somehow growth equates with freedom in China today, I simply reject that.

I have much, much more that I would like to say. I do want to say a word about the President's plans to be received in Tiananmen Square. Mrs. Ding Zilin, mother of a 17-year-old student who was killed in 1989 in the Tiananmen protest, said that she hoped President Clinton would make a strong gesture. Her husband is associate professor of philosophy at the People's University in Beijing. They said this. They objected to the pomp and ceremony in Tiananmen Square as the red carpet ''is dyed with the blood of our relatives who have fallen.''

I wonder, with the emphasis upon property control, if the President would feel the same about following protocol if those hundreds of students who were slain had included some American students, perhaps there as foreign exchange students.

One thing is certain. When the President goes to Tiananmen, it will be peaceful. It will be quiet. All dissidents will have been rounded up, and there will be no embarrassing protesters. When President Jiang Zemin came to the United States, there were protesters. When Jiang was asked about it, he mocked the protesters, saying with a smile that periodically he heard little voices and noises in his ear. There will be no such embarrassing little noises in his ear when President Clinton goes to Tiananmen Square.

How do we turn what I think is an unfortunate decision to go to Tiananmen Square into something positive? Perhaps the President could give a Reagan-like speech, when President Reagan went to the Berlin Wall in 1987 and he said, ''Tear down this wall.''

It was Jiang who said that all of the protest in 1989 was ''much ado about nothing.'' That was the President's attitude—much ado about nothing. Perhaps President Clinton could ask for an official apology. Perhaps he could ask for the release of the dissidents. They have never investigated; they have never apologized; they have never released the dissidents. Perhaps he could take a lead from the Italian President, who last week, after the official reception, returned to Tiananmen Square, where he prayed and where he meditated and where he remembered those who fell. Perhaps the President, in going to Tiananmen, could bring a wreath in memory of those.

And then I would suggest this as well, that when the President raises the issue of human rights, he does so not before a press briefing but that he does so on his broadcast to the Chinese people. And if he will do so, it will be at least a small step in turning what I think is an unfortunate image for the world to see, into something that can be positive in this trip to China.

Mr. President, I yield the floor.

Mr. THOMAS. Mr. President, I come to the floor briefly today to address the China-related amendments to the S. 2057, the DOD Authorization bill, as the Chairman of the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations—the subcommittee with jurisdiction over the subject matter of these amendments.

Unfortunately, the proponents of these amendments chose a day to debate these provisions when it was clear that many of the amendments' detractors would be out of town. As a result, many of the latter are not here today to participate in this important discussion. While I strongly oppose these amendments, as I believe do a majority of the members of the full Foreign Relations Committee, I myself have commitments preventing me from spending any significant time today on the floor.

So in order to express the thrust of my position on these amendments, Mr. President, I ask unanimous consent to have printed in the RECORD at this point a copy of a ''Dear Colleague'' letter dated June 15, 1998, of which I am the primary signatory; a copy of my opening statement from a hearing before my subcommittee dated June 18, 1998; and finally pages 1, 2 and 6 through 9 of a statement by Assistant Secretary Stanley Roth.

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

U.S. SENATE,
Washington, DC, June 15, 1998.

DEAR COLLEAGUE: When the Senate returns to consideration of the DOD Authorization bill, S. 2057, we expect a series of amendments to be offered concerning the People's Republic of China. These amendments, if accepted, would do serious damage to our bilateral relationship and halt a decade of U.S. efforts to encourage greater Chinese adherence

to international norms in such areas of nonproliferation, human rights, and trade.

In relative terms, in the last year China has shown improvement in several areas which the U.S. has specifically indicated are important to us. Relations with Taiwan have stabilized, several prominent dissidents have been released from prison, enforcement of our agreements on intellectual property rights has been stepped up, the reversion of Hong Kong has gone smoothly, and China's agreement not to devalue its currency helped to stabilize Asia's economic crisis.

Has this been enough change: Clearly not. But the question is: how do we best encourage more change in China? Do we do so by isolating one fourth of the world's population, by denying visas to most members of its government, by denying it access to any international concessional loans, and by backing it into a corner and declaring it a pariah as these amendments would do?

Or, rather, is the better course to engage China, to expand dialogue, to invite China to live up to its aspirations as a world power, to expose the country to the norms of democracy and human rights and thereby draw it further into the family of nations?

We are all for human rights; there's no dispute about that. But the question is, how do we best achieve human rights? We think it's through engagement.

We urge you to look beyond the artfully-crafted titles of these amendments to their actual content and effect. One would require the United States to oppose the provision of any international concessional loan to China, its citizens, or businesses, even if the loan were to be used in a manner which would promote democracy or human rights. This same amendment would require every U.S. national involved in conducting any significant business in China to register with the Commerce Department and to agree to abide by a set of government-imposed ''business principles'' mandated in the amendment. On the eve of President Clinton's trip to China, the raft of radical China-related amendments threatens to undermine our relationship just when it is most crucial to advance vital U.S. interests.

Several of the amendments contain provisions which are sufficiently vague so as to effectively bar the grant of any entrance visa to the United States to every member of the Chinese government. Those provisions not only countervene many of our international treaty commitments, but are completely at odds with one of the amendments which would prohibit the United States from funding the participation of a great proportion of Chinese officials in any State Department, USIA, or USAID conference, exchange program, or activity; and with another amendment which urges agencies of the U.S. Government to increase exchange programs between our two countries.

Finally, many of the amendments are drawn from bills which have yet to be considered by the committee of jurisdiction, the Foreign Relations Committee. That committee will review the bills at a June 18 hearing, and they are scheduled to be marked-up in committee on June 23. Legislation such as this that would have such a profound effect on US-China relations warrants careful committee consideration. They should not be the subject of an attempt to circumvent the committee process.

In the short twenty years since we first officially engaged China, that country has opened up to the outside world, rejected Maoism, initiated extensive market reforms, witnessed a growing grass-roots movement towards increased democratization, agreed to be bound by major international nonproliferation and human rights agreements, and is on the verge of dismantling its state-run enterprises. We can continue to nurture that transformation through further engagement, or we can capitulate to the voices of isolation and containment that these amendments represent and negate all the advances made so far.

We hope that you will agree with us and choose engagement. We strongly urge you to vote against these amendments.

Sincerely,

Craig Thomas, Chairman, Subcommittee on East Asian and Pacific Affairs, Committee on Foreign Relations; Joseph R. Biden, Jr., Ranking Member, Committee on Foreign Relations; Frank H. Murkowski, Chairman, Committee on Energy and Natural Resources; John F. Kerry; Ranking Member, Subcommittee on East Asian and Pacific Affairs, Committee on Foreign Relations; Chuck Hagel, Chairman, Subcommittee on International Economic Policy, Committee on Foreign Relations; Gordon Smith, Chairman, Subcommittee on European Affairs, Committee on Foreign Relations; Rod Grams, Chairman, Subcommittee on International Operations, Committee on Foreign Relations; Dianne Feinstein, Ranking Member, Subcommittee on International Operations, Committee on Foreign Relations; Charles S. Robb, Ranking Member, Subcommittee on Near East/South Asian Affairs, Committee on Foreign Relations; Joseph I. Lieberman, Ranking Member, Subcommittee on Acquisition and Technology, Committee on Armed Services.

OPENING STATEMENT OF SENATOR CRAIG THOMAS, CHAIRMAN, SUBCOMMITTEE ON EAST ASIAN & PACIFIC AFFAIRS, JUNE 18, 1998

Good Morning. Today the Subcommittee meets to consider current Congressional views of the U.S.-China relationship. If we had had this hearing just six months ago, I believe that we'd be examining an entirely different climate. But due to a variety of circumstances—the timing of the President's visit to Beijing, a growing effort to emphasize human rights, both the Loral and campaign finance allegations, a question of foreign policy leadership in general and Asia policy in particular on the part of the Administration, to name a few—the Congressional spotlight is focused brightly on China, and the light is harsh.

As of today, in this Congress there have been 25 pieces of legislation introduced in the Senate and 51 in the House dealing solely with China. That's excluding authorization and appropriations bills, or amendments and riders to other non-China specific legislation and is more than in the last three Congresses. A majority of them involve sanctioning or otherwise castigating China for its behavior in a variety of fields, good examples being five bills presently pending before this Committee: HR 967, 2358, 2386, 2570, and 2605.

One would require the United States to oppose the provision of any international concessional loan to China, its citizens, or businesses, even if the loan were to be used in a manner which would promote democracy or human rights. This same amendment would require every U.S. national involved in conducting any significant business in China to register with the Commerce Department and to agree to abide by a set of government-imposed ''business principles'' mandated in the amendment. On the eve of President Clinton's trip to China, the raft of strident China-related bills and amendments threatens to challenge our relationship just at a time in its development when it is most crucial to advance vital U.S. interests.

Several of the bills contain provisions which are sufficiently vague so as to effectively bar the grant of any entrance visa to the United States to every member of the Chinese government. Those provisions not only contravene many of our international treaty commitments, but are completely at odds with one of the bills which would prohibit the United States from funding the participation of a great proportion of Chinese officials in any State Department, USIA, or SAID conference, exchange program, or activity; and with another amendment which urges agencies of the U.S. Government to increase exchange programs between our two countries. Finally, many of the provisions in the bills are redundant, reflecting legislation which has either already passed out of the Committee or out of the Senate.

Targeting China at this time strikes me as somewhat ironic. In relative terms, during the last year China has shown improvement in several areas which the U.S. has specifically indicated are important to us. Relations with Taiwan have stabilized and intergovernmental contacts have increased. Several prominent dissidents have been released from prison. Enforcement of our trade agreements on intellectual property rights has been stepped up. Despite predictions to the contrary, the reversion of Hong Kong has gone smoothly and Beijing has maintained its distance. And at the height of the Asian financial crisis, China agreed not to devalue its currency thereby helping to stabilize the crisis.

Has this been enough change? Clearly not. But the question is: how do we best encourage more change in China? Do we do so by isolating one fourth of the world's population, by denying visas to most members of its government, by denying it access to any international concessional loans, and by backing it into a corner and declaring it a pariah as these bills would do?

Or, rather is the better course to engage China, to expand dialogue, to invite China to live up to its aspirations as a world player, to expose the country to the norms of democracy and human rights and thereby draw it further into the family of nations?

We're all for human rights—there's no dispute about that. We agree on the message we want the Chinese to hear—stop the human rights abuses, stop facilitating the proliferation of dangerous weapons, stop the trade inequities. As the Chairman of the Senate Subcommittee on East Asian and Pacific Affairs, I have been extremely active in making clear to the Chinese our disappointment with their actions in these and other related areas. But the question is, how do we best achieve human rights? I think it's through engagement.

In the short twenty years since we first officially engaged China, that country has opened up to the outside world, rejected Maoism, initiated extensive market reforms, witnessed a growing grass-roots movement towards increased democratization, agreed to be bound by major international nonproliferation and human rights agreements, and is on the verge of dismantling its state-run enterprises. We can continue to nurture that transformation through further engagement, or we can capitulate to the voices of isolation and containment that these five House bills in particular represent and negate all the advances made so far.

The purpose of this hearing is to explore the current climate in Congress, to examine these bills, and to explore alternatives to them that will continue to advance both our interests and China's transformation.

TESTIMONY OF STANLEY O. ROTH, ASSISTANT SECRETARY OF STATE FOR EAST ASIAN AND PACIFIC AFFAIRS, SENATE FOREIGN RELATIONS COMMITTEE, ASIA PACIFIC SUBCOMMITTEE, JUNE 18, 1998

Mr. Chairman, thank you for the invitation to address the Subcommittee on the important issue of pending China legislation in the Senate. This is, of course, a timely hearing, with the President's historic trip to China only a week away. I therefore welcome this opportunity to lay out the Administration's position on the bills before the Senate and look forward to engaging Committee members in a productive dialogue on this matter.

My testimony will be divided into three parts. First, I will review the reasons why a stronger, more constructive relationship with China is in the U.S. interest. Second, I will outline the Clinton Administration's strategy of engagement, highlighting what we have accomplished while noting the obstacles we still face. Finally I will explain the Administration's position on each of the five China-related bills currently before the Senate, examining the impact such legislation would have on our ability to engage the Chinese.

CHINA AFFECTS U.S. INTERESTS

Mr. Chairman, peace and stability in East Asia and the Pacific is a fundamental prerequisite for U.S. security and prosperity. Nearly one half the world's people live in countries bordering the Asia Pacific region and over half of all economic activity in the world is conducted there. Four of the world's major powers rub shoulders in Northeast Asia while some of the most strategically important waterways on the globe flow through Southeast Asia. The US. itself is as much a Pacific nation as an Atlantic one, with the states of Alaska, California, Oregon and Washington bordering on the Pacific Ocean and Hawaii surrounded by it. American citizens in Guam, American Samoa, and the Commonwealth of the Northern Marianas live closer to Asian capitals than to our own, vast numbers of Americans work in the Asia-Pacific region, and an increasingly large number of Americans trace their ancestry back to the Pacific Rim.

For these and many other reasons, the U.S. has remained committed to the Asia-Pacific region and has spent its resources and blood defending and strengthening our stake in the region. Since coming to office, President Clinton has repeatedly made clear that America will remain an Asia-Pacific power. We maintain a sizable military presence in Asia; enjoy a vibrant network of mutual security alliances with Australia, Japan, the Philippines, the Republic of Korea and Thailand; and have significant economic ties with most countries in the region. . . .

PENDING LEGISLATION

The sponsors of the China-related legislation before the Senate clearly share our goal of positively influencing China's development. The bills in question seek to bring an end to human rights violations, religious persecution, forced prison labor and coercive family planning policies in China and thus are very much in line with the Administration's own objectives.

The question, once again, is one of approach. How do we best effect those changes in the PRC?

H.R. 967 and H.R. 2570 both mandate a denial of visas to Chinese officials alleged to be involved in religious persecution (in the case of the former) or forced abortions (in the case of the latter). While the Administration opposes such repugnant practices and wholeheartedly agrees they must be addressed, these bills would restrict our ability to engage influential individuals in the very dialogue that has begun to produce tangible results.

For example, the heads of the Religious Affairs and Family Planning Bureaus are people we want to invite to the United States again and again. The more Chinese leaders see of the U.S., the more they are exposed to our point of view and our way of life. We would be doing a disservice to the very people we endeavor to help if we cut off dialogue with those officials who shape the very policies we want to change. Such unilateral action on our part, moreover, could prompt Beijing to impose its own visa restrictions, further limiting the ability of U.S. officials and religious figures to advocate their views in China.

In addition, these bills impinge upon the President's constitutional prerogatives regarding the conduct of foreign relations of the United States. Decisions whether and when to issue visas to foreign government officials necessarily implicate the most sensitive foreign policy considerations, concerning which the Executive requires maximum flexibility.

H.R. 2605, which requires U.S. directors at International Financial Institutions to oppose the provision of concessional loans to China, would have the effect of punishing the Chinese people most in need of international assistance. The United States, as a matter of policy, has not since the Tiananmen Square crackdown supported development bank lending to China except for projects designed to help meet basic human needs. Concessional loans to China from the World Bank, for example, are only granted for the purposes of poverty alleviation. These loans support agricultural, rural health, educational and rural water supply programs in some of the poorest areas of the country. A vote against such lending would thus be a vote against the Chinese people.

Moreover, World Bank member donors agreed in 1996 that China, owing to its improved creditworthiness, would cease concessional borrowing. The Bank's concessional loans to China are thus to be terminated at the end of FY1999.

H.R. 2358 is fundamentally different than the first three bills in that it seeks to expand rather than limit U.S. engagement in China. The bill allocates new monies for additional human rights monitors at U.S. Embassies/Consulates in China; authorizes funds to the NED for democracy, civil society, and rule of law programming; and requires the Secretary of State to use funds from the East Asia/Pacific Regional democracy fund to provide grants to NGOs for similar programs. Human rights reporting and the promotion of democracy, civil society and rule of law have long been among this Administration's highest priorities in China, and thus we do not oppose, in principle, any of the above provisions. We would note, however, that the East Asia/Pacific democracy fund is a limited fund with competing demands. There is much work to be done to promote democracy at this time of great change in the Asia-Pacific, and thus we ask that Congress give Secretary Albright maximum flexibility in allocating these scarce resources.

The bill further requires the Secretary of State to establish a Prisoner Information Registry for China. We are sympathetic to the idea of establishing a prisoner registry and recognize the importance of such a registry to our human rights work. We caution, however, that the U.S. government is not the right institution for the task. Aside from the logistical difficulties of gaining access to the families and friends of Chinese dissidents, U.S. Government contact with such individuals could actually place them in further jeopardy. We believe that NGOs are far better equipped to carry out these kinds of contacts. Several groups and individual activists, including Human Rights Watch, Human Rights in Asia, and John Kamm, already maintain such lists. Thus rather than undertake to compile and maintain an accurate registry, the State Department might play a more useful role in coordinating those groups already actively engaged in this issue.

Finally, H.R. 2358 requires the Secretary of State to submit a separate, annual human rights in China report to the HIRC and the SFRC. Documenting and making public the human rights situation in China is indeed of critical importance. We have accordingly given a great deal of attention to China in our annual ''Country Reports on Human Rights Practices.'' The Department and our missions abroad expend enormous energy and resources preparing this report, and the final product routinely receives high marks for its thoroughness and integrity.

An additional study on China would be redundant and thus wasteful of taxpayer dollars. We already make extensive efforts to cover those topics earmarked for attention in H.R. 2358: religious persecution, development of democratic institutions and the rule of law. That said, we welcome suggestions on how to improve the reports and would gladly open a dialogue with the Congress on this important issue.

The last bill I want to address today, H.R. 2386, requires the Secretary of Defense to produce a study of the architecture requirements for the establishment and operation of a theater ballistic missile defense system for Taiwan. Let me state up front and emphatically that the Clinton Administration remains firmly committed to fulfilling the security and arms transfer provisions of the Taiwan Relations Act. We have demonstrated this commitment through the transfer of F–16s, *Knox* class frigates, helicopters and tanks as well as a variety of air to air, surface to air, and anti-ship defensive missiles and will continue to assist Taiwan in meeting its defense needs.

Consistent with our obligations under the TRA, we regularly consult with Taiwan as to how it can best address a broad range of security threats, including the threat posed by ballistic missiles. We have briefed Taiwan, as we have many other friends, on the concept of theater missile defense (TMD). Officials in Taiwan are currently assessing their own capabilities and needs, an have not, to date, indicated interest in acquiring TMD. Requiring a study of this kind thus gets ahead of the situation on the ground in Taiwan and may not even be consistent with the approach Taiwan officials will ultimately want to take. We are accordingly opposed to the legislation.

Again, let me restate that we are steadfast in our commitment to meet Taiwan's defense needs. But while making it possible for Taiwan to acquire the wherewithal to defend itself, we must recognize that security over the long term depends upon more than military factors. In the end, stability in the Strait will be contingent upon the ability of the two sides to come to terms with each other. For this reason the Administration has encouraged Taipei an Beijing to reopen dialogue, making it clear to both sides that dialogue is the most promising way to defuse tensions and build confidence. In that regard, we are encouraged by recent signs of a willingness on both sides of the Strait to resume talks.

Mr. Chairman, as Secretary Albright has often said, there is no greater opportunity—or challenge—in U.S. foreign policy today than to encourage China's integration into the world community. While the Administration shares fully the concerns which inform

the bills before the Senate today, we do not believe that proscribing engagement with broad categories of Chinese people and mandating U.S. rejection of aid intended to meet basic human needs will help to change those policies and practices with which we disagree.

These concerns can be best addressed by continuing to engage Chinese leaders on the full range of security, economic and political issues. President Clinton's upcoming trip to China is intended to do just that, and thus is an opportunity to make progress on the very human rights issues addressed in today's legislation. Our strategy of engagement has met with considerable success thus far, and I am confident that with the support of the Congress we will continue to make progress in the lead up to the summit and beyond.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I know my friend from Arkansas has been waiting. I just want to say very briefly in response to my other friend from Arkansas, the question, I think, and we will debate this more tomorrow, is whether things are better today for the people of China than they were at the time of Tiananmen. I say much better. Are they where they ought to be? No. Absolutely not. Is it moving in the right direction as a result of our engagement? Yes.

Mr. BUMPERS. Mr. President, I know my good friend Senator INOUYE is here because he has a judgeship nomination he feels very strongly about. I have waited here for over an hour now, and I ask unanimous consent I be permitted to speak for 10 minutes on the Hutchinson amendment.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. BUMPERS. Mr. President, let me say it is with some regret I rise in opposition to an amendment by my distinguished colleague and good friend from Arkansas, Senator HUTCHINSON. It is never pleasant to take an opposite viewpoint from your colleague, but I feel very strongly about this, as does he.

Let me say, first of all, I have no quarrel or suggestion that any of the information that Senator HUTCHINSON has just given us about conditions in China are incorrect. I do not know that they are correct, but I am sure he has checked out the facts he just gave the Senate. What I want to say is, if you had been in China with me in 1978 at the end of the Cultural Revolution, and it was at the end of the Cultural Revolution, and if you had heard the stories or if you had read the documentation since the end of the Cultural Revolution about what went on in China, I suggest this debate ought to be not about where China is, but how far she has come since 1978.

On the issue of religion in China, according to the New York Times, in 1979 there were three active churches in China. Today there are 12,000. In addition to the 12,000 temples and churches in China, it is estimated that over 25,000 religious groups meet in the homes of members every week, and nobody has tried to stop that. On the contrary, when you think of the growth from 3 to 12,000, China should receive some recognition for what they have done and the improvements they have made.

Nobody in the U.S. Senate will take issue with some of the accusations here that have been made about China's opposition to religions of all kinds. Nobody will argue that China has a good human rights record. Nobody will argue with very much of what has been said here. What we are arguing here is a simple philosophical point that I feel strongly about, and that is that China is 10 times more likely to allow the kind of progress that is going on there today, which has been absolutely phenomenal, when they are engaged in dialog with nations like the United States with whom they would like to have good relations, than it would be if we try to tell a great nation of between 1 billion and 2 billion people—25 percent of the Earth's population resides in China—they are much more likely to behave themselves when they are dealing with people who constructively engage them than they are with people who ignore them and try to impose sanctions.

What if China said, ''We are not going to do business with the United States anymore until they pay the United Nations dues? We are paid up. It is the United States that is the deadbeat. They owe the United Nations $900 million.''

You would hear a hue and outcry in this country that would drown out every rock band in America.

Mr. President, China has a long way to go. Nobody argues that. But I can tell you that by the President constructively engaging China, presumably he will talk to them forcefully about human rights, inquire and talk to them forcefully about the issue of forced abortion, talk to them about religion, talk to them about political freedoms and how much better off they would be, talk to them about nuclear weaponry and how we are relying on China to temper one of the most volatile dangerous regions in the world, between India and Pakistan.

If you read the Washington Post yesterday, read the interview with President Jiang, you heard him say that he was shocked to hear India use, as one of its excuses for exploding a nuclear weapon—a weapon—he was shocked that they used China as a threat to India as one of the reasons. China and India have not been big bosom buddies. I am not suggesting that. As a matter of fact, it hasn't been too long since they had a border war. But, in my opinion, China is not the reason they exploded a nuclear bomb. The reason they exploded a nuclear weapon is because the Indians and Pakistanis mistrust each other, and one of the main reasons they distrust each other is because of their religious differences. If you look around the world, you will find most of the wars, most of the dissent going on in the world today is because of religion—in Ireland, in Bosnia, in China, in India and Pakistan.

Mr. President, I think we ought to utilize China as a possible broker in the fight on the Korean peninsula, as well as between India and Pakistan—that whole region of the world.

I heard something the other day. I don't know whether it is true or not. I heard some guy on NPR talking about the criminal justice of the United States. There are 70,000 people in the United States in prison who are innocent. That is not the best record in the world, if that is true. I expect it is probably close to true. Every day you read about somebody who gets out of prison who has been there 10 years because he was found, finally, to be innocent. Nobody's criminal justice system is perfect. I am not saying there are not a lot more people imprisoned in China who are innocent. All I am saying is for any nation to hold itself out as perfect and to castigate other nations for being imperfect is the height of hypocrisy.

Mr. President, nobody disagrees with the issues that are being raised in this amendment, nor is anybody suggesting the President not engage the Chinese very forcefully on those issues. We have a trade imbalance with China. They sell us a lot more than we sell them. But I can tell you, if you took away the $5 billion in goods we sell to China every year, there would be a lot of jobs lost in this country, and the people who sell in China, and other people who buy from China, are opposed, very strongly opposed to this amendment.

Two final points. A lot of people have a very difficult time since the Soviet Union disappeared. They have a very difficult time accepting the idea that we don't have anybody to hate. We had the Soviet Union for 70 years. It was so much fun. We didn't have to debate about who the enemy was; we knew it was the Soviet Union. We built weapons galore, trillions of dollars' worth, because of the threat of the Soviet Union.

The Soviet Union is not around anymore, and we have been searching frantically for somebody with which to replace the Soviet Union, somebody we could hate with a great deal of gusto and vigor.

I have watched for the past 2 years. I have watched the anti-China decibel level rise to unprecedented rates. China has been elected. I am not suggesting this amendment is offered because of the hatred for China. I am telling you, you cannot keep 270 billion dollars' worth of defense going a year unless you have an enemy. The military industrial complex has decided that is China, so we are going to continue to build weapons, and we are going to continue to make China the bad guy.

As I say, when you say these things, it looks as if you are being apologetic

or defensive. I am not, not for a moment. I am simply saying that is a fact, and I can tell you, since those bombs exploded in India and Pakistan, it is a very ominous sign, and I can tell you the threat to civilization has gone up exponentially.

When the President is going to visit a country which has signed the Comprehensive Test Ban Treaty, which has signed the Conventional Weapons Treaty, Conventional Weapons Convention, and which has agreed to quit shipping any information of any nuclear value to Iran, those are things that would never have happened if the Hutchinson amendment was in place. I feel quite sure the Hutchinson amendment will be defeated. I hope so.

He is my colleague, and I regret taking a position opposite him on any issue, but on this one, I can tell you, in my opinion, common sense dictates that the President do exactly what he is doing. I wish him well. I yield the floor.

EXECUTIVE SESSION

The PRESIDING OFFICER (Ms. COLLINS). Under the previous order, the hour of 3 p.m. having arrived, the Senate will now proceed to Executive Session to consider the nomination of Susan Oki Mollway to be United States District Judge for the District of Hawaii, which the clerk will report.

NOMINATION OF SUSAN OKI MOLLWAY, OF HAWAII, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII

The bill clerk read the nomination of Susan Oki Mollway to be United States District Judge for the District of Hawaii.

The PRESIDING OFFICER. Under the previous order, there are 2 hours for debate on the nomination, equally divided.

The Senate proceeded to consider the nomination.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Madam President, before I proceed, I thank my dear friend from Utah, the distinguished chairman of the Judiciary Committee, Mr. HATCH, for reporting out the nomination of Susan Oki Mollway. I also thank my friend from Vermont, the ranking Democrat on the committee, Mr. LEAHY, for his encouragement throughout this process. And, if I may, I acknowledge and thank the majority leader of the Senate, the distinguished Senator from Mississippi, Mr. LOTT, for scheduling this matter this afternoon. I am certain the people of Hawaii are most grateful for this.

Madam President, I am pleased to recommend to my colleagues for their approval the President's nominee to the U.S. district court for the district of Hawaii, Ms. Susan Oki Mollway. Ms. Mollway was nominated to fill a vacancy created more than 3 years ago by the untimely and unexpected death of the Honorable Harold F. Fong.

An empty judgeship is considered a judicial emergency after 18 months. This seat has been vacant for more than twice that time. In 1990, under Public Law 101–65, the Congress determined that Hawaii's Federal caseload called for increasing its Federal bench from three to four positions. However, the Honorable Helen Gillmor was not confirmed for that fourth seat until October 31, 1994.

Then Judge Fong passed away on April 20, 1995, returning Hawaii to three sitting district judges. Thus, Hawaii has had the benefit of the fourth judgeship for less than 6 months since its authorization in 1990.

For the year 1997, the weighted case filings for the three sitting district judges in Hawaii was 706 cases per judge. To give you a sense of what this means, the Federal Judicial Conference's standard indication of the need for additional judgeship is 430 weighted case filings per judge. Ours is 706. Needless to say, Hawaii has justifiably requested that a fifth judgeship be approved.

When Judge Fong passed away, Senator AKAKA and I undertook the job of interviewing and considering nearly 40 candidates for this judgeship. After personally meeting with these candidates and reviewing their individual backgrounds, Senator AKAKA and I were pleased to recommend Ms. Susan Oki Mollway to the President.

Ms. Mollway is ready for the position of U.S. district judge, and I believe she is absolutely worthy of your favorable consideration. The majority of the American Bar Association Standing Committee on the Federal Judiciary has given her the highest rating of ''well qualified'' for this judicial position.

By way of professional background, Ms. Mollway graduated at the top of her class from the University of Hawaii with a degree in English literature. She received later her master's degree in the same field. Then Ms. Mollway went on to Harvard Law School where she graduated cum laude in 1981.

For the past 17 years, Ms. Mollway has had a very successful litigation practice with one of the largest and most respected law firms in the State of Hawaii. She has been a partner in that firm's litigation department since 1986. Her impressive litigation experience includes a wide array of areas from Federal labor law to contract disputes to lender liability and appearances before every level of the State and Federal courts, as well as a successful appearance before the U.S. Supreme Court in 1994.

Ms. Mollway has also taught appellate advocacy at the University of Hawaii's William S. Richardson School of Law and has participated as an arbitrator with Hawaii's court-annexed arbitration program. I have no hesitation in giving my highest recommendation to Ms. Susan Oki Mollway.

Questions have been raised about Ms. Mollway's former membership on the board of directorship of the American Civil Liberties Union of Hawaii. More particularly, she has been asked to give her personal views on such matters as same-sex marriage, mandatory minimum sentencing, the death penalty, and employee drug testing. Ms. Mollway has responded to these questions and I believe has given a complete account of her own activities with the ACLU. With respect to her personal views, in most instances, Ms. Mollway has stated that she has not formed any personal opinions.

More important, as one who may become a Federal trial judge, she clearly understands that her personal opinions are not relevant to the decisions she will make as a judge. Rather, Ms. Mollway has unambiguously and repeatedly recognized in her responses the authority of the Constitution, Federal statutes as passed by the Congress, and case precedent from higher courts.

Furthermore, Ms. Mollway has unwaveringly stated that there is nothing whatsoever that prevents her from abiding by and applying applicable law and precedent in cases that may come before her as a Federal district judge. I am certain she will do just that and serve the Federal judiciary and the State of Hawaii with reason, balance, and integrity.

Madam President, on a more personal note, I would like to make a few comments about Ms. Mollway's family background, because I have known Susan Oki Mollway virtually all her life.

The question that comes before us is why did she join the ACLU? People do things because of background or some experience in life.

As a young law student, she began to research the life of Japanese-Americans in the United States. And she came across rather strange decisions made by the Court and also by the Congress of the United States. These are chapters in the history of the United States that many of us would like to forget. But I think it might be well if we reviewed them at this moment.

Ms. Mollway found out, for example, that in 1922 the Supreme Court of the United States declared that Japanese were not qualified for citizenship; in other words, they were singled out among all the peoples of the United States and said, ''You cannot be a naturalized citizen.'' Everyone else could be.

Then in 1924, the Congress of the United States, in enacting the immigration laws, declared that if people are not qualified for citizenship, they may not immigrate to the United States. So once again the Japanese were singled out and told that they may not come here as immigrants.

Then we all know that on December 7, that day of infamy, the Japanese attacked Pearl Harbor. Soon thereafter,

on February 19, 1942, an Executive order was issued authorizing the Army of the United States to establish, throughout the United States, 10 concentration camps and to place in these camps, for the duration of the war, all Japanese, whether they be citizens or not; and the vast majority were citizens. They were never tried. They were never charged with any crime. Due process was totally ignored. But there they were.

Then on March 17 of that year, 1942, a strange decision was rendered and made known. The Selective Service System declared that Japanese-Americans would be designated 4–C. Most Americans may not be aware of what 4–C stands for. Madam President, 1–A is that that person is physically and mentally fit to put on the uniform; 4–F is just the opposite. 4–C is the designation for ''enemy alien.'' And so on March 17, 1942, I was declared an enemy alien. Ms. Mollway's father was also declared an enemy alien. But we proceeded to petition the Government, and I am glad to report that, about 9 months later, the President of the United States issued an order saying that Americanism is not a matter of race or color, Americanism is a matter of mind and heart, and authorized the formation of a special combat team of volunteers.

The response was astounding to everyone. In Hawaii, over 85 percent of those eligible to put on the uniform volunteered. What is more astounding than that, hundreds of men who were behind barbed wires in these camps also stepped forward to volunteer to be given the opportunity of demonstrating their Americanism and their loyalty.

Many Americans may not be aware of this, but this combat team, at the end of the war, was declared to be the most decorated in the history of the United States Army. There is no evidence or history of any subversive activity on the part of any member. Furthermore, in all of the investigations that were held since the end of that war, they could find not one instance of Japanese involvement in sabotage of fifth column activities.

Ms. Mollway read these things, and she did research. And it is obvious for any young person who comes across information of that nature to be quite concerned. And she found that the ACLU was an organization that was concerned about the Constitution, to preserve and defend that most sacred of documents of Americans. And she was especially concerned about the Bill of Rights. So it was natural for her, just as I joined the ACLU because of my concern about the Constitution. But that does not make me any less an American.

But this chapter in our lives ends with a burst of glory. I am certain Americans will remember that for the first time a mighty nation, a superpower, admitted their wrong and apologized, and apologized to the 120,000 Americans of Japanese ancestry who were incarcerated without due process of law.

I am pleased to tell you that Susan Oki Mollway's father and I volunteered and we served in this regiment. And Susan could have no better role model to guide her life, professionally or personally, than her own father, who happens to be a lawyer also. I am certain that she mirrors her father in her love of country, in her commitment to the Constitution, and in her patriotism.

Once again, Madam President, I wish to thank my distinguished friend from Utah, the chairman of the committee, for reporting this measure. I also wish to thank Mr. TRENT LOTT, the majority leader of the U.S. Senate, for scheduling this matter. We will be forever grateful.

Thank you very much.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I thank my dear colleague for his kind remarks on the floor. I just want to again express my regard for him and for the service he has given to his country, not only being an effective and very important and powerful U.S. Senator, but also as a hero, in my eyes, having served our country in the war and having sacrificed greatly for our country.

From my point of view, if he wants a judgeship nominee, he is going to be given the benefit of the doubt in every way. And I have to say, in the case of Susan Oki Mollway of Hawaii, I do support her for this position as a United States district court judge. I plan to vote for her nomination, as I did in committee. If confirmed—and I believe she will be confirmed—Ms. Mollway will be the 270th Clinton judicial nominee to be reported by the Judiciary Committee and confirmed by the Senate.

In light of this record of accomplishment and in light of some recent remarks made on the floor of the Senate, I thought it would be appropriate for me to spend a few minutes reviewing our record in processing President Clinton's nominees.

I have been working with White House Counsel Chuck Ruff to ensure that the nomination and confirmation process is a collaborative one between the White House and the Members of the Senate. I think it is fair to say that after a few bumpy months in which the process suffered due to inadequate consultation between the White House and some Senators, the process is now working rather smoothly. I think the progress is due to the White House's renewed commitment to good-faith consultation with Senators of both parties.

I strongly believe that we must do our best to reduce the 73 current vacancies in the Federal courts. But, frankly, there are limits to what we can do given the administration's performance so far. The fact of the matter is that, of the 45 nominees currently pending, 15 of those were received during the last month alone. And it takes 3 to 6 months just to process Federal district and circuit court judges. These are very tough positions. These are positions that are lifetime appointments, and they deserve the scrutiny that we have always applied on the committee, whether the committee has been controlled by Democrats or Republicans.

Of the 45 total judicial nominees that are pending, 10 are individuals simply renominated from last Congress. Last year, the administration renominated a total of 23 nominees from the 104th Congress. Thirteen of them have been confirmed, but some of the others have some problems. That is why they were held over.

Of those 73 vacancies, 28 have not yet received a nominee, and it was only a few months ago when better than half of the total vacancies of around 81 or 82 did not have a nominee. Like I said, we have received 15 nominees within the last month. So, many of the vacancies come as a result not of the committee's slow pace but of the administration's inaction.

Moreover, of the 115 judicial nominees sent forward to the committee this Congress, 82 of them have had hearings. Of the 82 nominees who have had hearings, 74 have been reported out of the committee. Of those 74 nominees reported out of the committee, 66 have been confirmed and 7 are pending on the Senate floor. One of those seven will be confirmed shortly, I hope, in the form of Susan Oki Mollway.

Assuming most of these nominees the committee has processed are confirmed, I think you will see that our efforts compare quite favorably to prior Congresses in terms of the number of judges confirmed at this point in the second session of the Congress, especially if you look at the recent Democrat-controlled Congresses. For example, during the second session of the 102nd Congress, when President Bush was in office and the Democrats controlled the Senate and therefore the Judiciary Committee, guess how many nominees had been confirmed by July of 1992? Thirty. That is all. How many Clinton nominees this year will we have confirmed were we to stop confirming judges after today? Thirty-one. And we are not through with this session yet. As of July 1, 1990, the Democratic Senate had only confirmed 25 of the Bush nominees nominated that year. As of July 1, 1988, only 21 of Reagan nominees confirmed that year had been confirmed by the Democrat-controlled Senate. So the plain fact is that we are right on track, if not ahead of previous Congresses.

Now, while I am concerned that some vacancies need to be filled, I think there has been considerable distortion of the overall situation. There is by no means an unprecedented level of vacancies. In fact, there are more sitting judges today than there were throughout virtually all of the Reagan and

Bush administrations. As of today, we have 767 active Federal judges. In addition, there are also well over 400 senior judges who can, and often do, hear cases.

Keep in mind that the Clinton administration is on record as having stated that 63 vacancies—a vacancy rate just over 7 percent—is considered virtual full employment of the Federal Judiciary. They were right; when we have around 60 vacancies, we have virtually full employment. It is natural that there will always be some vacancies in light of the turnaround time involved in receiving and reviewing nominees. That is as it should be. Seventy-three vacancies, however, is a vacancy rate of 9 percent. Now, how can a vacancy rate from 7 percent to 9 percent convert ''full employment'' into a ''crisis''?

Moreover, compare today's 73 vacancies to the vacancies under a Democratic Senate during President Bush's Administration. In May 1991 there were 148 vacancies, and in May 1992 there were 117 vacancies. I find it interesting that at that time I don't recall a single news article or floor speech on judicial vacancies. So, in short, I think it is quite unfair and, frankly, inaccurate to report that the Republican Congress has created a vacancy crisis in our courts.

While the debate about vacancy rates on our Federal courts is not unimportant, it remains more important that the Senate perform its advise and consent function thoroughly and responsibly. Federal judges serve for life and perform an important constitutional function, without direct political accountability to the people. Accordingly, the Senate should never move too quickly on nominations before it. I do not believe that we are moving too quickly on this nominee. This nominee is getting considered today, and I hope that she passes.

Just this past year, we saw two examples of what can happen when we try to move nominations along perhaps too quickly. In one instance, a sitting Federal district judge nominated for a very important Federal appeals court was forced to withdraw the nomination after he had a hearing in the Judiciary Committee when it was discovered that he had lied about certain details of his background.

In another instance, a nominee for a Federal district court was reported out of the Judiciary Committee before all the details of her record as a judge on a State trial court were known. As it happens, the district attorney in the nominee's city and the district attorneys' association in her home State have all recently come to publicly oppose the nomination, setting forth facts demonstrating a very serious antiprosecution bias in her judicial record.

It is cases like these that underscore the importance of proceeding very deliberately with nominations for these most important life-tenured positions. Even so, you can be too deliberate; you can delay these too much. I think under my tenure as chairman of the committee we have not done that. I hope that our colleagues on the other side realize that.

In closing, I feel I should respond to some unfortunate remarks made recently on the floor of the Senate. I am referring to a speech where one of my colleagues accused the Senate majority of ''stalling Hispanic women and minority nominees'' because of ''ethnic and gender biases.''

Day in and day out, the Judiciary Committee routinely has evaluated and reported on literally hundreds of Clinton judicial nominees without any regard whatever to the nominee's race, gender, religion, or ethnic origin. And the Senate has gone on to confirm those Clinton nominees—269 of them, up until today. Should Susan Oki Mollway be confirmed, the number will be 270 judges. Indeed, according to statistics compiled by the liberal judicial watchdog group, the Alliance for Justice, no fewer than 70 of these nominees were women, 42 were African Americans, 13 were Hispanics, and 4 were Asian Americans. These figures do not include the more than 235 Department of Justice and White House nominees—non-judicial nominees, if you will—approved by the Senate Judiciary Committee whom Republicans have confirmed for President Clinton.

Anyone can cite individual isolated examples of unexpedited consideration but I flatly reject that these amount to what my colleague called a ''disturbing pattern'' of ''ethnic and gender bias.'' I do not think it would be appropriate for me at this point to discuss why each of his examples fails to support his point. Suffice it for me to say here that members of the Judiciary Committee are well aware that many nominees lack the support of home-State Senators, have a record that raises serious questions of character and judicial temperament, or have some other background difficulty that necessitated further investigation.

I do not believe it does the Senate well, nor do I believe it does the Committee well, to engage in this sort of ''wedge'' politics. I hope my colleagues will refrain from such unproductive attacks. They are not only unproductive, they are unfair and, in my opinion, somewhat vicious.

To suggest that the Committee or this majority is motivated by improper bias of any kind is simply wrong, and the record shows it. In addition, I will not allow such accusations to force us to abdicate the Senate's responsibility to ensure that the Senate adequately and fully discharges its constitutional advise and consent function for nominees for life-tenured judicial office.

Having said all of this, I would like to lend my support for Susan Oki Mollway and to the distinguished Senators from Hawaii, both of whom I admire very much. I have to say that the distinguished Senator from Hawaii, Senator INOUYE, has known Susan Oki Mollway virtually all her life. He has known her father, who also, likewise, is a hero.

I examined her record, and, yes, there are things that naturally raised the hackles of some on the committee, but I have to say that she is an extremely intelligent women with an extremely well balanced background. I have to say that I believe she ought to be supported here on the floor today, and I intend to do everything I can to support her.

Susan Oki Mollway was nominated for district judge from the District of Hawaii on January 7 of last year. I personally apologize to my two colleagues for this having taken so long to get to the floor. She has a B.A. and an M.A. in English from the University of Hawaii. That alone is pretty impressive, but she received her J.D. cum laude from Harvard University in 1981. That is also pretty impressive.

Currently, she is a partner with the Honolulu firm of Cades, Schutte, Fleming and Wright. She also currently serves as director to the Hawaii Justice Foundation and the Hawaii Women's Legal Foundation, both unpaid positions, organizations that focus on local issues and/or raise money for charitable organizations. In addition, she was the recipient of the Outstanding Woman Lawyer of the Year award in 1987. She is an exceptional person—in my opinion, one who should be able to fill this position in a way that will bring honor to the Federal courts. I hope that is true. I have no way of being absolutely sure, but I am relying on the recommendations of our two colleagues from Hawaii and the extensive background investigation the Committee performed on Susan Oki Mollway. I hope our colleagues in the Senate will support her. I believe she is worthy of support.

I think my colleagues know that I take these nominations very seriously. We look at them very seriously. We do extensive background checks and investigations, as did our friends on the other side when they were in control of the committee. I try to be down the line, down the middle, and I try to make sure people are treated fairly. Naturally, I resent it when somebody indicates in any conversation that there may be some impropriety or improper bias involved with regard to some of the nominees who have been or are currently pending before the Senate and/or the Judiciary Committee.

I am very concerned, as Judiciary Committee chairman, that we do our jobs well. I am very concerned that we do them in a way that is fair. I am very concerned that we get the best people we can on the Federal bench. After all, these are lifetime appointments. It is often said that Federal judges are the ''closest thing to God'' in this life because they have so much power, and once they are there, you really can't

get rid of them. They are not really politically accountable or directly accountable to the American people because they don't have to stand for reelection, which I think is a very good thing because that keeps the Federal judicial system above politics, hopefully, or at least less involved in politics than any other branch of our Government. I think the judiciary has served our country well. I have seen great liberal judges and great conservative judges, and I have seen lousy liberal judges and lousy conservative judges on the Federal bench. Ideology isn't necessarily the determining factor as to whether a judge will serve in the best possible manner as a member of the Federal bench.

So it is important that we find people of high caliber, high quality, high ethics, with good work habits, that are honest and decent, to fill these positions. I believe Susan Oki Mollway fits all of those categories.

I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii, Mr. INOUYE.

Mr. INOUYE. Madam President, I thank my distinguished friend from Utah for his warm and generous remarks. I am most grateful.

I yield to my colleague from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii, Mr. AKAKA, is recognized.

Mr. AKAKA. Madam President, it is with great pleasure that I take the floor today to speak on behalf of Ms. Susan Oki Mollway, the President's nominee to the U.S. District Court for the District of Hawaii.

I wholeheartedly support Ms. Mollway, who, if confirmed, will fill the fourth seat on the Hawaii court. I also want to join with the remarks of my senior Senator, who eloquently and passionately spoke about Susan Oki Mollway and her family. He also spoke about our interviewing her for this position and how impressed we were with her caliber, the kind of person that she is. I also want to thank chairman ORRIN HATCH of Utah for his support and for reporting this out of committee, and also Senator PAT LEAHY, the ranking member from Vermont on the committee, and members of the committee for reporting this nominee out to the floor. I also want to thank our majority leader, TRENT LOTT of Mississippi, for permitting it to be on the floor today.

This has been a long journey for us. This position has been vacant since the untimely passing of Judge Harold Fong in April of 1995. As the senior Senator from Hawaii noted, the caseload in the District of Hawaii continues to increase. This has been very, very difficult for Hawaii. The recently adjusted 1997 Federal Court Management Statistics Report found that the U.S. District Court, District of Hawaii, is the eighth busiest court out of 91 in the country, and the third busiest in the ninth circuit.

Therefore, it is critical that the vacancy on the Hawaii court is filled. Senator INOUYE and I believe that Susan Oki Mollway is the most qualified candidate for this position.

Ms. Mollway enjoys the highest rating of ''well qualified'' from the majority of the American Bar Association's Standing Committee on the Federal Judiciary. To quote some of her colleagues in Hawaii, ''We have come to know her as a highly ethical, careful, dedicated, intelligent, articulate, caring, and energetic lawyer.'' Ms. Mollway is known for her professional skills, her sense of ethics, and a moral compassion—qualities needed for service on the Federal bench.

Senator INOUYE has already recounted Ms. Mollway's education, professional, and family background. However, I do wish to point out that, as a Harvard Law School graduate, she could have stayed on the mainland like so many of Hawaii's young people. Instead, she returned to Hawaii, the home of her parents, where she joined one of Honolulu's best-known law firms —Cades Schutte Fleming & Wright.

As a specialist in civil litigation, Ms. Mollway handles a wide range of cases and has appeared before every level of the State and Federal courts, including a successful appearance before the U.S. Supreme Court in 1994.

Ms. Mollway has responded fully to those who have questioned her on her former position on the board of directors of the Hawaii chapter of the American Civil Liberties Union. Senator INOUYE has mentioned this about her. Prior to her board membership, the ACLU-Hawaii filed a friend of the court brief in support of plaintiffs in the Hawaii same-sex marriage case. Although she was aware of ACLU-Hawaii's position and activities in the same-sex marriage case, as a board member Susan Mollway was never called on to play an active role.

Furthermore, Ms. Mollway understands that her personal opinions are not relevant to the decisions she would make as a Federal judge. She has stated that she recognizes the authority of the Constitution, Federal statutes as passed by the Congress, and case precedent from higher courts as the judicial guidelines to follow in court deliberation.

I believe my colleagues will agree with me that Susan Mollway's credentials are impressive. She is an individual of the highest integrity, whose dedication to her profession is admired by all. I am pleased to lend my support to Ms. Mollway and urge my colleagues to vote in favor of this nominee whose confirmation will bring the U.S. District Court in Hawaii to its full complement.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I am honored to have the opportunity to make some remarks on the occasion of this nomination. First, I want to say how much I respect both of the Senators from Hawaii. I believe that they take very seriously the nomination of a U.S. district judge, and I believe they have sought to fulfill their responsibilities well in that regard.

Having been a practitioner in Federal court myself—full-time as a U.S. attorney for 15 years, and another 5 years or so in private practice—I have a deep feeling about the judiciary, what it needs to be, and the standards it ought to uphold. I believe it ought to be a disinterested applicator of the law, regardless of politics, ideology, and those sorts of things. I believe we ought to look for nominees that do that. Both for my respect for the distinguished Senators from Hawaii and my respect for this nominee make it difficult for me to stand here and suggest, as I will, that we ought not to confirm this nominee for the Federal bench. I have no doubt that she is a person of integrity and character. But I want to share some concerns that I have about this nomination, and why I think it ought not be confirmed.

Also, let me express my respect for the distinguished chairman of the Senate Judiciary Committee. There is no finer constitutional lawyer in this body than Senator HATCH. He is a man of integrity and ability. He works hard every day in our committee to make sure nominees are given a fair shake, and that the nominations are moved along at a steady pace, as they continue to do. I know that he considered carefully the problems that this nominee had before he agreed to vote in favor of this nominee. I know he respects the opinion of both Senators from Hawaii.

I note that the committee voted 12 to 6, with six Senators voting against the nomination. I think that suggests that there was a genuine unease by a considerable number of the committee with regard to this nominee.

It is impossible to know for sure what anyone will do on the bench. This nominee may turn out to be a very restrained and rigorous judicial nominee and judge, consistent with some of the great judges in history. But we have to look at the nominees' backgrounds and the positions they have taken over the years to try to analyze how they might perform on the bench.

The Senate is given under the Constitution the power to advise and consent with the President. These nominees are lifetime appointees. They will serve throughout their entire life making decisions day after day, week after week, month after month, year after year. And, as Senator HATCH said, they are not accountable to the people. It is really the most anti-democratic aspect of our entire American government, but I support it. I am not in favor of electing Federal judges. I therefore believe it is our responsibility to give careful thought to those to whom we give that position.

First, let me note one thing. It does appear that the district of Hawaii is in

need of a judge. Their caseload is 700 weighted cases per judge. It is a heavy caseload. We have a judicial circuit in Alabama that has a higher caseload, and it is, indeed, a high caseload. I am sure another judge is needed to do that work. I know all of us are active in various activities. And I think it is appropriate that we be asked about those activities when we are nominated for a position like this.

What do we know about this nominee? We know that she was a voluntary member of the American Civil Liberties Union for a number of years—may still be—and was an active member of the board of directors and a fundraiser for the Hawaii ACLU during 1995 and 1996.

During that time, the Hawaii ACLU took a number of positions. I am certain that as a board member she did not sign those pleadings, and maybe did not personally conduct in-depth research. In fact, I think she suggested she has not researched each one of these issues. But I think it is appropriate for us to ask about those positions, as we did on the committee. She did not disavow any of them.

In 1996, in Hawaii, an ACLU executive or administrator stated, ''The laws that discriminate based on sexual orientation are as reprehensible as laws that at one time protected segregation.''

The point of that discussion was testimony on the recognition of homosexual marriages. And, in fact, the ACLU official was taking the position that Hawaii should take on the question of affirming, ratifying, respecting, and acknowledging homosexual unions. He was suggesting that those who would oppose it would be the same as those who opposed integration.

I would have to say that is outside the mainstream of law. As attorney general of Alabama, I had the occasion to have my staff do some research on this. We found no place in the history of America that any State or government agency ever recognized a homosexual union. It is not recognized, to my knowledge, any place in any culture in the world and reflects an odd and historically inaccurate view of the law. But that was the organization's position, of which she was a board member and a fundraiser.

In 1995, the ACLU opposed legislation that would have required HIV testing for persons indicted for sexual crimes. I would suggest that there is an extreme anxiousness and justifiable concern about these kinds of activities.

When a person is arrested for a sexual crime and there is a victim that may have been infected with HIV, I think it is perfectly appropriate for a judicial authority require as a condition of the suspect's release that person to be tested to see if they have passed on such a horrible disease to the victim.

Also, I suggest that we have a large number of people in the ACLU active in opposing all drug testing. That is a very, very important matter of public interest. It is unfounded in constitutional law and at least in most properly applied cases of drug testing. We will have more drug testing in the future, because we are concerned about young people and others who are using drugs.

In 1995, the ACLU in Hawaii, of which this individual was a board member and fundraiser, opposed an ordinance that banned overnight sleeping in parks.

We have learned in recent months pretty clearly that it is important and necessary for a city and police departments to take control of their streets. We learned in New York that the panhandlers and those who are in the parks can, in fact, undermine public safety. Mayor Guiliani in New York has taken great leadership in that regard, and has substantially driven down the crime rate in New York.

It is small matters like this which sometimes turn into much larger matters. This is the kind of frustration that cities and counties and police departments around the country feel when they are challenged about the steps they have to take to preserve public safety.

In 1965, the Hawaii ACLU, of which this nominee was a board member and fundraiser, opposed drug testing in the workplace, saying, ''The ACLU opposes random and indiscriminate drug testing in the workplace, not only on privacy grounds but also because such drug testing does not detect current impairment.''

Madam President, one of the most beneficial acts that has been done to fight drugs in America, in my opinion, is drug testing in the workplace. A businessman who cares about his employees, who sets a high standard, who wants to eliminate theft, who wants to reduce accidents, who wants to protect the health of his or her employees sends out a clear message that drug use is not acceptable in their company, and they drug test fairly and objectively. The tests are very reliable today and make the workplace safer by protecting the lives and safety of employees, eliminating and reducing crime and theft by the employees, and avoiding injury to those who come into contact with those employees. Furthermore, they also encourage employees to stay drug free. You are encouraging them by insisting on a high standard. And perhaps that employee when they go home will tell their wife or husband who suggests that they might use drugs, ''No, we shouldn't do it. I am going to be tested at work.''

Drug testing has been a great success. But it has been a long, hard legal fight. In case after case, the ACLU position has been rejected.

I must admit, as a person who has been involved in the fight against drugs, that it concerns me that our nominee is a person who was a board member of an organization that voluntarily went out and tried to obstruct workplace drug testing.

In 1995, the Hawaii ACLU opposed another common occurrence in America, the very popular minimum sentence in criminal cases. State after State after State has followed the Federal law that says that under certain circumstances, crimes with certain prior convictions will be punished with at least a minimum sentence if convicted. And that process has worked; I believe it has helped us identify repeat offenders, to lock them up for longer periods of time, and I am confident that that is one of the primary reasons we have seen a reduction in crime among adults. We are doing a better job of identifying serious, repeat, violent offenders through these ''three strikes you're out'' laws and mandatory sentencing laws, and it is no small concern to me as a prosecutor, a Federal and State prosecutor, that our nominee for this position has supported the position of the ACLU that mandatory minimum sentences ought not to be approved.

In addition, the Hawaii ACLU has opposed a Federal Stop Turning Out Prisoners Act and the Community Notification of Sex Offenders Act. Those are some of the positions that they have taken during the 1995 period in which this nominee was a member of the board and a fundraiser. Now, when asked at our confirmation hearing if there were any policy positions of the Hawaii ACLU that she disagreed with while on the board of directors, Ms. Mollway answered, ''I cannot think of any.''

Now, I believe that is a sufficient basis for a Senate Member to have a serious concern about this nominee, and that is why at least six members of the Judiciary Committee cast a ''no'' vote. We respect those who have nominated her; we respect her; but we have serious concerns about her nomination to the Federal bench.

In addition, in recent years the ACLU has taken other positions that are outside the mainstream of legal and current American thought. They oppose the death penalty. They oppose three-strikes sentencing laws around the country. They oppose school vouchers for sectarian schools. They have opposition to V chips in televisions to screen out violence. They oppose voluntary labeling of music albums as to their content. They support the legality of partial-birth abortion. They support the constitutionality and use of racial preferences and oppose some of the laws that eliminate that. And they support the decriminalization of drugs; that is, the legalization of drugs.

Such positions are not mainstream thought in this country. That is not mainstream law that is being advocated. They have done some good things over the years. They have taken some positions that were courageous and were proved to be right and furthered our country, but this nominee in the last few years was an active member of an organization that took some of the positions I just mentioned, in court.

Now, I have voted for an ACLU member, maybe more than once, to be confirmed, but I want to share some other things that concern me and affect my decision, and I hope other Senators will consider this as they decide what standard they will use when they consider whether to consent to this nomination.

This nominee will be a district judge within the Ninth Circuit Court of Appeals that includes Hawaii, California, Oregon, Washington, Idaho, Arizona, Nevada and Alaska. Over the years that circuit has been recognized as the most liberal circuit in America. It has also been recognized as a court that has been out of touch with mainstream American law. In the last term of the U.S. Supreme Court, the Supreme Court reviewed 28 cases that arose from the ninth circuit, and of those 28 cases, they reversed 27 of them. This has been a pattern over quite a number of years.

Just last month, the ninth circuit became the first circuit in America to rule that the Prison Litigation Reform Act is unconstitutional. That was passed by this Congress. It was a magnificent act to eliminate this repetition of appeals by prisoners that have clogged courts for years, and I have seen it personally, and so many of them are extraordinarily frivolous. But it was carefully considered by this body. Every other circuit that has addressed this issue has upheld the constitutionality of the Prison Litigation Reform Act, including the 1st circuit, the 4th circuit, the 6th circuit, the 8th circuit, and the 11th circuit. They have upheld it as constitutional, but once again the ninth circuit is out of step with that group.

Recently, in the last month or so, the Supreme Court harshly criticized the ninth circuit for granting a habeas corpus petition—that is, a petition by a prisoner—that had overturned the death sentence of a convicted rapist and murderer. In reversing this conviction, the ninth circuit opinion reversed a conviction that had gone to the California Supreme Court four times, that had gone to the U.S. Supreme Court two times. The defendant had been on death row for well over 10 years and there was little dispute about his guilt or innocence. And so the Supreme Court really was frustrated by this. This was a midnight stay of execution, within 24 or 48 hours of the carrying out of this death penalty case that had been on death row for years and was reversed by them.

Some would say, as Ms. Mollway did, I will follow the laws. Sometimes we have to wonder what the law is in the ninth circuit. We know that they have been extraordinarily sensitive to death penalty cases beyond, in my opinion, rationality. We know that in many cases the court-appointed attorneys' fees in death cases in California or in the ninth circuit have exceeded $1 million for the court-appointed attorneys to defend those who have been charged, since the appeals go on for years and years. And, as I recall, the amount of money spent on that in the ninth circuit matches all the other circuits in America in expense.

So we have a problem with that, and we need judges who know what the law is, who make every effort to guarantee that the innocent are found innocent, their convictions reversed if need be, and are given a fair trial. That is absolutely guaranteed by our Constitution and should never be denied. But, Madam President, when you have these kinds of appeals, it makes a mockery of the law, it undermines the public respect for the law, it places the courts in disrespect, and I think this circuit is rightly criticized for that.

Recently, the New York Times referred to the ninth circuit as ''the country's most liberal circuit'' and noted that it was viewed by a majority on the Supreme Court as ''a rogue circuit.''

I would say that is a serious matter. I believe, based on this nominee's background, her positions on issue after issue, her activities with the ACLU in Hawaii, that we have indications that instead of being a part of a renaissance in the ninth circuit, to improve the ninth circuit and bring it back into the mainstream of American law, that she would, in fact, be more of the same: the same liberal, activist, anti-law-enforcement mentality that has gotten this circuit out of whack with the rest of the Nation.

District judges are not circuit judges; I don't mean to suggest that they are; but they are part of the circuit. It was a district judge recently who ruled the California Proposition 209, the civil rights initiative that would eliminate racial preferences, violated the Constitution of the United States. Fortunately, a panel of even the ninth circuit unanimously agreed that was not correct and the court found there is no doubt that Proposition 209 was constitutional. And the Supreme Court refused to reverse that—in effect, affirmed that decision.

So I would just say to my distinguished friends from Hawaii, we do need to be careful about what is happening on our benches. We do have, in certain parts of this country, courts that are going beyond the traditional role of judges, going beyond the traditional role of courts. It is breeding a disrespect, it is undermining law enforcement, it is delaying the carrying out of justly imposed sentences, and we need to make sure that we do something about that. I, for one, have stated publicly for some time now that I feel a special obligation and a special concern to look at the nominees for the ninth circuit, to make sure that those nominees are going to be part of a solution to this problem rather than part of the problem.

Based on my analysis and my sincere belief about it, I have concluded that I should vote ''no,'' and I will urge my fellow Senators also to vote no.

This nominee is a person of quality and intellect, but I believe she is not the right nominee at this time for this position.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. I am most grateful to the distinguished Senator from Alabama for his reasoned argument on the matter before us.

In order to further clarify the record, if I may, Madam President, I ask unanimous consent that a letter dated March 9, 1998, addressed to the chairman of the Committee on the Judiciary, with responses to additional questions from Senator THURMOND and Senator SESSIONS, be printed in the RECORD.

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

CADES SCHUTTE FLEMING & WRIGHT,
Honolulu, HI, March 9, 1998.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC

DEAR SENATOR HATCH: Thank you very much for giving me the opportunity to respond to additional questions from Senators Thurmond and Sessions. I am enclosing my responses to the questions delivered to me on March 9, 1998.

Very truly yours,

SUSAN OKI MOLLWAY.

Attachments.

ANSWERS OF SUSAN OKI MOLLWAY TO ADDITIONAL QUESTIONS FROM SENATOR SESSIONS

1. In your legal opinion, is the Prison Legal Reform Act constitutional?

Yes. This law is presumed to be constitutional. It has been upheld by several appellate courts (*e.g., Hadix* v. *Johnson,* 133 F.3d 940 (6th Cir. 1998); *Benjamin* v. *Jacobson,* 124 F.3d 162 (2d Cir. 1997); *Plyler* v. *Moore,* 100 F.3d 365 (4th Cir. 1996), *Cert. den.,* 117 S. Ct. 2460 (1997)). I have no personal views that would prevent me from following applicable law in this or any other area.

2. In your legal opinion, is the 1995 Habeas Corpus Reform constitutional?

Yes. This law is presumed to be constitutional. It has been upheld as constitutional in *Felker* v. *Turpin,* 116 S. Ct. 2333 (1996). Again, I have no personal views that would prevent me from following applicable law in this or any other area.

If confirmed, you will preside over many employment discrimination cases as a federal judge.

3. In a suit challenging a government racial preference, quota, or set-aside, will you follow the 1995 *Adarand* v. *Pena* decision and subject that racial preference to the strictest judicial scrutiny?

Yes, if confirmed, I will follow *Adarand* v. *Pena* and subject any government racial preference, quota, or set-aside to the strictest judicial scrutiny.

4. In your legal opinion, how difficult is it for any government program or statue to survive strict scrutiny?

It is extremely difficult for a government racial preference, quota, or set-aside to survive strict scrutiny. The program or statute must be narrowly tailored to meet a compelling state interest. *Adarand* v. *Pena* makes it clear that this is a very heavy burden to overcome.

5. Is the California Civil Rights Initiative constitutional?

Yes. In *Coalition for Economic Equity* v. *Wilson,* 122 F. 3d 692 (9th Cir.), *Cert. den.,* 118 S. Ct. 397 (1997), the Ninth Circuit upheld the initiative.

6. Is there a constitutional right to homosexual marriage under the U.S. Constitution?

Bowers v. *Hardwick*, 478 U.S. 185 (1986), and the Defense of Marriage Act, which is presumptively constitutional, indicate that there is no constitutional right to homosexual marriage under the United States Constitution. I have no personal belief that would prevent me from following applicable law in this or any other area.

Mr. KENNEDY. Madam President, I strongly support Susan Oki Mollway's nomination to the federal district court in Hawaii. Her nomination has now been pending before the Senate for two-and-a-half years. It is long past time to confirm this able nominee.

Ms. Mollway's credentials are impressive. She is a Harvard Law School Graduate and a partner at a prestigious Hawaii law firm, where her practice has included complex civil litigation. In 1987, she was voted Outstanding Woman Lawyer by the Hawaii Women Lawyers. She successfully argued a case before the Supreme Court of the United States in 1994.

Ms. Mollway has the support of every member of Hawaii's congressional delegation, and the federal judges in Hawaii hold her in the highest regard. She would be the first Asian-American woman to sit on the federal bench.

Some of our colleagues opppose this nomination because Ms. Mollway served on the Board of Directors of the ACLU in Hawaii, at a time when the ACLU was active in the same-sex marriage debate in that state. In fact, much of the ACLU's involvement in that debate took place long before Ms. Mollway became a member of the Board of Directors. In addition, Ms. Mollway has emphatically stated that she never voted on the position the ACLU should take on this issue or on any other litigation or legislation. The opposition to her nomination is unjustified, and it is no basis for denying confirmation.

Unfortunately, Ms. Mollway is just one of the many well-qualified women and minority nominees who have been arbitrarily delayed by the Senate and subjected to unfair ideological hazing.

In fact, in this Republican Senate, women are four times more likely than men to be held up for more than a year. Forty-three percent of the nominees currently on the Senate calendar are women. In the last three months, the Senate Republican leadership has allowed only one woman to be confirmed to the federal bench, while confirming 15 men. And, 16 out of 21 —that's 76 percent—of the nominees carried over from last year's session are women or minorities.

I urge my colleagues to support Ms. Mollway's nomination. It is time to end the logjam of qualified women and minority nominees. It is time to provide relief to the federal district court in Hawaii, whose caseload has doubled in the last five years. It is long past time to confirm Susan Oki Mollway. Her qualifications are outstanding and I am confident that she will serve with great distinction on that court. Frankly, the Senate should confirm her—and apologize to her as well.

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

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

Mr. DASCHLE. Madam President, I want to say a couple of words about this nomination. I am very pleased that Susan Mollway's nomination has finally reached the Senate floor. As others have noted, it is a long, long time in coming. I am told that it has taken 2½ years. But today she is finally going to get a vote, and I am confident that she will be confirmed.

I think it is quite an impressive story. Susan Mollway, first nominated for the U.S. District Court for the District of Hawaii in December of 1995, was reported favorably by the Senate Judiciary Committee on April 25 of 1996. Nothing happened, of course, with that nomination, and she was renominated again on January 7 of 1997 and again reported out favorably by the Judiciary Committee.

She must be the most patient woman in the world. For all this time, with all this uncertainty, with all of the implications professionally, it has been a long wait, not only for her, but for Hawaii.

The seat which Ms. Mollway has been nominated to has been vacant now for 3 years, since April of 1995. Were it not for the extraordinary persistence of our colleagues from Hawaii, the senior Senator, DANIEL INOUYE, and the junior Senator, DANIEL AKAKA, we would not be here this afternoon. It is only their persistence and the extraordinary credibility and, frankly, persistence that they have demonstrated for all this time that we are now celebrating this moment.

Their persistence is well invested. Susan Mollway is fully qualified and will be an extraordinary credit to the bench. She is a partner in the Honolulu law firm of Cades, Schutte, Fleming and Wright where she went upon graduation from Harvard Law School.

She has practiced in a broad range of areas, including a successful argument before the U.S. Supreme Court. She has won numerous awards, including the Hawaii Women Lawyers' Outstanding Woman Lawyer Award in 1987.

The granddaughter of a ''picture bride'' and a plantation worker in Hawaii, Ms. Mollway and her family have learned strength and commitment from their story. Her father left high school during World War II to join a Japanese-American unit of the U.S. Army. Together with Senator INOUYE, he fought in Europe as part of the 442nd Regiment Combat Team, the most decorated military unit of its size in World War II. At the same time, people he knew were among the thousands of Japanese-Americans interned by our own Federal Government. Later, Ms. Mollway's father used his veteran's benefits to attend Harvard. Clearly, his daughter now understands the great joy and honor of being an American, but also the burdens and barriers faced by some in our society.

We are all proud of the distance we have come as a society in ending the kind of discrimination faced by Japanese-Americans of Ms. Mollway's father's generation, but the confirmation of this judge to be now U.S. district judge will mark yet another step in this progress. Susan Mollway is an outstanding nominee and deserves to be confirmed.

I, again, congratulate my two colleagues from Hawaii, and I call upon all of my colleagues to vote in her favor in 40 minutes.

I yield the floor.

Mr. INOUYE. Madam President, I ask unanimous consent that Senator SESSIONS and I be permitted to yield back the remainder of our time and that at the hour of 5 p.m., a rollcall vote be taken on this matter.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. INOUYE. Madam President, may I change that to 5:10?

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

Does the Senator wish to request the yeas and nays at this time?

Mr. INOUYE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

MORNING BUSINESS

Mr. INOUYE. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business.

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

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

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

Mr. WYDEN. Thank you very much, Madam President.

SECRET HOLDS ON NOMINATIONS AND LEGISLATION

Mr. WYDEN. Madam President, only 52 legislative days remain in this session. Dozens of nominations are pending, and more than 400 items are on the calendar. Being an election year, this

is a recipe for the explosion of a little-known procedure, but one that is extraordinarily important as the Senate moves to the end of the session. I speak today about the issue of secret holds on nominations and legislation before this body.

Nowhere in the Constitution nor in our Federal statutes is there any mention of the right of a U.S. Senator to put a secret hold on a bill or a nomination. Nevertheless, this power is one of the two or three most significant powers that a Member of the U.S. Senate can have. In effect, this power allows any Member of the U.S. Senate, in secret, to block a nomination or a piece of legislation from even being considered on the floor of this body.

I have talked to citizens at home about this. They are stunned that any Member of the U.S. Senate would have the power to be able to block something. But what really galls them is the right to do it in secret without there being any accountability whatsoever.

I am of the view that it is appropriate that Members of the U.S. Senate, in efforts to represent our constituents, have the power to make decisions that are going to affect dramatically the lives of millions of Americans. But I think that extraordinary power ought to be accompanied by real responsibility. Certainly if one Member of the U.S. Senate is going to block this body from even considering a bill or a nomination, it should be accompanied by public disclosure.

Our friend, Senator GRASSLEY, has come on to the floor. The Presiding Officer and our colleagues know that for more than a year he and I have been trying to bring some sunshine to the U.S. Senate. We have been trying to change the rules so that if a Member does singlehandedly seek to block a nomination or a bill from coming to this floor, they would be required, as part of the Standing Order of the Senate, to stipulate in the CONGRESSIONAL RECORD that they were, in fact, that individual.

We are moving to that part of the legislative session where the secret hold is most abused. Very shortly, in this body we will begin a game that I call legislative hide and seek. We will have holds on nominations and bills. Outside this Capitol Building there will be lobbyists trying to figure out who has put a secret hold on a particular bill or nomination. And this entire process contributes to the cynicism and skepticism that so many Americans have about our government today.

Madam President and colleagues, it came to light in the fall of 1997—which, as we all know, wasn't an election year—that there were 42 holds in play at one time. As I mentioned, this game of legislative hide and seek was underway outside these Chambers.

At that time, Senator GRASSLEY and I were able to win on a voice vote an amendment to change the Senate's Standing Orders to require public disclosure of a hold. But then, in what was really the ultimate irony, our effort to end secret holds was secretly killed in a conference committee and vanished when the D.C. appropriations bill was brought back before the Senate.

I hope now with just over 50 legislative days remaining, that the Senate would on a bipartisan basis change this particular longstanding tradition—a tradition noted nowhere in the Constitution, our Federal statutes or Senate rules—and bring some openness and some sunshine to this body.

The hold started out as simply an effort to try to accommodate our colleagues. If a Member of the U.S. Senate had a spouse who was ill or a relative who faced a particular problem, they could, on a Monday, say, ''I can't be there on Tuesday, would it be possible to hold things over for a couple of days so I could address a matter that was important to my constituents?''

That is not what Senator GRASSLEY and I are talking about. We are not talking about the right of a Senator to be present to discuss an issue important to them and to their constituents. We are talking about making sure that when a Member of the U.S. Senate digs in and digs in to block a particular nomination or a bill from either coming to the floor or ever being considered at all, that at that point they would be required to disclose publicly that they are the individual who is blocking consideration by the Senate.

Under our amendment no Member of the U.S. Senate would lose their power to place a hold on a bill. A Senator's power would be absolutely unchanged with respect to the right to place a hold on legislation. All that Senator GRASSLEY and I are saying is when you put on that hold, be straight with the American people. Let the Senate and let the American people know that you are the person who feels strongly about a particular issue. Make sure that it is possible, then, for us to find out where in the discussion of a particular nomination or piece of legislation the Senate is considering there is a problem. This has not been the case, and this situation is getting increasingly serious.

In the two years since I have been here I have seen more and more abuse of this process. We are seeing in a number of instances that even the Senators themselves don't know that a hold is being placed in their name. I have had Senators come to me and say, ''I learned that one of my staff''—or someone else's staff—''put a hold on a bill,'' and the Senator I was working with didn't even know that a hold had been placed on the legislation.

This ought to be an easy reform for the U.S. Senate. It simply would require openness, public disclosure, and an opportunity for every Member of the Senate and for the American people to know who, in fact, feels sufficiently strongly about that bill, that they are the one keeping this body from considering it.

A number of public interest organizations and opinion leaders have come out in favor of the effort being pursued by myself and Senator GRASSLEY. I will close my opening remarks and then yield my time to Senator GRASSLEY, with just a quick statement from a Washington Post editorial that came out in favor of this effort.

The Washington Post said:

> It's time members of the Senate stand up and answer to each other and the public for such actions. What are they scared of?

That, Madam President, is what this issue is all about. It doesn't pass the smell test to keep this information from the American people. There is not a town meeting in our country where it is possible for a Member of the U.S. Senate to say, ''I'm involved in making decisions that affect millions of people and billions of dollars, but you know, I'm not going to tell you anything about it. I'm not going to let you in on this particular procedure.''

Again, this is a procedure that has evolved over the years, that is written down nowhere, not in the rules, not in the statutes, and not even in the Constitution.

Madam President, it is time to ensure that when Senators exercise the extraordinary powers that we are accorded in the Constitution and the laws of our land, that those powers be met with responsibility, powers that make it clear that when there is legislation affecting billions of dollars and countless Americans that we are going to let the public in on the way the Senate does its business.

Senator GRASSLEY and I filed our amendment to the Department of Defense authorization bill. It is our intention to bring this bipartisan amendment before the Senate at the earliest opportunity. We want to make it very clear that between now and the fall, when we are likely to have 60, 70, 80 secret holds and this game of hide and seek is being played all over the Capitol, Senator GRASSLEY and I want to have the Senate rules changed so that the public will know at the end of a session how and when these important decisions are being made.

Before I conclude, let me just say to my colleague from Iowa, who has joined us on the floor to speak after me this afternoon, I have enjoyed working with him on many issues. I serve on the Senate Aging Committee, which he so ably Chairs, but I am particularly appreciative of the chance to work with him on this issue. We have had a bipartisan team pursuing this matter for many, many months. We want it understood that there is absolutely nothing partisan, nothing Democrat, nothing Republican, about our desire to bring real openness and accountability to the U.S. Senate. This isn't about partisan politics. This is about good government. This is about making sure that in the last days of a Senate session we are no longer playing legislative hide and seek, but are making decisions in a way that we are accountable to the public, and that the American people can follow. We want to contribute to confidence in the way the

Senate does its business, rather than to what we face today, which is additional skepticism and cynicism by virtue of the fact that the Senate does so much business at the end of a session in secret.

I thank my colleague from Iowa, and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Parliamentary inquiry. Is there any time limits? I know we vote at 5:00.

The PRESIDING OFFICER. The Senate is in morning business until 5:10, at which time a vote will occur.

Mr. GRASSLEY. Madam President, before I start to debate this issue, I should say thank you to my colleague from Oregon for his leadership in this area. He has worked very hard on it. I have been very happy to be supportive of him—and I am fully supportive of him. I have told him how secret holds have affected me and now both he and I practice what we preach—that is, we declare our intentions to put a hold on a piece of legislation if we decide to take that action. Obviously, being open about placing a hold has worked for us and it is a sound practice.

I want to state the proposition that eventually what is right is going to win out in the Senate. I know that constituents are skeptical about right winning out in this body, and I suppose sometimes it takes a long time for right to win out; but I believe if you feel you are in the right, and that you are pursuing the right course of action and, particularly, as in this case, when your opponents don't have a lot to say about what you are trying to do, I think you can be confident that you are pretty much on the right course. There wasn't much opposition to this expressed on the floor of the Senate last year. My guess is that there won't be a lot expressed this year either, and eventually we will win. I think we will win this year. But if we don't, we are going to win sometime on this proposition because it is so right and because we are not going to give up.

I know persistence pays because it took me about 6 years, ending in 1995, to get Congress covered by a lot of legislation that it exempted itself from. A lot of laws were applicable to the rest of the country and were not applicable to those of us on Capitol Hill. That was wrong. It was recognized as being wrong. So I presented the motions to accomplish the goal of getting Congress to obey the laws everyone else had to follow. They were hardly ever argued against on the floor of this assembly. But in the ''dark dungeons'' where conference committees are held, somehow those provisions were taken out—until after about 6 years of discussing the issue of congressional exemptions, and the public becoming more aware of this shameful situation, finally there was enough embarrassment brought to Congress that we could not keep that exemption from those laws any longer. So we passed the Congressional Accountability Act early in 1995. It was the first bill signed that year by the President of the United States. We have ended those exemptions that were so wrong.

I still remember that, early on in that period of time, how my colleagues would just say privately to me, ''What a terrible catastrophe it is going to be for the Congress to have to live under these laws that apply to the rest of the Nation''—laws like civil rights laws, worker safety laws, et cetera. We have had to live under those laws for 3 years now, and it hasn't harmed us at all. It has been good for the country to have those of us that make laws have to actually understand the bureaucratic morass and red tape you have to go through to meet those laws, and some of the conditions on employment, some of the working conditions in the office, some of the wage and hour issues that private employers have to go through. We understand those now. We have to be sympathetic to their arguments more because we have to live under those laws.

Well, that is one example of right ultimately winning. That brings me to what is right about this. There are plenty of reasons for holds, and there is nothing really wrong with holds. There is nothing that our legislation says is wrong with holds. But the reasons can be purely political. Sometimes holds are put on for one colleague to use as leverage with another colleague, to move something that maybe another individual is blocking. There can be truly flawed legislation, and maybe there such holds legitimately allow more time to work things out. However, other holds can be purely a stalling tactic. A hold could be all could be for all of those reasons and more. It doesn't matter what the reason is. We don't find fault with those reasons. We only say that the people that are exercising the hold, for whatever reason, ought to say so, and why.

It is going to cause the Senate, I think, with our amendment, to be run more openly and efficiently. It is going to lift one of the veils of secrecy. It is not going to lift all of the veils of secrecy in a parliamentary body. I don't know that I would call that all of them be lifted. I am not sure I could even enumerate all of the layers of secrecy that might go on. But this is one form of secrecy that is not legitimate.

As I said, we do not ban holds or the use of them, for whatever reason they might be made. We just stipulate that they must be made public so that we know who is putting the hold on. We would like to know why the hold is being put on, but that is not even a requirement in our legislation. Just tell who you are. You don't even have to say why. It is pretty simple. It is pretty reasonable.

A lot of my colleagues, I think, fear retribution. If they are putting a hold on for a legitimate reason, why should they have to fear that? Maybe the greater good of the body, the greater good of the country would be their motivation. They might think they would experience some sort of retribution and that is why they may not want their hold to be known. I say that, after 2 or 3 years of practicing open holds myself, there is no fear of a hold being known. I can tell you this: I probably was somewhat nervous the first time I announced that I was going to make public in the CONGRESSIONAL RECORD why I was putting a hold on. I thought that maybe I was opening myself up to a lot of retribution, a lot of trouble that I don't need. I probably don't use holds very often. You could probably count the number of times on one hand that I would use a hold in the course of a Congress. Regardless, the times that I have done it, I can tell you that there is no pain. No harm came to me. There is no retribution that came to me as a result of it from any of my colleagues. And 98 others beside Senator WYDEN and myself could do that, and they don't.

I can tell you about the problems I have had finding out who has a hold, why they have a hold; and then we have had these rotating holds where somebody has found out and some friend will put a hold on in his place. You run those things down. It is not a very productive way to be a Senator. If I can go to the CONGRESSIONAL RECORD and find out who doesn't like my proposition, who doesn't like this nominee, et cetera, I can go to that individual and just talk up front about the reason, and I think it will even speed up the work of the Senate. If each Senator can be a little more efficient, then the Senate is going to be a little more efficient body as a whole.

So this is one of those things that, from every angle—every reason for making a hold open is a good reason. Look at all of the prospective opposition to it and the reasons for the opposition. First of all, people don't very freely express opposition to it. But when they do express an argument against making holds open, it is not a very good reason to be against it. When you have these public policy arguments for making holds open that are good, good, good, why should we waste any time? They just ought to be adopted; they ought to be a part of the practice and make the public's business more public. That is what the Wyden-Grassley amendment is all about. I hope my colleagues will support us in this effort.

I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

PRIVILEGE OF THE FLOOR

Mr. INOUYE. Madam President, on behalf of the Senator from Illinois, Mr. RICHARD J. DURBIN, I ask unanimous consent that Mr. Christopher Midura, a legislative fellow with his staff, be accorded privileges of the floor during consideration of both S. 2057 and S. 2132.

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

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, I ask unanimous consent that I may speak as if in morning business.

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

FEDERAL DAIRY POLICY

Mr. FEINGOLD. Madam President, I rise today to discuss our archaic and unjust Federal Dairy Policy: it is hopelessly out-of-date, completely out-of-touch with reality and an outrageous way to treat the hard-working dairy farmers of the Upper Midwest, particularly Wisconsin.

Federal dairy policy has been putting small dairy farms out of business at an alarming rate, Madam President. The Northeast loses 200 dairy farms per year, which is bad enough. Meanwhile, Wisconsin is losing 200 per month, which is disastrous. That's about 5 dairy farms per day! The greatest force driving Wisconsin's dairy farmers out of business and off the land is the current structure of the Federal Dairy Program.

The Federal Dairy Program was developed back in the 1930's, when the Upper Midwest was seen as the primary producer of fluid milk. The idea was to encourage the development of local supplies of milk in other areas of the country that had not produced enough to meet local needs. It wasn't a bad idea for the 1930's, but those days are gone.

Six decades ago, the poor condition of America's transportation infrastructure and the lack of portable refrigeration technology prevented Upper Midwest producers from shipping fresh fluid milk to other parts of the country. Providing an artificial boost to milk prices in other regions to encourage local production made sense, in the 1930's, that is.

So, in 1937, we passed legislation authorizing higher prices outside the Upper Midwest. These artificial bumps in prices are referred to as Class I differentials. Mr. President, this system is sometimes referred to as the ''Eau Claire'' system. Do you know why? Believe it or not, it's called the Eau Claire system because it allows dairy farmers to receive a higher price for their milk in proportion to the distance of their farms from Eau Claire, Wisconsin.

So the farther away you are from Eau Claire the better off you are. A dairy farmer, as any dairy farmer from Wisconsin, would tell you that a better name really for this system is the anti-Eau Claire system, because it doesn't treat farmers very well who live close to Eau Claire, Wisconsin.

The system's entire purpose was designed to put dairy farmers in Wisconsin and its neighboring states at a disadvantage. And unfortunately it worked well—too well. Now, we look on as trucks from other regions of the country come into Wisconsin, historically America's dairyland, with milk to be processed into cheese and yogurt. The current Federal Dairy Program is now working only to shortchange the Upper Midwest, and in particular, Wisconsin dairy farmers.

Madam President, it's time to change a system that is completely out of date and is short-changing upper Midwest dairy farmers to the brink of extinction.

But, instead, we have further aggravated the inequities of the Federal milk marketing orders system. Despite the discrimination against dairy farmers in Wisconsin under the Eau Claire rule, the 1996 Farm Bill provided the final nail in the coffin when it authorized the formation of the Northeast Interstate Dairy Compact.

Madam President, the Northeast Interstate Dairy Compact sounds benign, but its effect has been anything but, magnifying the existing inequities of the system. It establishes a commission for six Northeastern States—Vermont, Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut.

The Northeast Interstate Dairy Compact Commission is empowered to set minimum prices for fluid milk higher even than those established under Federal Milk Marketing Orders. Never mind that the Federal milk marketing order system, under the Eau Claire rule, already provided farmers in the region with minimum prices higher than those received by most other dairy farmers throughout the nation.

The compact not only allows the six States to set artificially high prices for their producers, it allows them to block entry of lower priced milk from producers in competing States. To give them an even bigger advantage, processors in the region get a subsidy to export their higher priced milk to non-compact States. It's a windfall for Northeast dairy farmers. It's also plainly unfair and unjust to the rest of the country.

Who can defend this system with a straight face? This compact amounts to nothing short of government-sponsored price fixing. It's outrageously unfair, and it's also bad policy: It blatantly interferes with interstate commerce and wildly distorts the marketplace by erecting artificial barriers around one specially protected region of the Nation; it arbitrarily provides preferential price treatment for farmers in the Northeast at the expense of farmers in other regions who work just as hard, who love their homes just as much and whose products are just as good or better; it irresponsibly encourages excess milk production in one region without establishing effective supply control. This practice flaunts basic economic principles and ignores the obvious risk that it will drive down milk prices for producers everywhere else in the country; you don't often hear about it but the compact imposes higher retail milk prices on the millions of consumers in the Compact region; it also imposes higher costs on every taxpayer because we all pay for nutrition programs such as food stamps and the national school lunch programs that provide milk and other dairy products.

As a price-fixing device, the Northeast Interstate Dairy Compact is unprecedented in the history of this Nation. In its breadth and its disregard for economic reality, it's in a class by itself.

Madam President, in addition to the current problems, language in the reported Agriculture Appropriations bill in the other body extends USDA's rulemaking period by six months, thereby extending the life of the Northeast Interstate Dairy Compact by six months. Wisconsin's producers cannot withstand another six months of these unfair pricing policies.

Wisconsin's dairy farmers are being economically crippled by these policies. It's time to bring justice to federal dairy policy, and give Wisconsin dairy farmers a fair shot in the market place.

In an effort to repair some of the damage that sixty years of this awful system has caused, I have worked with colleagues to bring the true nature of this system to light and offer some alternatives.

To strike at the heart of the problem, I have introduced legislation in the Senate to kill the notorious Eau Claire system. The measure simply would forbid USDA from using Eau Claire, Wisconsin as the sole basing point when pricing milk.

And I am cosponsoring legislation to repeal the Northeast Interstate Dairy Compact. I'm working hard to prevent the compact's extension and expansion, and to prevent the formation of other regional dairy compacts. Compacts of this kind are unfair and they need to be abolished along with this entire system which has been plaguing Wisconsin farmers for more than sixty years.

Also, I have cosponsored the Dairy Reform Act of 1998, introduced by Senator GRAMS, which establishes that the minimum Class I price differential will be the same for each marketing order at $1.80/hundredweight. What could be more fair than that? Given a level playing field, I know Wisconsin farmers can compete against any farmers in the nation.

The Dairy Reform Act ensures that the Class I differentials will no longer vary according to an arbitrary geographic measure—like the distance from Eau Claire, Wisconsin. This legislation identifies one of the most bizarre and unjustly punitive provisions in the current system, and corrects it. There is no justification to support non-uniform Class I differentials in present day policy.

I first learned of the profound inequity of the Federal dairy program

when I served in the Wisconsin State Legislature. There, I spearheaded the effort to provide state funds for a lawsuit against the United States Department of Agriculture. Challenging the system, we argued that USDA had no sound and justifiable economic basis for their milk pricing system. The states of Wisconsin and Minnesota, working together, repeated that argument relentlessly in the courts for over ten years in an effort to beat back the system.

In November of last year, the people of Wisconsin and Minnesota won that case. Federal District Judge David Doty ruled in favor of a more equitable dairy pricing system and enjoined the Secretary of Agriculture from enforcing USDA's ''arbitrary and capricious'' Class I differentials. Madam President, in other words, a federal judge could find no rational justification for this archaic system and ruled the whole scheme illegal.

Although the case is now in the appellate court, I am optimistic that Doty's ruling will be upheld. As I said, Judge Doty found the current pricing system ''arbitrary and capricious.''

Most recently, the USDA came up with a proposed rule that included two different options to replace the old system: Option 1A is virtually identical to the status quo and is totally unacceptable to the majority of Wisconsin dairy farmers. Option 1B is a modest step in the right direction and a good place to begin reform efforts. I was optimistic when Secretary Glickman announced USDA's proposed rule for milk marketing order reform and his stated preference for Option 1B.

If there was any question of the intense, personal effect this discriminatory policy has on Wisconsin's dairy farmers, I would hope, after visiting with over 500 producers, consumer advocates, and local officials at an informal hearing in Green Bay, that USDA's doubts could be put to rest.

At the USDA listening session in Green Bay, more than 500 people showed up, demanding a fair shake. At the sessions in New York, Georgia and Texas, a total of 240 people showed up. Wisconsin had more than double the attendance than the other locations combined. That difference in attendance didn't happen just because of Wisconsin's tradition of good citizenship. They showed up in Green Bay by the hundreds because they know they are getting a raw deal. Those Wisconsinites showed up to demand reform. They showed up to demand a better system, a chance to preserve economic viability and the opportunity to continue their way of life.

Day after day, season after season, we are losing small farms at an alarming rate. While these operations disappear, we are seeing the emergence of larger dairy farms. The trend toward fewer but larger dairy operations is mirrored in most States throughout the Nation. The economic losses associated with the reduction in the number of small farms go well beyond the impact on the individual farm families who must wrest themselves from the land.

The loss of these farms has hurt their rural communities, where small family-owned dairy farms are the key to economic stability. They deserve better: we need a system in which their farms are viable and their work can be fairly rewarded.

In conclusion, I will continue to work with Wisconsin family farmers and other concerned Wisconsinites in the fight to preserve and protect our family dairy farms by restoring some semblance of fairness and economic integrity to our outdated, out-of-touch, milk pricing system. In the process, we will save an important piece of American agricultural history and a priceless part of Wisconsin's culture.

As USDA considers Federal Milk Marketing Order reform, I urge the Department to set aside 60 years of inequality and senseless regionalism to do what is best for this nation's dairy industry. These policies are out-of-date, out-of-touch and, frankly, an outrageous way to treat Wisconsin dairy farmers. For those farmers, who are watching as their neighbors sell their livestock to cover their bills and abandon the land of their parents and grandparents, USDA's decision could mean the demise or the survival of their way of life. It is time to do the right thing on dairy pricing policy. Wisconsin farmers demand it, Wisconsin's consumers demand it, and, above all, Justice demands it.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

EXECUTIVE SESSION

NOMINATION OF SUSAN OKI MOLLWAY TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII

VOTE

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider the nomination of Susan Oki Mollway to be United States District Judge for the district of Hawaii.

The question occurs on the confirmation of the nomination. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New York (Mr. D'AMATO), the Senator from New Mexico (Mr. DOMENICI), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I also announce that the Senator from Pennsylvania (Mr. SPECTER) is absent because of illness.

Mr. FORD. I announce that the Senator from Vermont (Mr. LEAHY), the Senator from Illinois (Ms. MOSELEY-BRAUN), and the Senator from Nevada (Mr. REID) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY), would vote ''aye.''

The result was announced—yeas 56, nays 34, as follows:

[Rollcall Vote No. 166 Ex.]

YEAS—56

Akaka	Feinstein	Lieberman
Baucus	Ford	Lugar
Biden	Glenn	Mack
Bingaman	Graham	Mikulski
Boxer	Gregg	Moynihan
Breaux	Hagel	Murray
Bryan	Harkin	Reed
Bumpers	Hatch	Robb
Byrd	Hollings	Rockefeller
Cleland	Inouye	Roth
Cochran	Jeffords	Sarbanes
Collins	Johnson	Smith (OR)
Conrad	Kennedy	Snowe
Daschle	Kerrey	Stevens
DeWine	Kerry	Thompson
Dodd	Kohl	Torricelli
Dorgan	Landrieu	Wellstone
Durbin	Lautenberg	Wyden
Feingold	Levin	

NAYS—34

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Santorum
Burns	Helms	Sessions
Campbell	Hutchinson	Shelby
Coats	Hutchison	Smith (NH)
Coverdell	Inhofe	Thurmond
Craig	Kempthorne	Warner
Enzi	Kyl	
Faircloth	Lott	

NOT VOTING—10

Bennett	Leahy	Specter
Chafee	Moseley-Braun	Thomas
D'Amato	Murkowski	
Domenici	Reid	

The nomination was confirmed.

Mr. INOUYE. Madam President, I move to reconsider the vote.

Mr. AKAKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senate will now return to legislative session.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. THOMPSON. Madam President, I ask unanimous consent that the pending motion and amendments be laid aside and it be in order for me to call up amendment No. 2813 relative to tax compensation at Fort Campbell and no second-degree amendment be in order.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Madam President, I object.

Mr. THOMPSON. Madam President, I regret the objection of my colleague. At this time, I put Members on notice that I will attempt to get this issue agreed to on the next available bill. This is an important issue to many people in my State. Consequently, I hope to have the cooperation of a majority of colleagues when I move next to enact this legislation.

I yield the floor.

Mr. FEINGOLD. Madam President, I ask unanimous consent to speak as in morning business.

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

EFFORT TO REMOVE FEC GENERAL COUNSEL

Mr. FEINGOLD. Madam President, I rise to talk about an effort under way in this Congress to hamstring the agency charged with enforcing the Federal election laws—the Federal Election Commission. This effort is happening very quietly under the guise of routine agency appropriations, but it has deadly serious consequences in terms of the independence of the Federal Election Commission. I think it is important to call the Senate's attention to it and give notice that I intend to do everything in my power to make sure it doesn't happen.

Here is what is happening. The Appropriations Committee of the other body has included a provision in the funding bill for the FEC that would result in the firing of the Commission's general counsel and staff director. That's right, Madam President. The Congress is now going to get involved in the personnel decisions of the FEC, the agency that we have charged with overseeing us and the way we conduct our reelection campaigns. Some in the Congress want to fire two career civil servants who are simply trying to do their job to make campaign information available to the public and enforce the election laws.

Lawrence Noble, the General Counsel, has served the agency since 1987. John Surina, the Staff Director, has been in that position since 1983. These are not political appointees. They were put in their jobs by a bipartisan majority vote of the Commission, as required by law. In fact, both of these individuals were unanimously approved by the FEC when they were appointed. They provide crucial institutional continuity, especially now that, as of last year, we have put a one-term limit on the Commissioners themselves.

But now, unfortunately, some members of Congress apparently don't like some things that the Commission has done. And so they are trying to engineer, what I would call, a quiet coup. They want to require that these two staff positions be refilled every four years by an affirmative vote of four Commissioners. And they specify that this requirement will apply to the current occupants of the positions. So Mr. Noble and Mr. Surina will lose their jobs at the end of this year, unless the Commission votes to reappoint them.

Of course, the Commission itself is in great turmoil. Only two members are serving the terms to which they were appointed. Two members are holdovers, their terms having expired in April 1995. A fifth member is also a holdover, although the President has resubmitted his name. And the sixth slot has been vacant since October 1995. So the Congress has hardly been blameless if the Commission seems at times to be at sea. And now here we are about to create two other vacancies, more turmoil and lack of direction at this crucial agency.

Madam President, specifying by law that top staff positions in the agency must be refilled every four years is unprecedented. The Congressional Research Service has told me that there are three independent agencies—the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, and the National Labor Relations Board—where the General Counsel is actually a political appointee, nominated by the President and confirmed by the Senate. In each of these cases, the General Counsel has direct statutory authority.

But in every other independent agency, including the FEC—and there are lots of agencies, Madam President—the FCC, the SEC, the CPSC, the FTC, the CFTC, and many more. In all of these agencies, the General Counsel is appointed by either the Chairman or the entire body.

And guess how many of those General Counsels are required to be fired after four years unless they are reappointed and reconfirmed by the appointing entity. The answer is none. Not one.

Madam President, I ask unanimous consent that a memorandum from the Congressional Research Service on this issue be printed in the RECORD at this point.

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

To: Honorable Russell D. Feingold, Attention: Bob Schiff.

From: Rogelio Garcia, Specialist in American National Government, Government Division.

Subject: Appointments to Positions of General Counsel and of Staff Director on Independent Regulatory and Other Collegial Boards and Commissions.[1]

This memorandum responds to your request for information regarding appointments to the position of general counsel and of staff director, or its equivalent, or independent regulatory and other collegial boards and commissions. Specifically, you inquired about the number of such positions to which the President makes appointments with the advice and consent of the Senate. You also wanted to know if the positions included a fixed term of office, and, if they did, what happened to the incumbent when the term expired.

[1] See footnotes at end of memorandum.

The position of general counsel at three of 32 independent regulatory and other collegial boards and commissions is subject to Senate confirmation. (The position of staff director, where it exists is not subject to Senate confirmation in any of the 32 agencies.) The three requiring Senate confirmation are the Equal Employment Opportunity Commission (EEOC), Federal Labor Relations Authority (FLRA), and National Labor Relations Board (NLRB). The general counsel positions at the three agencies are for fixed terms of office. At the EEOC, the general counsel is appointed to a 4-year term, and remains in office at the end of the term until replaced (42 U.S.C. 2000e–4(b)); at the FLRA, the general counsel is appointed to a 5-year term, and must leave office when the term expires (5 U.S.C. 7104(f)(1)); and at the NLRB, the general counsel is appointed to a 4-year term and must leave office when the term expires (29 U.S.C. 153(d)).

It appears that the above three general counsel positions were made subject to Senate confirmation because of the special responsibilities assigned directly to them by statute. The general counsel for the EEOC is charged directly with responsibility for the conduct of litigation regarding the commission's enforcement provisions and civil actions.[2] The general counsel for the FLRA has direct statutory authority to investigate alleged unfair labor practices and file and prosecute complaints, as well as ''direct authority over, and responsibility for, all employees in the office of General Counsel, including employees of the General Counsel in the regional offices . . .''[3] Finally, the general counsel for the NLRB ''exercise[s] general supervision over all attorneys employed by the Board (other than administrative law judges and legal assistants to Board members) and over the officers and employees in the regional offices, and has final authority, on behalf of the Board, in respect of the investigation of charges and issuance of complaints under [29 U.S.C. 160], and in respect of the prosecution of such complaints before the Board . . .''[4]

The general counsels at the other 29 agencies, and the staff director, where the position exists, are appointed either by the agency's governing board, i.e., the board of directors, or the chairman, subject to the general policies, directives, or approval of the governing board. In at least nine agencies, the governing board appoints the general counsel, staff director, and other employees.[5] In at least five agencies, the chairman, governed by the policies and directives of the governing body, makes the appointment.[6] In two agencies, the chairman makes the appointment on ''behalf of the commission.''[7] In one agency, the chairman appoints the general counsel and staff director, as well as certain other officers, subject to the approval of the commission.[8] Finally, in one agency, the chairman makes the appointment subject to disapproval by a majority vote of the commissioners.[9] None of the appointments is for a fixed term of office. They are all indefinite appointments, and, with two exceptions, the incumbents may be removed at any time by the appointing authority.[10]

If I may be of further assistance, please call me at 7–8687.

FOOTNOTES

[1] The position of general counsel in large independent agencies, and at the department level as opposed to the administration or bureau level, in each executive department is subject to Senate confirmation. None of the positions, however, is for a fixed term of office.

[2] 42 U.S.C. 2000e–4(b)(1).

[3] 5 U.S.C. 7104(f) (2) and (3)

[4] 29 U.S.C. 153(d).

[5] Commodity Futures Trading Commission (7 USC 4a (c) and (d)), Federal Communications Commission

(47 U.S.C. 154(f)(1)), Federal Election Commission (20 U.S.C. 437c(f)(1)), Federal Mine Safety Health Review Commission (30 U.S.C. 823(b)(2)), Federal Trade Commission (15 U.S.C. 42, National Mediation Board (45 U.S.C. 154 Third), Railroad Retirement Board (42 U.S.C. 231f(9), Tennessee Valley Authority (16 U.S.C. 831b), and Securities and Exchange Commission (15 U.S.C. 78d(b)).

[6]Defense Nuclear Facilities Safety Board (42 U.S.C. 286(c)), Farm Credit Administration (12 U.S.C. 2245(b)), National Transportation Safety Board (49 U.S.C. 1111(e)(1)), Nuclear Regulatory Commission (42 U.S.C. 5841(a)(2)), and Surface Transportation Board (49 U.S.C. 701(a)(2)).

[7]Federal Energy Regulatory Commission (42 U.S.C. 7171(c)), and Occupational Safety and Health Review Commission (29 U.S.C. 661(e)).

[8]Consumer Product Safety Commission (15 U.S.C. 2053(g)(1)(A)).

[9]U.S. International Trade Commission (19 U.S.C. 1331(a)(1)).

[10]The chairman of the Consumer Product Safety Commission may remove the general counsel or executive director with the approval of the commission (15 U.S.C. 2053(g)(1)(B)); and the chairman of the U.S. International Trade Commission may remove the general counsel or other high official, subject to the approval of the governing body (19 U.S.C. 1331(c)(2)(A)).

Mr. FEINGOLD. Madam President, this is a whole new procedure invented, I have to assume, because some Members of Congress are, in effect, out to ''get'' Mr. Noble and Mr. Surina.

Oh, and by the way, there is not a single agency where the Staff Director is a political appointee or has to be reappointed by the commissioners themselves after a set term. Not one. Frankly, Madam President, the inclusion of the Staff Director in this provision in the House Appropriations bill seems to me to be a smokescreen designed to make this provision seem even-handed. What is really going on here, I believe, is that some in the Congress are trying to send a message to Mr. Noble, the General Counsel, and through him, to the Commission. Some powerful members of Congress don't like some of the cases that Mr. Noble has recommended bringing. So they want him out.

In recent years, the FEC has undertaken a number of controversial actions in an attempt to enforce the law that the Congress has written. Some of these cases have taken on powerful political figures or groups. The FEC pursued a highly publicized case against GOPAC, a group closely connected to the Speaker of the House. It has an ongoing action against the Christian Coalition alleging that that group illegally coordinated its activities with Republican candidates. And, of course, it has pursued cases and rulemaking proceedings under a more expansive definition of what constitutes express advocacy than some in this Congress believe is appropriate.

All of these actions are objectionable to people on the Republican side of the aisle. But let's remember that there is a flip side. The Commission has assessed significant fines against the 1992 Clinton campaign and the Kentucky Democratic Party. It has pursued litigation against the National Organization for Women and has pending cases against the California Democratic Party concerning its use of soft money, and the advocacy group Public Citizen, alleging that it coordinated its activities with a primary opponent of the Speaker of the House.

The bottom line, Madam President, is that the FEC is trying to do its job, even when we in Congress don't give it adequate resources to do it. And there is another crucial point about these actions. Each and every one of the cases or rulemakings I have mentioned was approved by a majority of the Commission.

Now that is significant, Madam President, because unlike most agencies, the FEC is evenly balanced with Republican and Democratic members. It was carefully designed not to allow either party to have control. So a General Counsel can't just work with one party. In order to file a case, he must get at least four votes from the Commission, including at least one from each party. Now that leads to problems sometimes, because if the Commission deadlocks, a General Counsel recommendation cannot go forward. But the bottom line is that every official action of the FEC must be bipartisan.

So what we have here, Madam President, is an effort to intimidate. The proponents of this firing want to punish the FEC's General Counsel for bringing forward recommendations to enforce the law. Even though in all of the cases I have mentioned, a bipartisan majority of the Commission has agreed with him.

I should mention one other recommendation that Mr. Noble has made that has not received a majority vote of the Commission, and so is not going forward yet. Mr. Noble has recommended that the Commission takes steps to reduce or eliminate certain kinds of soft money contributions. And we know there are some powerful Members of this body who disagree with that idea.

You know, it is really fascinating that some of the same people who are pushing this provision, trying to remove the current General Counsel say that we don't need to enact campaign finance reform, we just need to enforce current law. Well, you can't argue that we need to enforce current law and at the same time be trying to fire the chief law enforcement officer of the agency. That just doesn't make sense. If this provision goes through, and Mr. Noble is relieved of his duties at the end of the year, it may be months before a new General Counsel can be chosen that will get the bipartisan support that is required. So right after the 1998 elections, there will be no one to head up the crucially important enforcement functions of the FEC.

Madam President, we cannot let that happen. We need to let the professional staff of the FEC do its job. Surely the 3 to 3 party split on the Commission is enough to make sure that the Commission doesn't go off on a partisan vendetta. Now we need to stop the partisan vendetta that this proposal represents.

That is why I intend to offer an amendment when the FEC's appropriation bill comes to floor to make clear that the Senate does not want this House proposal to be part of the final bill. And I will urge the President to veto this bill if it is included. I certainly hope, Madam President, that those who want to see our election laws enforced will vote with me when that amendment is offered.

Madam President, I yield the floor.

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. CAMPBELL. 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. CAMPBELL. I ask unanimous consent there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, June 19, 1998, the federal debt stood at $5,493,981,708,739.93 (Five trillion, four hundred ninety-three billion, nine hundred eighty-one million, seven hundred eight thousand, seven hundred thirty-nine dollars and ninety-three cents).

One year ago, June 19, 1997, the federal debt stood at $5,330,019,000,000 (Five trillion, three hundred thirty billion, nineteen million).

Twenty-five years ago, June 19, 1973, the federal debt stood at $455,362,000,000 (Four hundred fifty-five billion, three hundred sixty-two million) which reflects a debt increase of more than $5 trillion—$5,038,619,708,739.93 (Five trillion, thirty-eight billion, six hundred nineteen million, seven hundred eight thousand, seven hundred thirty-nine dollars and ninety-three cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one nomination which was referred to the Committee of the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

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–5575. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice—Continuation of Representation Following Death of a Claimant or Appellant'' (RIN2900–AI87) received on June 18, 1998; to the Committee on Veterans Affairs.

EC–5576. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule regarding popcorn crop insurance provisions (RIN0563–AB48) received on June 12, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5577. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation regarding modernization of the commercial operations of the U.S. Customs Service; to the Committee on Finance.

EC–5578. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, a listing of documents sent to the Senate since March 1996; to the Committee on Finance.

EC–5579. 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 entitled ''Changes in Accounting Periods and in Methods of Accounting'' (Rev. Proc. 98–39) received on June 18, 1998; to the Committee on Finance.

EC–5580. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, a report of the texts of international agreements, other than treaties, and background statements (98–76—98–80); to the Committee on Foreign Relations.

EC–5581. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended—Place of Application'' (Notice 2800) received on June 18, 1998; to the Committee on Foreign Relations.

EC–5582. A communication from the Deputy General Counsel of the Small Business Administration, transmitting, pursuant to law, the report of a rule regarding the Pilot Preferred Surety Bond Guarantee Program received on June 18, 1998; to the Committee on Small Business.

EC–5583. A communication from the Deputy General Counsel of the Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Disaster Loan Program'' received on June 18, 1998; to the Committee on Small Business.

EC–5584. A communication from the Deputy General Counsel of the Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Business Loan Program'' received on June 18, 1998; to the Committee on Small Business.

EC–5585. A communication from the Secretary of Commerce, transmitting, a draft of proposed legislation entitled ''The Public Broadcasting Digital Investment Act''; to the Committee on Commerce, Science, and Transportation.

EC–5586. A communication from the Secretary of Transportation, transmitting, the report entitled ''Importing Noncomplying Motor Vehicles'' for calendar year 1997; to the Committee on Commerce, Science, and Transportation.

EC–5587. A communication from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule regarding the Pacific Offshore Cetacean Take Reduction Plan (RIN0648–AI84) received on June 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5588. A communication from the Assistant Administrator of the National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''The Monterey Bay National Marine Sanctuary'' received on June 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5589. A communication from the Assistant Administrator of the National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule regarding the anchoring of vessels in the Florida Keys National Marine Sanctuary (Docket 971014245–7245–01) received on June 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5590. A communication from the ADM—Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Electronic Tariff Filing System'' received on June 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5591. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, notice of a correction regarding the report of a rule on the biochemical phospholipid pesticide Lyso-PE (EC5423), which was incorrectly reported by the agency under FRL5795–1 instead of the correct FRL5795–7; to the Committee on Environment and Public Works.

EC–5592. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Fee Schedules; 100% Fee Recovery, FY 1998'' (RIN3150–AF83) received on June 18, 1998; to the Committee on Environment and Public Works.

EC–5593. 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 ''Reporting Requirements for Risk/Benefit Information; Amendment and Correction'' (FRL5792–2) received on June 17, 1998; to the Committee on Environment and Public Works.

EC–5594. 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 regarding emission standards for industrial process cooling towers (FRL6112–7) received on June 17, 1998; to the Committee on Environment and Public Works.

EC–5595. 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 regarding residues of the pesticide buprofezin (FRL5794–7) received on June 17, 1998; to the Committee on Environment and Public Works.

EC–5596. 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 regarding the San Joaquin Valley Unified Air Pollution Control District (FRL6112–5) received on June 17, 1998; to the Committee on Environment and Public Works.

EC–5597. A communication from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of interim and final revisions to the Federal Acquisition Regulation; to the Committee on Governmental Affairs.

EC–5598. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–358 adopted by the Council on May 5, 1998; to the Committee on Governmental Affairs.

EC–5599. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–359 adopted by the Council on May 5, 1998; to the Committee on Governmental Affairs.

EC–5600. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–360 adopted by the Council on May 5, 1998; to the Committee on Governmental Affairs.

EC–5601. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–361 adopted by the Council on May 5, 1998; to the Committee on Governmental Affairs.

EC–5602. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–362 adopted by the Council on May 5, 1998; to the Committee on Governmental Affairs.

EC–5603. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–368 adopted by the Council on May 5, 1998; to the Committee on Governmental Affairs.

EC–5604. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–369 adopted by the Council on May 5, 1998; to the Committee on Governmental Affairs.

EC–5605. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–370 adopted by the Council on May 5, 1998; to the Committee on Governmental Affairs.

EC–5606. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–373 adopted by the Council on May 5, 1998; to the Committee on Governmental Affairs.

EC–5607. A communication from the Commissioner of Social Security, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1997 through March 31, 1998; to the Committee on Governmental Affairs.

EC–5608. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the annual report under the Federal Managers Financial Integrity Act for the year ending September 30, 1995; to the Committee on Governmental Affairs.

EC–5609. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the annual report under the Federal Managers Financial Integrity Act for the year ending September 30, 1996; to the Committee on Governmental Affairs.

EC–5610. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the annual report under the Federal Managers Financial Integrity Act for the year ending September 30, 1997; to the Committee on Governmental Affairs.

EC–5611. A communication from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Notice of Final Funding Priorities for Fiscal Years 1998–1999 for Certain Centers and Projects'' received on June 18, 1998; to the Committee on Labor and Human Resources.

EC–5612. A communication from the Deputy General Counsel of the Small Business Administration, transmitting, pursuant to law, the report of a rule regarding procedures governing board meetings of the National Credit Union Administration received on June 18, 1998; to the Committee on Small Business.

EC–5613. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, the Revised Annual Performance Plan for fiscal year 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5614. A communication from the Secretary of Defense, transmitting, notice of military retirements; to the Committee on Armed Services.

EC–5615. 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; Direct Award of 8 (a) Contracts'' (Case 98–DO11) received on June 18, 1998; to the Committee on Armed Services.

EC–5616. 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 ''Recodification of Certain Tolerance Regulations'' (FRL5777–7) received on June 18, 1998; to the Committee on Environment and Public Works.

EC–5617. 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 ''Peroxyacetic Acid; Exemption From the Requirement of a Tolerance; Correction'' (FRL5797–3) received on June 18, 1998; to the Committee on Environment and Public Works.

EC–5618. 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 regarding hydrogen peroxide pesticide tolerances (FRL5797–4) received on June 18, 1998; to the Committee on Environment and Public Works.

EC–5619. 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 regarding fludioxonil pesticide tolerances (FRL5797–5) received on June 18, 1998; to the Committee on Environment and Public Works.

EC–5620. 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 regarding California gasoline refiners (FRL6114–4) received on June 18, 1998; to the Committee on Environment and Public Works.

EC–5621. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1997 through March 31, 1998; to the Committee on Governmental Affairs.

EC–5622. A communication from the Inspector General of the General Services Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1997 through March 31, 1998; to the Committee on Governmental Affairs.

EC–5623. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Governmental Affairs.

EC–5624. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule regarding additions to the Committee's Procurement List received on June 18, 1998; to the Committee on Governmental Affairs.

EC–5625. A communication from the Federal Co-Chairman of the Appalachian Regional Commission, transmitting, a report on the internal accounting and administrative controls of the ARC for fiscal year 1997; to the Committee on Governmental Affairs.

EC–5626. A communication from the Director of the Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Adjustment of Status to That of Person Admitted for Permanent Residence'' (RIN1125-AA20) received on June 18, 1998; to the Committee on the Judiciary.

EC–5627. A communication from the Director of the Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule regarding procedures on suspension of deportation and cancellation of removal (RIN1125-AA230) received on June 18, 1998; to the Committee on the Judiciary.

EC–5628. A communication from the Acting Chair of the Federal Subsistence Board, transmitting, pursuant to law, the report of a rule entitled ''Subsistence Taking of Fish and Wildlife Regulations'' (RIN1018-AE12) received on June 18, 1998; to the Committee on Energy and Natural Resources.

EC–5629. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Waiver for Canadian Electric Utility Motor Carriers From Alcohol and Controlled Substances Testing'' (Docket FHWA-97-3202) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5630. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Skull Creek, Hilton Head Island, SC - COTP Savannah 98-034'' (RIN2115-AA97) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5631. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule regarding airworthiness directives on Cessna Aircraft Company model 182S airplanes (Docket 98-CE-59-AD) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5632. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule regarding airworthiness directives on Glaser-Dirks Flugzeugbau GmbH Models DG-100 and DG-400 Gliders (Docket 97-CE-133-AD) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5633. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule regarding airworthiness directives on Alexander Schleicher Segelflugzeugbau Model AS-K13 Sailplanes (Docket 98-CE-04-AD) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5634. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule regarding airworthiness directives on Pilatus Aircraft Ltd. Model PC-12 Airplanes (Docket 97-CE-08-AD) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5635. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule regarding airworthiness directives on Construcciones Aeronauticas, S.A. (CASA) model CNJ-235 series airplanes (Docket 98-NM-85-AD) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5636. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule regarding airworthiness directives on Fokker model F27 Mark 100, 200, 300, 400, 500, 600, and 700 series airplanes (Docket 98-NM-98-AD) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5637. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule regarding airworthiness directives on Airbus model A320 series airplanes (Docket 97-NM-194-AD) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5638. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule regarding airworthiness directives on Areospatial model ATR42 and ATR72 series airplanes (Docket 98-NM-64-AD) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5639. 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; Homer, AK'' (Docket 98-AAL-2) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5640. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Alteration of Restricted Areas; New Jersey and New York'' (Docket 98-AEA-3) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5641. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Realignment of Colored Federal Airway; AK'' (Docket 98-AAL-3) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5642. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule regarding airworthiness directives on certain British Aerospace Jetstream model airplanes (Docket 97-CE-110-AD) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5643. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule regarding airworthiness directives on Raytheon Aircraft Company models 35, A35, B35, and 35R airplanes (Docket 98–CE–55–AD) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5644. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Time of Designation for Restricted Areas; CA'' (Docket 98–AWP–13) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5645. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model SA 330F, G, and J Helicopters'' (Docket 97–SW–07–AD) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5646. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations; Passaic River, NJ'' (Docket 01–97–020) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5647. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, FL'' (Docket 07–98 –025) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5648. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Merger of the Uniform States Waterway Marking System with the United States Aids to Navigation'' (Docket 97–018) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5649. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, FL'' (Docket 07–98–029) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5650. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations: EZ Challenge Speed Boat Race, Ohio River, Beech Bottom, West Virginia'' (Docket 08–98–037) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5651. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Great Catskills Triathlon, Hudson River, Kingston, New York'' (Docket 01–98–040) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5652. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Track Safety Standards'' (Docket RST–90–1) received on June 18, 1998; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, with amendments:

S. 1758. A bill to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests (Rept. No. 105–219).

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. TORRICELLI:

S. 2199. A bill to amend the Marine Mammal Protection Act of 1972 to establish a Marine Mammal Rescue Grant Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO:

S. 2200. A bill to amend the Internal Revenue Code of 1986 to make the exclusion for amounts received under group legal services plans permanent; to the Committee on Finance.

By Mr. TORRICELLI (for himself, Mr. GORTON, Mr. FEINGOLD, Mr. MACK, Mr. SESSIONS, Mr. THURMOND, Ms. LANDRIEU, Mr. BREAUX, Mr. HOLLINGS, Mr. LAUTENBERG, Mr. KOHL, Mr. INHOFE, Mr. SMITH of Oregon, and Mr. SHELBY):

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; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI:

S. 2199. A bill to amend the Marine Mammal Protection Act of 1972 to establish a Marine Mammal Rescue Grant Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE MARINE MAMMAL RESCUE FUND OF 1998

Mr. TORRICELLI. Mr. President, I rise today with my colleague from New Jersey, Senator Lautenburg, to introduce the ''Marine Mammal Rescue Fund of 1998.'' This legislation will amend the Marine Mammal Protection Act of 1972 by establishing a grant program that Marine Mammal Stranding Centers and Networks can use to support the important work they do in responding to marine mammal strandings and mortality events.

Since the enactment of the Marine Mammal Protection Act in 1972, 47 facilities nationally have been authorized to handle the rehabilitation of stranded marine mammals and over 400 individuals and facilities across the country are part of an authorized National Stranding Network that responds to strandings and deaths.

Mr. President, these facilities and individuals provide our country with a variety of critical services, including rescue, housing, care, rehabilitation, transport, and tracking of marine mammals and sea turtles, as well as assistance in investigating mortality events, tissue sampling, and removal of carcasses. They also work very closely with the National Marine Fisheries Service, a variety of environmental groups, and with state and local officials in rescuing, tracking and protecting marine mammals and sea turtles on the Endangered Species List. Yet they rely primarily on private donations, fundraisers, and foundation grants for their operating budgets. They receive no federal assistance, and a very few of them get some financial assistance from their states.

As an example, Mr. President, the Marine Mammal Stranding Center located in Brigantine in my home state of New Jersey was formed in 1978. To-date, it has responded to over 1,500 calls for stranded whales, dolphins, seals and sea turtles that have washed ashore on New Jersey's beaches. It has also been called on to assist in strandings as far away as Delaware, Maryland, and Virginia. Yet, their operating budget for the past year was just under $300,000, with less than 6 percent ($17,000) coming from the state. Although the Stranding Center in Brigantine has never turned down a request for assistance with a stranding, trying to maintain that level of responsiveness and service becomes increasingly more difficult each year.

Virtually all the money raised by the Center, Mr. President, goes to pay for the feeding, care, and transportation of rescued marine mammals, rehabilitation (including medical care), insurance, day-to-day operation of the Center, and staff payroll. Too many times the staff are called upon to pay out-of-pocket expenses in travel, subsistence, and quarters while responding to strandings or mortality events.

Mr. President, this should not happen. These people are performing a great service to Americans across the country, and they are being asked to pay their own way as well. And when responding to mortality events, Mr. President, they are performing work that protects public health and helps assess the potential danger to human life and to other marine mammals.

I feel very strongly that we should be providing some support to the people who are doing this work. To that end, Mr. President, the legislation I am introducing would create the Marine Mammal Rescue Fund under the Marine Mammal Protection Act. It would authorize funding at $5,000,000.00, annually, over the next five years, for grants to Marine Mammal Stranding Centers and Stranding Network Members authorized by the National Marine Fisheries Service (NMFS). Grants would not exceed $100,000.00 per year, and would require a 25 percent non-federal funding matching requirement.

I am proud to offer this legislation on behalf of the Stranding Centers across the country, and look forward to working with my colleagues to ensure its passage. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2199

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

SECTION 1. MARINE MAMMAL RESCUE GRANT PROGRAM.

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371 et seq.) is amended—

(1) by redesignating sections 408 and 409 as sections 409 and 410, respectively; and

(2) by inserting after section 407 the following:

''SEC. 408. MARINE MAMMAL RESCUE GRANT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the National Oceanic and Atmospheric Administration.

''(2) CHIEF.—The term 'Chief' means the Chief of the Office.

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

''(4) STRANDING CENTER.—The term 'stranding center' means a center with respect to which the Secretary has entered into an agreement referred to in section 403 to take marine mammals under section 109(h)(1) in response to a stranding.

''(b) GRANTS.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Chief, shall conduct a grant program to be known as the Marine Mammal Rescue Grant Program, to provide grants to eligible stranding centers and eligible stranding network participants for the recovery or treatment of marine mammals and the collection of health information relating to marine mammals.

''(2) APPLICATION.—In order to receive a grant under this section, a stranding center or stranding network participant shall submit an application in such form and manner as the Secretary, acting through the Chief, may prescribe.

''(3) ELIGIBILITY CRITERIA.—The Secretary, acting through the Chief and in consultation with stranding network participants, shall establish criteria for eligibility for participation in the grant program under this section.

''(4) LIMITATION.—The amount of a grant awarded under this section shall not exceed $100,000.

''(5) MATCHING REQUIREMENT.—The non-Federal share for an activity conducted by a grant recipient under the grant program under this section shall be 25 percent of the cost of that activity.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce to carry out the grant program under this section, $5,000,000 for each of fiscal years 1999 through 2003.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (86 Stat. 1027) is amended by striking the items relating to sections 408 and 409 and inserting the following:

''Sec. 408. Marine Mammal Rescue Grant Program.
''Sec. 409. Authorization of appropriations.
''Sec. 410. Definitions.''.

By Mr. D'AMATO:

S. 2200. A bill to amend the Internal Revenue Code of 1986 to make the exclusion for amounts received under group legal services plans permanent; to the Committee on Finance.

EXCLUSION FOR QUALIFIED EMPLOYER-PROVIDED GROUP LEGAL SERVICES

Mr. D'AMATO. Mr. President, today I am introducing legislation to reinstate, and make permanent, the employee exclusion for amounts received under qualified employer-provided group legal services plans.

This bill amends section 120 of the Internal Revenue Code and becomes effective for tax years beginning after June 30, 1998. It provides that an employee does not have to pay income and social security taxes for a qualified employer-provided group legal services plan. The annual premium is limited to $70 per person. In order to qualify, a plan must fulfill certain requirements, one of which states that benefits may not discriminate in favor of highly compensated employees.

The tax exclusion of group legal services is not a new provision. In fact, prior to its expiration in June of 1992, employees had been allowed to exclude such benefits from their gross income since 1976, albeit through seven extensions from Congress. I believe it is time to reinstate this measure on a permanent basis.

Employer-provided group legal plans have time and again proven their value in extending low-cost legal advice to working Americans. The reality for middle class wage earners is that they cannot afford the services of an attorney and thus cannot afford to obtain advice for issues relating to child support enforcement, adoptions, wills, landlord/tenant situations and consumer debt problems. Because it provides access to legal advice, this employer-provided benefit assists working Americans in avoiding the family disintegration and job disruption that can result from neglected legal issues.

In New York, these plans affect hundreds of thousands of employees and members of their families. These New Yorkers are employed as school teachers, municipal workers, hotel and hospital employees, law enforcement personnel and thousands working in our many service industries. Many of our citizens, though employed, are earning enough only for basic necessities.

A working mother seeking to enforce an order of child support gains access to the assistance of a lawyer through these legal benefit plans and avoids the need to rely on public assistance. A consumer debt problem can lead to a garnished salary, and eviction, the loss of a job, and dependency on public assistance. The relatively minor cost of providing this favorable tax treatment is repaid innumerable times by keeping the wage earner focused on his/her job, keeping a family in housing and intact, and removing the threat to moderate income workers to remaining self-sufficient.

Employer-provided legal benefit packages produce economies in both the purchase of legal services for a large group and in the delivery of those services at a reduced price. Because they provide a cost-effective approach, these employer-sponsored legal benefit plans are in the best American tradition of pragmatic, voluntary group action to meet common needs.

Restoring equity to the tax treatment of this benefit by placing it on equal footing with other statutory fringe benefits is a goal worth achieving. As an aspect of middle class tax relief, a high return on the cost of this benefit is realized for the estimated 2.5 million working Americans who gain access to critical legal advice through its operation.

Mr. President, there is no reason why we should not reinstate and make permanent this tax exclusion. In the past, the Senate repeatedly affirmed its commitment to assuring the availability of legal services. I urge my colleagues to join me in this effort to restore fair tax treatment of employer-provided group legal services.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2200

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

SECTION 1. PERMANENT EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED GROUP LEGAL SERVICE PLANS.

(a) GENERAL RULE.—Subsection (e) of section 120 of the Internal Revenue Code of 1986 (relating to amounts received under qualified group legal services plans) is amended to read as follows:

''(e) TERMINATION.—This section and section 501(c)(20) shall apply to—

''(1) taxable years beginning after December 31, 1976, and before July 1, 1992, and

''(2) taxable years beginning after June 30, 1998.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after June 30, 1998.

By Mr. TORRICELLI (for himself, Mr. GORTON, Mr. FEINGOLD, Mr. MACK, Mr. SESSIONS, Mr. THURMOND, Ms. LANDRIEU, Mr. BREAUX, Mr. HOLLINGS, Mr. LAUTENBERG, Mr. KOHL, Mr. INHOFE, Mr. SMITH of Oregon, and Mr. SHELBY):

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, to the Committee on Labor and Human Resources.

ORGAN DONATION LEGISLATION

Mr. TORRICELLI. Mr. President, I rise today to introduce legislation that addresses a potential crisis in our organ donation system. Proposed regulations by the U.S. Department of Health and Human Services (HHS) would have devastating effects on community-based transplant programs by prohibiting states from offering organs to their own sickest residents before making them available nationwide.

There is no more noble a deed than donating one's organs so that another may live. In the past 15 years, the national transplant system has saved over 200,000 lives. In my state of New Jersey, over 10,000 people in the past 10 years have received life-saving transplants.

Notwithstanding this success, there is a critical shortage of organs for donation. Less than one percent of Americans offer their organs for donation upon their death. Eleven people die every day in this country waiting for an organ.

The changes proposed by HHS, however well intentioned, fail to adequately address the national shortage of donated organs and create a system which may actually increase waiting times in many areas of the country. By directing the United Network for Organ Sharing (UNOS) to develop a system which removes geography as a

factor in organ donation, the regulations will significantly increase waiting times in states with efficient systems. For instance, at University Hospital in New Jersey, the State's largest liver transplant center, the waiting period for a liver in 1997 was only 26 days, compared to a 250 day national waiting period. Forcing facilities, like University Hospital, to first offer donated organs nationwide will undoubtedly lead to longer waiting periods.

These unintended consequences will be felt most greatly among patients with disadvantaged backgrounds. In my State of New Jersey, we are extremely fortunate to have a system that is fair and efficient. New Jersey's unique system of certificate of need and charity care ensures that the most critical patients get organs first regardless of insurance. A national organ donation system will force the smaller transplant centers that serve the uninsured and underinsured to close as the vast majority of organs go to the handful of the nation's largest transplant centers with the longest waiting lists. Without access to smaller programs, many patients will be faced with the hardship of registering with out-of-state programs that may turn them away due to lack of insurance. Those who are accepted will be forced to travel out of state at great medical risk and financial hardship.

Mr. President, the legislation I introduce today is a bipartisan effort. I am pleased to be joined by my colleagues, Senators GORTON, FEINGOLD, MACK, SESSIONS, THURMOND, LANDRIEU, BREAUX, HOLLINGS, LAUTENBERG, KOHL, INHOFE, G. SMITH, and SHELBY. Our bill will delay for one year the Secretary's ability to issue regulations regarding the nation's organ donation system. The delay will allow HHS to further consult with the medical community, particularly those serving low-income patients, to develop workable guidelines for organ donation. In addition, the legislation calls on HHS to conduct a pilot study to determine the impact of any regulations before implementation. Finally, the legislation finds that provisions of the proposed changes with respect to standardized ranking and listing criteria, enforcement measures, and disclosure requirements are a potential good first step in improving the nation's organ donation system.

For the past 15 years, the national organ procurement and allocation system has existed without federal regulation. During this time, each State has developed a unique system to meet their individual needs. Many states, such as New Jersey, have focused on serving uninsured and underprivileged populations. Clearly, improvements can be made to increase the efficiency and effectiveness of organ donation nationwide. The legislation I am introducing today will allow us to meet these objectives by providing greater time for a more thoughtful debate.

Mr. President, I ask at this time that the text of the bill be printed in the RECORD.

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

S. 2201

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The national transplant system, established by the National Organ Transplant Act of 1984, has saved over 200,000 lives. In 1998, 20,000 lives were saved by donated organs. Approximately 60,000 Americans currently are awaiting an organ transplant.

(2) Every 16 minutes a new name is added to the national organ waiting list.

(3) Every day in the United States, 11 people on the national waiting list die (more than 4,000 every year) because there are not enough donated organs.

(4) Eliminating the geographic criteria for donor organ allocation, as proposed by the Department of Health and Human Services, will have potentially negative consequences for the nation.

(5) Eliminating the geographic criteria for donor organ allocation will make organ transplants economically prohibitive for a large percentage of the population, especially for the 22 percent of transplant recipients covered under the medicaid program.

(6) The following provisions proposed by the Department of Health and Human Services with respect to organ donation are appropriate and workable and should be studied—

(A) the standardized listing criteria for patient placement on lists;

(B) the standardized criteria for determining current medical status based on objective and measurable medical criteria;

(C) the provision of enforcement authority; and

(D) the requirement of full and timely disclosure by transplant centers of waiting list times and survival statistics to potential patients.

SEC. 2. DELAY OF EFFECTIVE DATE OF FINAL RULE REGARDING ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

(a) IN GENERAL.—During the 1-year period beginning on the date of the enactment of this Act, the Secretary of Health and Human Services may not modify regulations that, as of such date, are in effect with respect to the operation of the Organ Procurement and Transplantation Network under section 372 of the Public Health Service Act (42 U.S.C. 274), including regulations under section 1138 of the Social Security Act (42 U.S.C. 1320b-8) with respect to such Network. During such 1-year period, the final rule published in the Federal Register to establish part 121 in title 42, Code of Federal Regulations, has no legal effect.

(b) GUIDELINES.—During the 1-year period described in subsection (a), the Secretary of Health and Human Services shall consult with appropriate individuals and organizations in the medical community, including national and local organ donation organizations (including those serving low-income patients), to develop workable guidelines with respect to the operation of the Organ Procurement and Transplantation Network.

(c) STUDY.—Prior to the implementation of any modifications to the regulations described in subsection (a), the Secretary of Health and Human Services shall conduct a study to determine the impact of such proposed modifications on indigent care, economic and geographic access to transplantation services, transplantation outcome and survival rate, and waiting list time by organ. The Secretary shall ensure that any such modifications, together with the results of the study, are open for public comment for a period of at least 90-days prior to the effective date of such modifications.

Mr. FEINGOLD. Mr. President, I join my colleagues, Senator TORRICELLI, Senator GORTON, and others in introducing legislation to delay the effective date of the final rule promulgated by the Secretary of HHS regarding the Organ Procurement and Transplantation Network. This legislation is a crucial step in ensuring that implementation of the Department of Health and Human Services' Interim Final Rule regarding does not jeopardize patients' access to life-saving human organs in regions of the country that have been providing organ transplantation services efficiently.

Mr. President, organ donation, allocation and transplantation are extremely sensitive issues. They are issues that patients, families and health professionals agonize over because they quite literally can determine who lives and who dies. They agonize over these decisions because there are so many more people in need of organs than there are organs to transplant.

Mr. President, I want to share with my colleagues a fact that may not be well known, and that is that, according to statistics gathered by the United Network for Organ Sharing, UNO, Wisconsin's two organ procurement organizations—or ''OPOs'' as they are called—are two of the most successful in the entire country with respect to the ratio of organs procured per million in the population. Those two OPOs, one at the University of Wisconsin Medical School in Madison, the other at Froedtert Hospital in Milwaukee, have a truly impressive track record for conducting the community education and outreach that is so important in helping people make the decision about whether or not to donate organs. Through the tremendous work of Wisconsin's OPOs and our 4 transplant centers, nearly 700 Wisconsinites received life-saving kidney, heart, liver, lung and pancreas transplants in 1997 alone.

Mr. President, as you and many other colleagues may already know, the Secretary of Health and Human Services proposed a rule earlier this year to revamp the way the nations donated organs are allocated.

Mr. President, the legislation my colleagues and I are introducing today would delay implementation of the Department of Health and Human Services' final rule on organ allocation pending further, more detailed examination of the impact of that rule on regional dislocation, transplantation outcome and survival rate, and waiting list time. While I have the highest regard for the intent behind the rule's issuance—the promoting of fairness—I nevertheless have serious concerns about the impact many of the proposed changes are going to have for states like Wisconsin that are served by

smaller, community-based transplant centers. It is simply not clear to me that using a so-called ''National list'' for potential organ recipients would improve upon the current system for allocation or make the system more ''fair.'' In fact, what specialists in the Wisconsin transplant community have told me is that the opposite is true: that a ''National list'' could dramatically increase ''cold ischemic time'' leading to higher rates of transplant rejection, and that a ''National list'' would likely result in longer waiting times in areas such as Wisconsin that have operated efficiently and successfully.

Mr. President, additionally study prior to implementation of the rule is vitally important to ensure that a federal agency doesn't take action that—while well-intentioned—inadvertently harms populations served by smaller, community-based organizations. My hope is that further study over the course of the one year delay, combined with further cooperation between HHS, professional and community-based organizations will result in a final rule whose implementation will not harm regions of the country that—because of a tremendous amount of grassroots work, patient and family education, and deep personal involvement by health care professionals—are currently well-served under the current system.

ADDITIONAL COSPONSORS

S. 314

At the request of Mr. THOMAS, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 314, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

S. 617

At the request of Mr. JOHNSON, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 617, a bill to amend the Federal Meat Inspection Act to require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin.

S. 1094

At the request of Mr. ALLARD, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 1094, a bill to authorize the use of certain public housing operating funds to provide tenant-based assistance to public housing residents.

S. 1251

At the request of Mr. D'AMATO, the names of the Senator from Utah [Mr. HATCH] and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1413

At the request of Mr. LUGAR, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from North Dakota [Mr. DORGAN], and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of S. 1413, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions.

S. 1680

At the request of Mr. DORGAN, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to clarify that licensed pharmacists are not subject to the surety bond requirements under the medicare program.

S. 1734

At the request of Mrs. HUTCHISON, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 1734, A bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 1754

At the request of Mr. FRIST, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from Wyoming [Mr. ENZI] were added as cosponsors of S. 1754, a bill to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health professions and disadvantaged health education programs, and for other purposes.

S. 1981

At the request of Mr. HUTCHINSON, the name of the Senator from Mississippi [Mr. COCHRAN] 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. 1993

At the request of Ms. COLLINS, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 1993, a bill to amend title XVIII of the Social Security Act to adjust the formula used to determine costs limits for home health agencies under medicare program, and for other purposes.

S. 2049

At the request of Mr. KERREY, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Connecticut [Mr. DODD], the Senator from Alabama [Mr. SESSIONS], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 2049, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 2078

At the request of Mr. GRASSLEY, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 2078, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 2098

At the request of Mr. CAMPBELL, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 2098, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surroundings those public lands and acquired lands.

S. 2100

At the request of Mr. DODD, his name was added as a cosponsor of S. 2100, a bill to amend the Higher Education Act of 1965 to increase public awareness concerning crime on college and university campuses.

S. 2102

At the request of Mr. FEINGOLD, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 2102, a bill to promote democracy and good governance in Nigeria, and for other purposes.

S. 2114

At the request of Mr. DURBIN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 2114, a bill to amend the Violence Against Women Act of 1994, the Family Violence Prevention and Services Act, the Older Americans Act of 1965, and the Public Health Service Act to ensure that older women are protected from institutional, community, and domestic violence and sexual assault and to improve outreach efforts and other services available to older women victimized by such violence, and for other purposes.

S. 2185

At the request of Mr. KENNEDY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 2185, a bill to protect children from firearms violence.

S. 2196

At the request of Mr. GORTON, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 2196, a bill to amend the Public Health Service Act to provide for establishment at the National Heart, Lung, and Blood Institute of a program regarding lifesaving interventions for individuals who experience cardiac arrest, and for other purposes.

SENATE RESOLUTION 189

At the request of Mr. TORRICELLI, the names of the Senator from Maine [Ms.

COLLINS], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of Senate Resolution 189, a resolution honoring the 150th anniversary of the United States Women's Rights Movement that was initiated by the 1848 Women's Rights Convention held in Seneca Falls, New York, and calling for a national celebration of women's rights in 1998.

SENATE RESOLUTION 207

At the request of Mr. JEFFORDS, the names of the Senator from Arizona [Mr. KYL] and the Senator from Maine [Ms. SNOWE] were added as cosponsors of Senate Resolution 207, a resolution commemorating the 20th anniversary of the founding of the Vietnam Veterans of America.

SENATE RESOLUTION 237

At the request of Mr. FEINGOLD, the names of the Senator from California [Mrs. BOXER] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Resolution 237, a resolution expressing the sense of the Senate regarding the situation in Indonesia and East Timor.

AMENDMENT NO. 2736

At the request of Mr. HUTCHINSON the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of amendment No. 2736 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.

AMENDMENT NO. 2737

At the request of Mr. HUTCHINSON the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of amendment No. 2737 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

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

FORD (AND McCONNELL) AMENDMENT NO. 2788

(Ordered to lie on the table.)

Mr. FORD (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by them to the bill (S. 2057) 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; as follows:

At the end of subtitle B of title I, insert the following:

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) AMENDMENTS NECESSARY FOR IMPLEMENTATION.—(1) Section 409 of Public Law 91–121 is amended—

(A) in subsection (b) (50 U.S.C. 1512)—

(i) by striking out ''warfare'' in the matter preceding paragraph (1);

(ii) by inserting ''or munition'' after ''agent'' each place it appears; and

(iii) in paragraph (4)(B), by inserting ''or munitions'' after ''agents'';

(B) in subsection (c) (50 U.S.C. 1513)—

(i) by striking out ''warfare'' in paragraph (1)(A) and the first sentence of paragraph (2);

(ii) by inserting ''or munition'' after ''agent'' each place it appears; and

(iii) by inserting ''agents or'' before munitions in the first sentence of paragraph (2);

(C) by striking out subsection (d) (50 U.S.C. 1514) and inserting in lieu thereof the following:

''(d) As used in this section, the term 'United States', unless otherwise indicated, means the several States, the District of Columbia, and the territories and possessions of the United States.''; and

(D) in subsection (g) (50 U.S.C. 1517), by striking out ''warfare agent'' both places it

appears and inserting in lieu thereof ''agent or munition''.

(2) Section 143 of Public Law 103–337 (50 U.S.C. 1512a) is amended—

(A) by striking out ''chemical weapons stockpile'' both places it appears and inserting in lieu thereof ''lethal chemical agents and munitions stockpile'';

(B) in subsection (a)—

(i) by inserting ''lethal'' before ''chemical munition'' both places it appears; and

(ii) by inserting ''agent or'' before ''munition'' each of the four places it appears; and

(C) in subsection (b)—

(i) by striking out ''any chemical munitions'' and inserting in lieu thereof ''any lethal chemical agents or munitions'';

(ii) by striking out ''such munitions'' both places it appears and inserting in lieu thereof ''such agents or munitions''; and

(iii) by striking out ''chemical munitions stockpile'' and inserting in lieu thereof ''lethal chemical agents and munitions stockpile''.

(g) 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).

FORD AMENDMENTS NOS. 2789–2790

(Ordered to lie on the table.)

Mr. FORD submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2789

At the end of the bill, add the following new section:

SEC. . STUDY ON NON-RESIDENT WAGE EARNERS AT FEDERAL FACILITIES.

(a) The Secretary of the Treasury shall conduct a study which—

(1) identifies all federal facilities located within 50 miles of the border of an adjacent State;

(2) estimates the number of non-resident wage earners employed at such federal facilities; and

(3) compiles and describes all agreements or compacts between States regarding the taxation of non-resident wage earners employed at such facilities.

(b) The Secretary shall transmit the results of such study to the Congress not later than 180 days after the enactment of this Act.

AMENDMENT NO. 2790

In lieu of the matter proposed to be inserted, insert the following:

SEC. . STUDY ON NON-RESIDENT WAGE EARNERS AT FEDERAL FACILITIES.

(a) The Secretary of the Treasury shall conduct a study which—

(1) identifies all federal facilities located within 50 miles of the border of an adjacent State;

(2) estimates the number of non-resident wage earners employed at such federal facilities; and

(3) compiles and describes all agreements or compacts between States regarding the taxation of non-resident wage earners employed at such facilities.

(b) The Secretary shall transmit the results of such study to the Congress not later than 180 days after the enactment of this Act.

MIKULSKI (AND OTHERS) AMENDMENT NO. 2791

(Ordered to lie on the table.)

Ms. MIKULSKI (for herself, Mr. GLENN, and Mr. SARBANES) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the end of subtitle B of title X, add the following:

SEC. 1014. 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 the following areas:

(A) Compliance with applicable Federal, State, and local laws and regulations for environmental and worker protection.

(B) Ability to safely remove handle and abate hazardous materials such as polychlorinated biphenyls, asbestos and lead.

(C) Experience with ship construction, conversion, repair or scrapping.

(D) Ability to manage workers safely in the following processes and procedures:

(i) Metal cutting and heating.

(ii) Working in confined and enclosed spaces.

(iii) Fire prevention and protection.

(iv) Health and sanitation.

(v) Handling and control of polychlorinated biphenyls, asbestos, lead, and other hazardous materials.

(vi) Operation and use of magnetic cranes or heavy lift cranes.

(vii) Use of personal protection equipment.

(viii) Emergency spill and containment capability;

(E) Ability to provide an overall plan and schedule to remove, tow, moor, demilitarize, dismantle, transport, and sell salvage materials and scrap in a safe and cost effective manner in compliance with applicable Federal, State, and local laws and regulations.

(F) Ability to provide an effective scrap site spill containment prevention and emergency response plan.

(G) The ability to ensure that subcontractors adhere to applicable Federal, State and local laws and regulations for environmental and worker safety.

(4) Nothing in this subsection shall be construed to require the Secretary to disclose the specific weight of evaluation factors to potential offerors or to the public.

(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.

SARBANES AMENDMENT NO. 2792

(Ordered to lie on the table.)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 347, below line 23, add the following:

SEC. 2833. 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 shall 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).

REID (AND OTHERS) AMENDMENT NO. 2793

(Ordered to lie on the table.)

Mr. REID (for himself, Mr. INOUYE, Mr. BRYAN, Mr. WYDEN, Mr. KERREY, and Mr. DURBIN) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

Strike out page 348, line 1, and all that follows through page 366, line 13.

MURRAY (AND OTHERS) AMENDMENT NO. 2794

(Ordered to lie on the table.)

Mrs. MURRAY (for herself, Ms. SNOWE, Mr. ROBB, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. KERREY, Ms. MOSELEY-BRAUN, and Mrs. BOXER) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the end of title VII add the following:

SEC. 708. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

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

(1) by striking out subsection (b); and

(2) in subsection (a), by striking out ''(a) RESTRICTION ON USE OF FUNDS.—''.

WYDEN (AND SMITH) AMENDMENTS NOS. 2795–2797

(Ordered to lie on the table.)

Mr. WYDEN (for himself and Mr. SMITH of Oregon) submitted three amendments intended to be proposed by them to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2795

On page 219, between lines 8 and 9, insert the following:

(c) ADDITIONAL REPORT MATTERS.—The report shall also include an assessment of the current Department of Defense aviation accident investigation process, including the following:

(1) 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.

(2) An assessment whether or not the procedures for sharing the results of military aviation accident investigations among the military departments should be improved.

(3) An assessment of the advisability of a centralized training facility and course of instruction for military aviation accident investigators.

(4) An assessment of the advisability of continuing to ensure that military aviation safety investigation reports are afforded protection from public release and use in subsequent civil and criminal proceedings comparable to the protection currently provided National Transportation Safety Board investigation reports and accident investigation reports.

(5) 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.

(6) Any improvements or modifications in the current military aviation accident investigation process that the Secretary considers appropriate to reduce the potential for aviation accidents and increase public confidence in the process.

AMENDMENT NO. 2796

On page 398, between lines 9 and 10, insert the following:

SEC. 3144. 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.

AMENDMENT NO. 2797

On page 196, between lines 18 and 19, insert the following:

SEC. 908. MILITARY AVIATION ACCIDENT INVESTIGATIONS.

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

(1) A February 1998 General Accounting Office review of military aircraft safety entitled ''Military Aircraft Safety: Serious Accidents Remain at Historically Low Levels'' noted that the military experienced fewer serious aviation mishaps in fiscal years 1996 and 1997 than in previous fiscal years, but there still remains a need for the Department of Defense to improve significantly its procedures for investigating military aviation accidents.

(2) This need was demonstrated by the aftermath of serious military aviation mishaps, including the tragic crash of a C–130 aircraft off the coast of Northern California that killed 10 Reservists from Oregon on November 22, 1996.

(3) The current Department investigation process for military aviation accidents (the so-called ''two-track'' investigation process), which involves privileged safety investigations and public legal investigations, continues to result in significant hardship for the families and relatives of members of the Armed Forces involved in military aviation accidents and a lack of overall public confidence in the investigation process and may result in a significant waste of resources due to overlapping activities in such investigations.

(4) Although the report required by section 1046 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1888) stated that ''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'', the Department can still 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, which failure causes much hardship for such kin and results in a loss of credibility regarding Air Force investigations into such accidents.

(7) The report referred to in paragraph (4) 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 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 a centralized training facility and course of instruction for military aviation accident investigators.

(v) An assessment of the advisability of continuing to ensure that military aviation safety investigation reports are afforded protection from public release and use in subsequent civil and criminal proceedings comparable to the protection currently provided National Transportation Safety Board investigation reports and accident investigation reports.

(vi) 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.

(vii) 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 14 days during the course of the investigation concerned; and

(B) in the case of members of the public, on request.

WYDEN (AND GRASSLEY) AMENDMENT NO. 2798

(Ordered to lie on the table.)

Mr. WYDEN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

On page ____, after line ____, insert the following:

SEC. ___. 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.

LEVIN (AND BINGAMAN) AMENDMENT NO. 2799

(Ordered to lie on the table.)

Mr. LEVIN (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

On page 398, between lines 9 and 10, insert the following:

SEC. 3144. REASSIGNMENT OF RESPONSIBILITY FOR DEFENSE PROGRAMS EMERGENCY RESPONSE PROGRAM.

Section 3158 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 626) is amended—

(1) by striking out ''The Office'' and inserting in lieu thereof ''(a) RETENTION OF RESPONSIBILITY.—Except as provided in subsection (b), the Office''; and

(2) by adding at the end the following:

''(b) REASSIGNMENT OF RESPONSIBILITY.—(1) The Secretary may reassign responsibility for the Program within the Department.

''(2) The Secretary may not exercise the authority in paragraph (1) until 30 days after the date on which the Secretary submits to the congressional defense committees a report setting forth the following:

''(A) The programs, funding, and personnel to be reassigned.

''(B) A description of the emergency response function of the Department, including the organizational structure of the function.

''(C) A position description for the director of emergency response of the Department and a plan for recruiting to fill the position.

''(D) A plan for establishing research and development requirements for the Program, including funding for the plan.

''(E) A description of the roles and responsibilities for emergency response of each headquarters office and field facility in the Department.

''(F) A plan for the implementation of operations of the emergency management center in the Department.''.

BINGAMAN (AND OTHERS) AMENDMENTS NOS. 2800–2801

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. SANTORUM, Mr. LIEBERMAN, Mr. LOTT, and Mr. FRIST) submitted two amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2800

At the end of subtitle D of title X add the following:

''SEC. 1064. DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

''(a) FUNDING REQUIREMENTS FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM BUDGET.—For each of the fiscal years 2000 through 2008, it shall 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.—The following shall be key objectives of the Defense Science and Technology Program—

''(A) the sustainment of research and 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) In supporting projects within the Defense Science and Technology Program, the Secretary of Defense shall attempt to leverage commercial research, technology, products, and processes for the benefit of the Department of Defense.

''(B) Funds made available for projects and programs of the Defense Science and Technology Program may 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.—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 category 6.1 or 6.2.

''(3) The term ''advanced development'' means work funded in program elements for defense research and development under Department of Defense category 6.3.''.

AMENDMENT NO. 2801

On page 398, between lines 9 and 10, insert the following:

''SEC. 3144. 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.—For each of the fiscal years 2000 through 2008, it shall 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 Safeguard 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.''.

BUMPERS AMENDMENT NO. 2802

(Ordered to lie on the table.)

Mr. BUMPERS submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

Strike from line 1, page 25 through page 27, line 10, and insert in lieu there of the following:

SEC. 133. LIMITATION ON ADVANCE PROCUREMENT OF F–22 AIRCRAFT.—

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

the date on which the Secretary of Defense submits a certification to the congressional defense committees that the Air Force has completed 601 hours of flight testing of F–22 flight test vehicles.

KENNEDY AMENDMENT NO. 2803

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. 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.

BAUCUS AMENDMENTS NOS. 2804–2807

(Ordered to lie on the table.)

Mr. BAUCUS submitted amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2804

At the end of subtitle B of title V, add the following:

SEC. 516. REPEAL OF DUAL STATUS REQUIREMENTS FOR MILITARY TECHNICIANS.

(a) REPEALS.—The following provisions of law are repealed:

(1) Subsections (d) and (e) of section 10216 of title 10, United States Code.

(2) Section 10217 of such title.

(3) Section 523 of the Public Law 105–85 (111 Stat. 1737).

(4) Section 8016 of Public Law 104–61 (109 Stat. 654; 10 U.S.C. 10101 note).

(b) PROHIBITION ON IMPLEMENTATION OF PLAN.—No plan submitted to Congress under section 523(d) of Public Law 105–85 (111 Stat. 1737) may be implemented.

(c) CONFORMING AMENDMENTS TO TITLE 10.—(1) Section 115(g) of title 10, United States Code, is amended by striking out ''(dual status)'' both places it appears.

(2) Section 115a(h) of such title is amended—

(A) by striking out ''(displayed in the aggregate and separately for military technicians (dual status) and non-dual status military technicians)'' in the matter preceding paragraph (1); and

(B) by adding at the end the following:

''(3) Within each of the numbers under paragraph (1), the numbers of military technicians who are not themselves members of a reserve component (so-called 'single-status' technicians), with a further display of such numbers as specified in paragraph (2).''.

(3) Section 10216 of such title is amended—

(A) by striking out ''(dual status)'' each place that it appears;

(B) in subsection (a), by striking out subparagraph (B) and redesignating subparagraph (C) as subparagraph (B);

(C) in subsection (b)—

(i) by striking out ''MILITARY TECHNICIANS (DUAL STATUS).—'' in the subsection heading and inserting in lieu thereof ''DUAL STATUS MILITARY TECHNICIANS.—''; and

(ii) by inserting ''dual status'' after ''supporting authorizations for''; and

(D) in subsection (c)(1), by inserting ''dual status'' before ''military technicians'' each place that it appears in subparagraphs (A), (B), (C), and (D).

(4) The heading of such section is amended by striking out ''**(dual status)**''.

(5) The table of sections at the beginning of chapter 1007 of title 10, United States Code, is amended by striking out the items relating to section 10216 and 10217 and inserting in lieu thereof the following:

''10216. Military technicians.''.

(d) CONFORMING AMENDMENT TO TITLE 32.—Section 709(b) of title 32, United States Code, is amended by striking out ''A technician'' and inserting in lieu thereof ''Except as prescribed by the Secretary concerned, a technician''.

AMENDMENT NO. 2805

At the end of subtitle B of title V, add the following:

SEC. 516. PROHIBITION ON REQUIRING NATIONAL GUARD MILITARY TECHNICIANS TO WEAR MILITARY UNIFORMS WHILE PERFORMING CIVILIAN SERVICE.

(a) PROHIBITION.—(1) Subchapter I of chapter 59 of title 5, United States Code, is amended by adding at the end the following:

''§ 5904. National Guard military technicians: wearing of military uniforms not required

''(a) PROHIBITION.—A National Guard military technician may not be required, by regulation or otherwise, to wear a military uniform while performing civilian service.

''(b) DEFINITIONS.—For the purposes of this section—

''(1) the term 'National Guard military technician' means an employee appointed by an adjutant general designated by the Secretary concerned under section 709(c) of title 32;

''(2) the term 'military uniform' means the uniform, or a distinctive part of the uniform, of the Army or Air Force (as defined under regulations prescribed by the Secretary of Defense); and

''(3) the term 'civilian service' means service other than service compensable under chapter 3 of title 37.''.

(2) The table of sections at the beginning of chapter 59 of title 5, United States Code, is amended by inserting after the item relating to section 5903 the following:

''5904. National Guard military technicians: wearing of military uniforms not required.''.

(b) CONFORMING AMENDMENTS.—(1) Section 5903 of title 5, United States Code, is amended by striking ''this subchapter'' and inserting ''sections 5901 and 5902''.

(2) Section 709(b) of title 32, United States Code, is amended—

(A) by inserting ''and'' at the end of paragraph (1);

(B) by striking out ''; and'' at the end of paragraph (2) and inserting in lieu thereof a period; and

(C) by striking out paragraph (3).

(3) Section 417 of title 37, United States Code, is amended by striking out subsection (d).

(4) Section 418 of title 37, United States Code, is amended—

(A) by striking out ''(a)'' at the beginning of subsection (a); and

(B) by striking out subsections (b) and (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

AMENDMENT NO. 2806

At the appropriate place, insert the following:

AGRICULTURAL RESEARCH SERVICE

For research efforts of the Agricultural Research Service of the Department of Agriculture for counter-narcotics research activities, $13,000,000, of which—

(1) $5,000,000 shall be used for chemical and biological crop eradication technologies;

(2) $2,000,000 shall be used for narcotics plant identification, chemistry, and biotechnology;

(3) $1,000,000 shall be used for worldwide crop identification, detection, tagging, and production estimation technology; and

(4) $5,000,000 shall be used for improving the disease resistance, yield, and economic competitiveness of commercial crops that can be promoted as alternatives to the production of narcotics plants.

For a contract with a commercial entity for the product development, environmental testing, registration, production, aerial distribution system development, product effectiveness monitoring, and modification of multiple mycoherbicides to control narcotic crops (including coca, poppy, and cannabis), $10,000,000, except that the entity shall—

(1) to be eligible to enter into the contract, have—

(A) long-term international experience with diseases of narcotic crops.

(B) intellectual property involving seed-borne dispersal formulations;

(C) the availability of state-of-the-art containment or quarantine facilities;

(D) country-specific mycoherbicide formulations;

(E) specialized fungicide resistant formulations; and

(F) special security arrangements; and

(2) report to a member of the Senior Executive Service in the Department of Agriculture.

At the appropriate place, insert the following:

SEC. ___. MASTER PLAN FOR MYCOHERBICIDES TO CONTROL NARCOTIC CROPS.

(a) IN GENERAL.—The Secretary of Agriculture shall develop a 10-year master plan for the use of mycoherbicides to control narcotic crops (including coca, poppy, and cannabis).

(b) COORDINATION.—The Secretary shall develop the plan in coordination with—

(1) the Office of National Drug Control Policy (ONDCP);

(2) the Bureau for International Narcotics and Law Enforcement Activities (INL) of the Department of State;

(3) the Drug Enforcement Administration (DEA) of the Department of Justice;

(4) the Department of Defense;

(5) the United States Information Agency (USIA); and

(6) other appropriate agencies.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress that describes the activities undertaken to carry out this section.

AMENDMENT NO. 2807

On page 18, before the period at the end of line 4, add the following: ''*: Provided, further,* That, of the total amount appropriated under this heading, $10,500,000 shall be made available for a curatorial collections and processing facility at the Museum of the Rockies, a division of Montana State University-Bozeman.

FEINGOLD AMENDMENTS NOS. 2808–2809

(Ordered to lie on the table.)

Mr. FEINGOLD submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2809

At the end of subtitle B of title II, add the following:

SEC. . TERMINATION OF THE EXTREMELY LOW FREQUENCY COMMUNICATION SYSTEM PROGRAM.

(a) TERMINATION OF PROGRAM.—The Secretary of the Navy shall terminate the Extremely Low Frequency Communication System program.

(b) PAYMENT OF TERMINATION COSTS.—Funds that are available on or after the date of the enactment of this Act for the Department of Defense for obligation for the Extremely Low Frequency Communication System program of the Navy may be obligated for that program only for payment of the costs associated with the termination of the program.

(c) USE OF SAVINGS FOR NATIONAL GUARD.—Funds referred to in subsection (b) that are not necessary for terminating the program under this section shall be transferred (in accordance with such allocation between the Army National Guard and the Air National Guard as the Secretary of Defense shall direct) to funds available for the Army National Guard and the Air National Guard for operation and maintenance for the same fiscal year as the funds transferred, shall be merged with the funds to which transferred, and shall be available for the same period and purposes as the funds to which transferred.

AMENDMENT NO. 2809

At the end of subtitle C of title X, add the following:

SEC. 1031. 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.

FEINSTEIN (AND BOXER) AMENDMENTS NOS. 2810–2811

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2810

At the end of subtitle B of title X, add the following:

SEC. 1014. HOMEPORTING OF ONE IOWA-CLASS BATTLESHIP IN SAN FRANCISCO.

One of the Iowa-class battleships on the Naval Vessel Register shall be homeported at the Port of San Francisco, California.

AMENDMENT NO. 2811

At the end of subtitle B of title X, add the following:

SEC. 1014. HOMEPORTING OF ONE IOWA-CLASS BATTLESHIP IN SAN FRANCISCO.

It is the sense of Congress that one of the Iowa-class battleships on the Naval Vessel Register should be homeported at the Port of San Francisco, California.

FRIST AMENDMENT NO. 2812

(Ordered to lie on the table.)

Mr. FRIST submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle B of title X, add the following:

SEC. 1013. 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.

THOMPSON (AND OTHERS) AMENDMENT NO. 2813

(Ordered to lie on the table.)

Mr. THOMPSON (for himself, Mr. FRIST, Mr. GORTON, Mrs. MURRAY, Mr. DASCHLE, and Mr. JOHNSON) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. LIMITATION ON STATE AUTHORITY TO TAX COMPENSATION PAID TO INDIVIDUALS PERFORMING SERVICES AT FORT CAMPBELL, KENTUCKY.

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

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

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

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

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

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

SEC. 1065. CLARIFICATION OF STATE AUTHORITY TO TAX COMPENSATION PAID TO CERTAIN FEDERAL EMPLOYEES.

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

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

(2) by adding at the end the following:

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

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

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

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

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

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

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

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

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

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

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

INOUYE AMENDMENTS NOS. 2814–2815

(Ordered to lie on the table.)

Mr. INOUYE submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2814

On page 76, between lines 7 and 8, insert the following:

SEC. 349. AUTHORITY TO PAY CLAIMS OF CERTAIN CONTRACTOR EMPLOYEES.

Of the amount authorized to be appropriated by section 301, $300,000 shall be available to the Secretary of the Navy for the purpose of paying claims of former employees of Airspace Technology Corporation for unpaid back wages and benefits for work performed by the employees of that Corporation under Department of the Navy contracts N000600–89–C–0958, N000600–89–0959, N000600–90–C–0894, and DAAB–07–89–C–B917.

At the appropriate place, insert:

SEC. 2833. 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.

ROCKEFELLER (AND OTHERS) AMENDMENT NO. 2816

(Ordered to lie on the table.)

Mr. ROCKEFELLER (for himself, Mr. DURBIN, and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

On page 41, below line 23, add the following:

SEC. 219. DOD/VA COOPERATIVE RESEARCH PROGRAM.

(a) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 201(4), $20,000,000 shall be available for the Dod/VA Cooperative Research Program.

(b) EXECUTIVE AGENT.—The Secretary of Defense shall be the executive agent for the utilization of the funds made available by subsection (a).

● Mr. ROCKEFELLER. Mr. President, as Ranking Member of the Senate Committee on Veterans' Affairs, I have an especially strong interest in the history of illnesses and health concerns that follow military deployments. We have all observed the effects of post-conflict illnesses among our Gulf War veterans who returned with poorly understood, undiagnosed illnesses, and our Vietnam veterans with health problems related to exposure to Agent Orange. This legacy is not just a problem of our most recent conflicts; our Atomic-era veterans are still fighting for recognition of health conditions related to radiation exposures they experienced in service to their country 50 years ago.

If there is any single lesson to be learned from this history, it is that the Department of Defense and the Department of Veterans Affairs have not always been aggressive enough in pursuing the immediate health consequences of military conflicts. Too many times our veterans have had to wait years before post-conflict illnesses are recognized as real problems that require firm commitments of research and treatment programs. These delays have come at a cost to the veterans who have had to fight for this recognition, and they have come at a cost to the government's credibility on this important issue.

I believe it is time to consider establishing an independent entity with the capacity to evaluate government efforts to monitor the health of servicemembers following military conflicts, and to evaluate whether servicemembers are being effectively treated for illnesses that occur following such deployments. There have been suggestions for the need for such an entity within DoD and VA, but I believe that important health expertise outside these agencies is required as well. Indeed, it may be that the best approach is one that pulls together expertise from VA, DoD, and health care professionals and researchers from centers of medical excellence in fields such as toxicology, occupational medicine, and other disciplines.

Therefore, I would like to submit an amendment to the Department of Defense Authorization to require the Secretary to enter into an agreement with the National Academy of Sciences to assess the feasibility of establishing, as an independent entity, a National Center for the Study of Military Health.

The proposed Center for the Study of Military Health would evaluate and monitor interagency coordination on issues relating to post-deployment health concerns of members of the Armed Forces, including outreach and risk communication, recordkeeping, research, utilization of new technologies, international cooperation and research, health surveillance, and other health related activities.

In addition, this center would evaluate the health care provided to members of the Armed Services both before and after their deployment on military operations. The proposed center would monitor and direct government efforts to evaluate the health of servicemembers upon their return from military deployments, for purposes of ensuring the rapid identification of any trends in diseases or injuries that result from such operations. Such an independent health center could also serve an important role in providing training of health care professionals in DoD and VA in the evaluation and treatment of post-conflict diseases and health conditions, including nonspecific and unexplained illnesses.

While some have argued that it is time to take some of these responsibilities away from existing agencies, I would suggest that this is a matter for careful study and thoughtful deliberation. Therefore, this amendment would require the National Academy of Sciences to assess the feasibility of such an independent health entity. In their report to the Secretary of Defense, the Academy should provide a recommendation of the feasibility of such an entity and justification for such a recommendation. If such a center is recommended by the Academy, their report should also provide recommendations regarding the organizational placement of the entity; the health and science expertise that would be necessary; the scope and nature of the activities and responsibilities of the entity; and mechanisms for ensuring that the recommendations of the entity are carried out by DoD and VA.

Mr. President, as Ranking Member of the Committee on Veterans' Affairs, there have been too many times when I have heard agency officials testify that poorly understood, unexplained illnesses are a common, inevitable occurrence of every military conflict. With the tremendous advances achieved elsewhere in medical and military technologies, I find the acceptance of these illnesses as an inevitability to be unacceptable. I hope that this amendment will offer an initial step to better prevention and treatment of these post-conflict illnesss.●

ROCKEFELLER AMENDMENT NO. 2817

(Ordered to lie on the table.)

Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 157, between lines 13 and 14, insert the following:

SEC. 708. 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.

TORRICELLI AMENDMENTS NOS. 2818–2821

(Ordered to lie on the table.)

Mr. TORRICELLI submitted four amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2818

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. PROHIBITIONS RELATING TO EXPLOSIVE MATERIALS.

(a) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

''(d) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—It shall be unlawful for any licensee to knowingly sell, deliver, or transfer any explosive materials to any individual who—

''(1) is less than 21 years of age;

''(2) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

''(3) is a fugitive from justice;

''(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(5) has been adjudicated as a mental defective or has been committed to any mental institution;

''(6) being an alien—

''(A) is illegally or unlawfully in the United States; or

''(B) except as provided in subsection (*l*), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

''(7) has been discharged from the Armed Forces under dishonorable conditions;

''(8) having been a citizen of the United States, has renounced his citizenship;

''(9) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

''(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

''(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

''(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

''(10) has been convicted in any court of a misdemeanor crime of domestic violence.''.

(b) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (p) and inserting the following:

''(p) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—It shall be unlawful for any person to ship or transport in interstate or foreign commerce, or possess, in or affecting commerce, any explosive, or to receive any explosive that has been shipped or transported in interstate or foreign commerce, if that person—

''(1) is less than 21 years of age;

''(2) has been convicted in any court, of a crime punishable by imprisonment for a term exceeding 1 year;

''(3) is a fugitive from justice;

''(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(5) has been adjudicated as a mental defective or who has been committed to a mental institution;

''(6) being an alien—

''(A) is illegally or unlawfully in the United States; or

''(B) except as provided in subsection (*l*), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

''(7) has been discharged from the Armed Forces under dishonorable conditions;

''(8) having been a citizen of the United States, has renounced his citizenship; or

''(9) is subject to a court order that—

''(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

''(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

''(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

''(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

''(10) has been convicted in any court of a misdemeanor crime of domestic violence.''.

(c) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

''(*l*) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

''(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

''(2) EXCEPTIONS.—Subsections (d)(5)(B) and (p)(5)(B) do not apply to any alien who has been lawfully admitted to the United States pursuant to a nonimmigrant visa, if that alien is—

''(A) admitted to the United States for lawful hunting or sporting purposes;

''(B) a foreign military personnel on official assignment to the United States;

''(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

''(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

''(3) WAIVER.—

''(A) IN GENERAL.—Any individual who has been admitted to the United States under a nonimmigrant visa and who is not described in paragraph (2), may receive a waiver from the applicability of subsection (d)(5)(B) or (p)(5)(B), if—

''(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (B); and

''(ii) the Attorney General approves the petition.

''(B) PETITIONS.—Each petition under subparagraph (A)(i) shall—

''(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

''(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to engage in any activity prohibited under subsection (d) or (p), as applicable, and certifying that the petitioner would not otherwise be prohibited from engaging in that activity under subsection (d) or (p), as applicable.''.

AMENDMENT NO. 2819

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. PROHIBITIONS RELATING TO EXPLOSIVE MATERIALS.

(a) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

''(d) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—It shall be unlawful for any licensee to knowingly sell, deliver, or transfer any explosive materials to any individual who—

''(1) is less than 21 years of age;

''(2) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

''(3) is a fugitive from justice;

''(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(5) has been adjudicated as a mental defective or has been committed to any mental institution;

''(6) being an alien—

''(A) is illegally or unlawfully in the United States; or

''(B) except as provided in subsection (*l*), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

''(7) has been discharged from the Armed Forces under dishonorable conditions;

''(8) having been a citizen of the United States, has renounced his citizenship;

''(9) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or

child, except that this paragraph shall only apply to a court order that—

''(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

''(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

''(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

''(10) has been convicted in any court of a misdemeanor crime of domestic violence.''.

(b) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (p) and inserting the following:

''(p) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—It shall be unlawful for any person to ship or transport in interstate or foreign commerce, or possess, in or affecting commerce, any explosive, or to receive any explosive that has been shipped or transported in interstate or foreign commerce, if that person—

''(1) is less than 21 years of age;

''(2) has been convicted in any court, of a crime punishable by imprisonment for a term exceeding 1 year;

''(3) is a fugitive from justice;

''(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(5) has been adjudicated as a mental defective or who has been committed to a mental institution;

''(6) being an alien—

''(A) is illegally or unlawfully in the United States; or

''(B) except as provided in subsection (*l*), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

''(7) has been discharged from the Armed Forces under dishonorable conditions;

''(8) having been a citizen of the United States, has renounced his citizenship; or

''(9) is subject to a court order that—

''(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

''(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

''(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

''(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

''(10) has been convicted in any court of a misdemeanor crime of domestic violence.''.

(c) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

''(*l*) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

''(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

''(2) EXCEPTIONS.—Subsections (d)(5)(B) and (p)(5)(B) do not apply to any alien who has been lawfully admitted to the United States pursuant to a nonimmigrant visa, if that alien is—

''(A) admitted to the United States for lawful hunting or sporting purposes;

''(B) a foreign military personnel on official assignment to the United States;

''(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

''(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

''(3) WAIVER.—

''(A) IN GENERAL.—Any individual who has been admitted to the United States under a nonimmigrant visa and who is not described in paragraph (2), may receive a waiver from the applicability of subsection (d)(5)(B) or (p)(5)(B), if—

''(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (B); and

''(ii) the Attorney General approves the petition.

''(B) PETITIONS.—Each petition under subparagraph (A)(i) shall—

''(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

''(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to engage in any activity prohibited under subsection (d) or (p), as applicable, and certifying that the petitioner would not otherwise be prohibited from engaging in that activity under subsection (d) or (p), as applicable.''.

AMENDMENT NO. 2820

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. DEATH OR LIFE IN PRISON FOR CERTAIN OFFENSES WHOSE VICTIMS ARE CHILDREN.

Section 3559 of title 18, United States Code, is amended by adding at the end the following:

''(d) DEATH OR LIFE IMPRISONMENT FOR CRIMES AGAINST CHILDREN.—Notwithstanding any other provision of law, a person who is convicted of a Federal offense that is a serious violent felony (as defined in subsection (c)) or a violation of section 2251 shall, unless a sentence of death is imposed, be sentenced to imprisonment for life, if the victim of the offense—

''(1) is less than 14 years of age at the time of the offense; and

''(2) dies as a result of the offense.''.

AMENDMENT NO. 2821

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. DEATH OR LIFE IN PRISON FOR CERTAIN OFFENSES WHOSE VICTIMS ARE CHILDREN.

Section 3559 of title 18, United States Code, is amended by adding at the end the following:

''(d) DEATH OR LIFE IMPRISONMENT FOR CRIMES AGAINST CHILDREN.—Notwithstanding any other provision of law, a person who is convicted of a Federal offense that is a serious violent felony (as defined in subsection (c)) or a violation of section 2251 shall, unless a sentence of death is imposed, be sentenced to imprisonment for life, if the victim of the offense—

''(1) is less than 14 years of age at the time of the offense; and

''(2) dies as a result of the offense.''.

GRASSLEY AMENDMENT NO. 2822

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. 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 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 report submitted to Congress under section 113(c)(1) of this title 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.''.

COATS AMENDMENTS NOS. 2823–2825

(Ordered to lie on the table.)

Mr. COATS submitted three amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2823

At the end of subtitle D of title X, add the following:

SEC. 1064. 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.''.

AMENDMENT NO. 2824

At the end of title XXXV, add the following:

SEC. 3513. DESIGNATION OF OFFICER OF THE DEPARTMENT OF DEFENSE AS A MEMBER AND CHAIRMAN OF THE PANAMA CANAL COMMISSION SUPERVISORY BOARD.

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 official of the Department of Defense, or an officer of the Armed Forces, designated by the Secretary of Defense shall be one of the members and the Chairman 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 ''Chairman of the Board''.

AMENDMENT NO. 2825

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. DEBARMENT OF COMPANIES TRANSFERRING SENSITIVE TECHNOLOGY TO THE PEOPLE'S REPUBLIC OF CHINA FROM CONTRACTING WITH THE DEPARTMENT OF DEFENSE.

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

(1) The People's Republic of China is an authoritarian state that has acted and continues to act in a manner threatening to her neighbors and the United States.

(2) A nuclear-capable power, China is believed to have strategic missiles targeted at the United States.

(3) China launched ballistic missiles during the Spring of 1996 over portions of Taiwan in a show of force calculated to influence the presidential elections in Taiwan

(4) Responding to United States affirmation of support for Taiwan, a Chinese official in 1996 reportedly threatened a United States city with destruction should the United States act to defend Taiwan from an attack.

(5) Despite denials of hegemonic intent and criticism of other nations for allegedly pursuing hegemony in the region, China has attacked her neighbors, India and Vietnam, and threatened others, notably the Philippines, over disputed territory.

(6) Having brutally subjugated a long-independent nation, Tibet, in 1950, China continues to pursue policies that are clearly inimical to the Tibetan people. China systematically violates the most basic human rights though the denial of religious freedom, the jailing and persecution of the political opposition, and the immoral policy of forced abortion to control population growth.

(7) China is a proliferator of ballistic missile technology and nuclear technology.

(8) China supported the development by Pakistan of ballistic missiles and nuclear weapons.

(9) China supports missile development programs in Libya and Iran.

(10) China provided cruise missiles to Iran that currently threaten commercial shipping and United States naval vessels in the Persian Gulf.

(11) China appears to have a policy aimed at coercing United States companies as well as companies in over countries to transfer technology in order to obtain market access. According to a 1997 press report, ''no country makes such demands across as wide a variety of industries as China does.''. This has led one Administration official to characterize as blackmail the insistence of China that ''to sell here, you have to locate here, and give us technology.''.

(12) A number of questionable transfers of sensitive United States technology to China have occurred.

(13) In 1993, an American-backed joint venture transferred sensitive communications technology to a Chinese company headed by an official of the People's Liberation Army, reportedly over the objection of various officials of the Department of Defense and the National Security Agency.

(14) Advanced dual-use machine tools were sold to China in 1994 over the objections of a senior analyst of the Defense Technology Security Agency. These machine tools subsequently were found at a Chinese missile plant in violation of the export license.

(15) Two United States defense contractors appear to have transferred sensitive technical information to China in 1996 that may have enabled China to dramatically increase the reliability and capabilities of its space launch vehicles and strategic missiles.

(b) DEBARMENT.—(1) The Secretary of Defense shall debar from contracting with the Department of Defense, for a period of time provided for under paragraph (2), any company that has transferred sensitive technology to the People's Republic of China without the prior authorization of the United States Government.

(2) Debarment under paragraph (1) shall be for a period determined appropriate by the Secretary, but not less than five years.

(3) Debarment shall commence under paragraph (1) as of the first day of the fiscal year commencing after the later of the date of the determination by the Secretary that the transfer in question occurred without prior authorization of the United States Government.

(c) DEFINITIONS.—In this section:

(1) The term ''debar'' has the meaning given that term in section 2393(c) of title 10, United States Code.

(2) The term ''sensitive technology'' means any military or dual-use technologies or hardware covered by the Export Administration Act of 1979, and the regulations implementing that Act.

DEWINE AMENDMENT NO. 2826

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 204, below line 22, add the following:

SEC. 1014. CONVEYANCE OF NDRF VESSEL EX-USS 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-USS 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.

FAIRCLOTH AMENDMENT NO. 2827

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 321, between lines 16 and 17, insert the following:

SEC. 2603. NATIONAL GUARD MILITARY EDUCATIONAL FACILITY, FORT BRAGG, NORTH CAROLINA.

(a) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(1)(A) is hereby increased by $8,300,000.

(b) AVAILABILITY OF FUNDS.—Funds available as a result of the increase in the authorization of appropriations made by subsection (a) shall be available for purposes of construction of the National Guard Military Educational Facility at Fort Bragg, North Carolina.

(c) OFFSET.—The amount authorized to be appropriated by section 2502 is hereby reduced by $8,300,000.

WARNER AMENDMENTS NOS. 2828–2830

(Ordered to lie on the table.)

Mr. WARNER submitted three amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2828

At the end of title VIII, add the following:

SEC. 812. 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)).

AMENDMENT NO. 2829

At the end of subtitle D of title X, add the following:

SEC. 1064. 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.

AMENDMENT NO. 2830

At the end of subtitle D of title X, add the following:

SEC. 1064. TRANSFER OF DEFENSE AUTOMATED PRINTING SERVICE FUNCTIONS.

(b) REPORT.—Not later than March 31, 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 printing functions of the Defense Automated Printing Service. The report shall contain the following:

(1) The functions that the Secretary determines 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 the Secretary determines are appropriate for transfer to the General Services Administration or the Government Printing Office.

(3) A plan to transfer to the General Services Administration, the Government Printing Office, or other entity, the printing functions of the Defense Automated Printing Service that are not identified under paragraph (1) as being inherently national security functions.

(4) Any recommended legislation and any administrative action that is necessary for transferring the functions in accordance with the plan.

(5) A discussion of the costs or savings associated with the transfers provided for in the plan.

(b) 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''.

MURKOWSKI AMENDMENT NO. 2831

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the appropriate place in the bill insert, the following:

SEC. . Between November 1 and February 29 of each year, when ice conditions in Cook Inlet can threaten physical deliveries of fuel by barge, a refiner that qualifies as a small, disadvantaged business shall, without diminishing any of the benefits that accrue as a result of such status, be permitted to use barrel-for-barrel fuel exchange agreements with other refiners to meet the terms of any contractual arrangement with the Defense Energy Supply Center for the delivery of fuel to Defense Energy Supply Point-Anchorage.

DOMENICI AMENDMENTS NOS. 2832–2833

(Ordered to lie on the table.)

Mr. DOMENICI submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2832

At the end of subtitle B of title II, add the following:

SEC. 219. SCORPIUS LOW COST LAUNCH DEVELOPMENT PROGRAM.

(a) AMOUNT FROM DEFENSE-WIDE FUNDING.—Of the total amount authorized to be appropriated under section 201(4), $20,000,000 is available for the Scorpius Low Cost Launch Development program.

(b) OFFSETTING REDUCTIONS.—(1) Of the amount authorized to be appropriated by section 201(3), $13,383,993,000 is available for the Air Space Technology program.

(2) Of the total amount authorized to be appropriated under section 201(4), $9,832,764,000 is available for the Ballistic Missile Defense Organization Follow-on and Support Technology program.

AMENDMENT NO. 2833

On page 29 strike section 214 and insert the following:

SEC. 214. AIRBORNE LASER PROGRAM—FUNDING FOR THE PROGRAM.

Of the amount authorized to be appropriated under section 201(3), $292,000,000 shall be available for the Airborne Laser Program.

GORTON (AND SMITH) AMENDMENT NO. 2834

(Ordered to lie on the table.)

Mr. GORTON (for himself and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. ___. PRESIDENTIAL AUTHORITY TO IMPOSE NUCLEAR NONPROLIFERATION CONTROLS.

(a) AMENDMENT OF THE ARMS EXPORT CONTROL ACT.—

(1) REPROCESSING TRANSFERS; ILLEGAL EXPORTS.—Section 102(a) of the Arms Export Control Act (22 U.S.C. 2799aa–1(a)) is amended by striking ''no funds'' and all that follows through ''making guarantees,'' and inserting the following: ''the President may suspend or terminate the provision of economic assistance under the Foreign Assistance Act of 1961 (including economic support fund assistance under chapter 4 of part II of that Act) or military assistance, grant military education and training, or peacekeeping assistance under part II of that Act, or the extension of military credits or the making of guarantees under the Arms Export Control Act,''.

(2) TRANSFER OR USE OF NUCLEAR EXPLOSIVE DEVICES.—Section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)) is amended—

(A) in paragraph (1), by striking ''shall forthwith impose'' and inserting ''may impose'';

(B) by striking paragraphs (4), (5), and (7);

(C) by redesignating paragraphs (6) and (8) as paragraphs (4) and (5), respectively; and

(D) by amending paragraph (4) (as redesignated) to read as follows:

''(4) If the President decides to impose any sanction against a country under paragraph (1)(C) or (1)(D), the President shall forthwith so inform that country and shall impose the sanction beginning 30 days after submitting to Congress the report required by paragraph (1) unless, and to the extent that, there is enacted during the 30-day period a law prohibiting the imposition of that sanction.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to determinations made by the President before, on, or after the date of enactment of this Act.

THOMAS (AND ENZI) AMENDMENT NO. 2835

(Ordered to lie on the table.)

Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

On page 320, line 25, strike out ''$95,395,000'' and insert in lieu thereof ''$108,979,000''.

KYL (AND MURKOWSKI) AMENDMENT NO. 2836

(Ordered to lie on the table.)

Mr. KYL (for himself and Mr. MURKOWSKI) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. INCREASED MISSILE THREAT IN ASIA-PACIFIC REGION.

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

(1) United States forces and allies in the Asia-Pacific region face a growing missile threat from China and North Korea.

(2) China has embarked on a program to modernize its theater and strategic missile programs and has shown a willingness to use ballistic missiles to intimidate its neighbors. During Taiwan's national legislative elections in 1995, China fired six M–9 ballistic missiles to an area about 100 miles north of Taiwan. Less than a year later, on the eve of Taiwan's first democratic presidential election, China again launched M–9 missiles to areas within 30 miles north and south of Taiwan, thereby establishing a virtual blockade of the two primary ports of Taiwan.

(3) North Korea's missile program is becoming more advanced. According to a recent Department of Defense report, North Korea has deployed several hundred Scud missiles that are capable of reaching targets in South Korea. North Korea has started to deploy the No Dong missile, which will have sufficient range to target nearly all of Japan, and is continuing to develop a longer-range ballistic missile that will be capable of reaching Alaska and Hawaii.

(4) Theater missile defenses are vitally needed to protect American forces and interests in the Asia-Pacific region.

(5) The sale of United States ballistic missile defense items to Taiwan is consistent with the provisions of the Taiwan Relations Act, which states that ''the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.''.

(b) SENSE OF CONGRESS REGARDING RESTRICTIONS ON DEPLOYMENT OF UNITED STATES THEATER MISSILE DEFENSES.—It is the sense of Congress that the President should not adopt any policies or negotiate any agreements that restrict the deployment of theater missile defense systems operated by United States forces or allies.

(c) STUDY AND REPORT.—(1) 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 Taiwan, South Korea, and Japan from ballistic missile attack. The study shall include a description of appropriate measures by which the United States would cooperate with Taiwan, South Korea, and Japan and provide them with an advanced local-area ballistic missile defense system.

(2) 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 paragraph (1);

(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 Taiwan and Japan in accordance with the Taiwan Relations Act in order to allow Taiwan and Japan to provide for their self-defense against limited ballistic missile attacks.

(3) The report shall be submitted in both classified and unclassified form.

(d) SENSE OF CONGRESS REGARDING TRANSFER OF BALLISTIC MISSILE DEFENSE SYSTEMS.—It is the sense of Congress that the President, if requested by the Government of Taiwan, South Korea, or Japan and in accordance with the results of the study conducted under subsection (c), should sell, at full market value, to the requesting nation appropriate defense articles or defense services under the foreign military sales program under chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.) for the purpose of establishing and operating a local-area ballistic missile defense system to protect Taiwan, including the Penghu Islands, Kinmen, and Matsu, South Korea, or Japan, as the case may be, against limited ballistic missile attack.

(e) STATEMENT OF POLICY RELATING TO UNITED STATES THEATER MISSILE DEFENSES FOR THE ASIA-PACIFIC REGION.—Congress declares that it is in the national interest of the United States that Taiwan be included in any effort at ballistic missile defense cooperation, networking, or interoperability with friendly and allied nations in the Asia-Pacific region.

(f) SENSE OF CONGRESS URGING THE PRESIDENT TO DECLARE TO THE PEOPLE'S REPUBLIC OF CHINA THE COMMITMENT OF THE AMERICAN PEOPLE TO SECURITY AND DEMOCRACY IN TAIWAN.—It is the sense of Congress that the President should make clear to the leadership of the People's Republic of China the firm commitment of the American people to security and democracy for the people of Taiwan and that the United States fully expects that security issues on both sides of the Taiwan Strait will be resolved by peaceful means.

(g) SENSE OF CONGRESS REGARDING TAIWAN.—It is the sense of Congress that—

(1) the transfer of Hong Kong to the People's Republic of China does not alter the current and future status of Taiwan;

(2) the future of Taiwan should be determined by peaceful means through a democratic process; and

(3) the United States, in accordance with the Taiwan Relations Act and the constitutional processes of the United States, should assist in the defense of Taiwan in case of threats or military attack by the People's Republic of China against Taiwan.

HUTCHISON AMENDMENT NO. 2837

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 2057, supra; as follows:

At the end of Title II, Subtitle B, (page 41, after line 23) insert the following new Section:

SEC. . ACCELERATION OF H–1 UPGRADE PROGRAM.

(a) Of the amounts authorized to be appropriated under Section 201(2), $121,942,000 shall be available only for the upgrade of H–1 rotary wing aircraft.

KYL AMENDMENT NO. 2838

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. 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.

JEFFORDS (AND LEAHY) AMENDMENT NO. 2839

(Ordered to lie on the table.)

Mr. JEFFORDS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

Strike out section 413, and insert in lieu thereof the following:

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

(a) MINIMUM STRENGTHS.—The number of military technicians (dual status) of each of the reserve components of the Army and the Air Force as of September 30, 1999, shall be at least the following:

(1) For the Army Reserve, 5,395.

(2) For the Army National Guard of the United States, 23,125.

(3) For the Air Force Reserve, 9,761.

(4) For the Air National Guard of the United States, 22,408.

(b) NON-DUAL STATUS MILITARY TECHNICIANS NOT INCLUDED.—In this section, the term ''military technician (dual status)'' has the meaning given the term in section 10216(a) of title 10, United State Code, and does not include a non-dual status technician (within the meaning of section 10217 of such title).

At the end of subtitle C of title X, add the following:

SEC. 1031. 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 planning for an appropriate distribution of resources 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 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 planning for the units of the States described in subsection (b) to be funded 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 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.

COVERDELL (AND OTHERS) AMENDMENT NO. 2840

(Ordered to lie on the table.)

Mr. COVERDELL (for himself, Mr. BREAUX, and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. FEDERAL FACILITIES CLEAN WATER COMPLIANCE.

(a) APPLICATION OF CERTAIN PROVISIONS TO FEDERAL FACILITIES.—Section 313 of the Federal Water Pollution Control Act (33 U.S.C. 1323) is amended—

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

(2) by striking subsection (a) and inserting the following:

''(a) COMPLIANCE.—

''(1) DEFINITION OF REASONABLE SERVICE CHARGE.—In this subsection, the term 'reasonable service charge' includes but is not limited to—

''(A) a fee or charge assessed in connection with the processing, issuance, renewal, or amendment of a permit, review of a plan, study, or other document, or inspection or monitoring of a facility; and

''(B) any other nondiscriminatory charge that is assessed in connection with a Federal, State, interstate, or local regulatory program concerning the control and abatement of water pollution.

''(2) REQUIREMENT.—Each department, agency, and instrumentality of the executive, legislative, or judicial branch of the Federal Government that has jurisdiction over any property or facility, or is engaged in any activity that results, or that may result, in the discharge or runoff of a pollutant shall be subject to, and shall comply with, all Federal, State, interstate, and local substantive and procedural requirements (including any requirement for a permit or reporting, any provision for injunctive relief and such sanctions as are imposed by a Federal or State court to enforce the relief, and any requirement for the payment of a reasonable service charge) concerning the control and abatement of water pollution in the same manner, and to the same extent, as any other person is subject to the requirements.

''(3) WAIVER OF SOVEREIGN IMMUNITY.—The United States waives any immunity otherwise applicable to the United States with respect to any substantive or procedural requirement described in paragraph (2), including but not limited to immunity from process in an administrative or court action seeking—

''(A) injunctive relief;

''(B) imposition of a sanction referred to in this subsection;

''(C) enforcement of an administrative order;

''(D) imposition of an administrative penalty or fine; or

''(E) payment of a reasonable service charge.

''(4) ADMINISTRATIVE ORDERS AND PENALTIES.—The substantive and procedural requirements described in paragraph (2) include but are not limited to all administrative orders and all civil and administrative penalties or fines, regardless of whether the penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations.

''(5) INJUNCTIVE RELIEF.—The United States (including any agent, employee, or officer of the United States) shall not be immune or exempt from any process or sanction of any State or Federal court with respect to the enforcement of any injunctive relief referred to in paragraph (2).

''(6) CIVIL PENALTIES.—No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local law concerning the control and abatement of water pollution with respect to any act or omission within the scope of the official duties of the agent, employee, or officer.

''(7) CRIMINAL PENALTIES.—

''(A) AGENTS, EMPLOYEES, AND OFFICERS.—An agent, employee, or officer of the United States shall be subject to a criminal sanction (including but not limited to a fine or imprisonment) under any Federal or State law concerning the control and abatement of water pollution.

''(B) DEPARTMENTS, AGENCIES, AND INSTRUMENTALITIES.—No department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to a sanction referred to in subparagraph (A).

''(b) ADMINISTRATIVE ENFORCEMENT ACTIONS.—

''(1) IN GENERAL.—

''(A) COMMENCEMENT.—The Administrator, the Secretary of the Army, and the Secretary of the department in which the Coast Guard is operating may commence an administrative enforcement action against any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government pursuant to the enforcement authorities authorized by this Act.

''(B) MANNER AND CIRCUMSTANCES.—The Administrator or Secretary, as applicable, shall initiate an administrative enforcement action against such a department, agency, or instrumentality in the same manner and under the same circumstances as the Administrator or Secretary would initiate such an action against another person.

''(C) CONSENT ORDERS.—Any voluntary resolution or settlement of an action described in subparagraph (B) shall be set forth in a consent order.

''(2) OPPORTUNITY TO CONFER.—An administrative order issued to a department, agency, or instrumentality under paragraph (1) shall not become final until the department, agency, or instrumentality has had the opportunity to confer with the Administrator or Secretary, as applicable.

''(c) LIMITATION ON STATE USE OF FUNDS COLLECTED FROM THE FEDERAL GOVERNMENT.—Unless a State law in effect on the date of enactment of this subsection or a State constitution requires the funds to be used in a different manner, all funds collected by a State from the Federal Government from penalties and fines imposed for violation of a substantive or procedural requirement described in subsection (a) shall be used by the State only for projects designed to improve or protect the environment or to defray the costs of environmental protection or enforcement.''.

(b) DEFINITION OF PERSON.—

(1) GENERAL DEFINITIONS.—Section 502(5) of the Federal Water Pollution Control Act (33 U.S.C. 1362(5)) is amended—

(A) by striking ''or any'' and inserting ''an''; and

(B) by inserting before the period at the end the following: ''or a department, agency, or instrumentality of the United States''.

(2) OIL AND HAZARDOUS SUBSTANCE LIABILITY PROGRAM.—Section 311(a)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)(7)) is amended—

(A) by striking ''a''; and

(B) by inserting before the semicolon at the end the following: ''and a department, agency, or instrumentality of the United States''.

COVERDELL AMENDMENT NO. 2841

(Ordered to lie on the table.)

Mr. COVERDELL submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. COVERAGE OF FEDERAL FACILITIES UNDER THE EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT OF 1986.

Section 329(7) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11049(7)) is amended by inserting ''or the United States'' before the period at the end.

GRAMS AMENDMENT NO. 2842

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 634. 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.

HUTCHISON AMENDMENT NO. 2843

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 2057, supra; as follows:

On page 222, below line 21, add the following:

SEC. 1031. 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.

THURMOND AMENDMENT NO. 2844

(Ordered to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. 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 remove 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 European follow-on force for Bosnia and Herzegovina;

(4) United States leaders potentially could decide to provide appropriate support to a European 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 European 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) 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.

THURMOND (AND LEVIN) AMENDMENT NO. 2845

(Ordered to lie on the table.)

Mr. THURMOND (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. 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) United States leaders potentially could 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) 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.

THURMOND AMENDMENT NO. 2846

(Ordered to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 347, below line 23, add the following:

SEC. 2833. 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) The Secretary has stated that the closure of additional military installations in the United States is essential if the United States is to have the funds required to buy critically needed new weapons and equipment.

(3) The prospect of redevelopment of military installations closed under the Defense Base Closure and Realignment Act of 1990 has provoked significant private sector interest in military installations as potential locations for commercial development.

(4) 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.

(5) The experiences of the Department have demonstrated that the military departments and private businesses can carry out activities at the same military installation simultaneously.

(6) 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.

WARNER AMENDMENT NO. 2847

(Ordered to lie on the table.)

Mr. WARNER submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. TRANSFER OF DEFENSE AUTOMATED PRINTING SERVICE FUNCTIONS.

(b) REPORT.—Not later than March 31, 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 printing functions of the Defense Automated Printing Service. The report shall contain the following:

(1) The functions that the Secretary determines 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 the Secretary determines are appropriate for transfer to the General Services Administration or the Government Printing Office.

(3) A plan to transfer to the General Services Administration or the Government Printing Office the printing functions of the Defense Automated Printing Service that are not identified under paragraph (1) as being inherently national security functions.

(4) Any recommended legislation and any administrative action that is necessary for transferring the functions in accordance with the plan.

(5) A discussion of the costs or savings associated with the transfers provided for in the plan.

(b) 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''.

THURMOND AMENDMENT NO. 2848

(Ordered to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. 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).''.

SANTORUM AMENDMENT NO. 2849

(Ordered to lie on the table.)

Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 14, line 23, increase the amount by $17,000,000.

On page 42, line 23, reduce the amount by $17,000,000.

THURMOND AMENDMENTS NOS. 2850–2851

(Ordered to lie on the table.)

Mr. THURMOND submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2850

On page 64, line 7, strike out ''(d)'', and insert in lieu thereof the following:

(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)

AMENDMENT NO. 2851

Beginning on page 400, line 10, strike out ''$100,000,000'' and all that follows through page 401, line 12, and insert in lieu thereof the following:

$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

Authorized Stockpile Disposals—Continued

Material for disposal	Quantity
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.''.

LOTT AMENDMENT NO. 2852

(Ordered to lie on the table.)

Mr. LOTT submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. 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.

D'AMATO AMENDMENT NO. 2853

(Ordered to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 342, below line 22, add the following:

SEC. 2827. 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.

BOND AMENDMENT NO. 2854

(Ordered to lie on the table.)

Mr. BOND submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 323, in the third table following line 9, insert after the item relating to Camp Shelby, Mississippi, the following new item:

Missouri	National Guard Training Site, Jefferson City	Multi-Purpose Range	$2,236,000

GRAMS AMENDMENT NO. 2855

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 342, below line 22, add the following:

SEC. 2827. 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.

THOMAS (AND ENZI) AMENDMENT NO. 2856

(Ordered to lie on the table.)

Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to a person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term ''entity controlled by a foreign government'' has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term ''veterans memorial object'' means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

JEFFORDS (AND LEAHY) AMENDMENT NO. 2857

(Ordered to lie on the table.)

Mr. JEFFORDS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

Strike out section 413, and insert in lieu thereof the following:

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

(a) MINIMUM STRENGTHS.—The number of military technicians (dual status) of each of the reserve components of the Army and the Air Force as of September 30, 1999, shall be at least the following:

(1) For the Army Reserve, 5,395.

(2) For the Army National Guard of the United States, 23,125.

(3) For the Air Force Reserve, 9,761.

(4) For the Air National Guard of the United States, 22,408.

(b) NON-DUAL STATUS MILITARY TECHNICIANS NOT INCLUDED.—In this section, the term ''military technician (dual status)'' has the meaning given the term in section 10216(a) of title 10, United State Code, and does not include a non-dual status technician (within the meaning of section 10217 of such title).

At the end of subtitle C of title X, add the following:

SEC. 1031. 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 planning for an appropriate distribution of resources 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 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 planning for the units of the States described in subsection (b) to be funded 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 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.

BINGAMAN (AND OTHERS) AMENDMENT NO. 2858

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. SANTORUM, Mr. LIEBERMAN, Mr. LOTT, and Mr. FRIST) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

"SEC. 1064. DEFENSE SCIENCE AND TECHNOLOGY PROGRAM

''(a) FUNDING REQUIREMENTS FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM BUDGET.—For each of the fiscal years 2000 through 2008, it shall 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—The following shall 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) In supporting projects within the Defense Science and Technology Program, the Secretary of Defense shall attempt to leverage commercial research, technology, products, and processes for the benefit of the Department of Defense.

''(B) Funds made available for projects and programs of the Defense Science and Technology Program may 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.—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 the Department of Defense category 6.1 or 6.2.

''(3) The term ''advanced development'' means work funded in program elements for defense research and development under Department of Defense category 6.3.''.

On page 398, between lines 9 and 10, insert the following:

"SEC. 3144. 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.—For each of the fiscal years 2000 through 2008, it shall 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.''.

BYRD AMENDMENTS NOS. 2859–2860

(Ordered to lie on the table.)

Mr. BYRD submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2859

At the end of title VII, add the following:

SEC. 708. WAIVER OF INFORMED CONSENT REQUIREMENT FOR ADMINISTRATION OF CERTAIN DRUGS TO MEMBERS OF ARMED FORCES.

(a) REQUIREMENT FOR CONCURRENCE OF PRESIDENT IN WAIVER DETERMINATION.—Section 1107 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) WAIVER OF CONSENT REQUIREMENT.—The Secretary of Defense may waive the requirement for prior consent imposed under the regulations required under section 505(i)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)(4)) if the Secretary determines that obtaining consent is not feasible or is contrary to the best interests of the members involved and the President provides to the Secretary a written statement that the President concurs in the determination.''.

(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''.

(c) CLARIFICATION OF AUTHORITY.—Subsection (a)(1) of such section is amended by inserting after ''Whenever'' the following: '', under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)),''.

AMENDMENT NO. 2860

At the end of subtitle E of title III, add the following:

SEC. 349. 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.

GRAHAM AMENDMENT NO. 2861

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 213, between lines 21 and 22, insert the following:

(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.

On page 213, line 22, strike out ''(a)'' and insert in lieu thereof ''(b)''.

On page 214, line 7, strike out ''(b)'' and insert in lieu thereof ''(c)''.

On page 215, between lines 20 and 21, insert the following:

(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 agreements 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.

On page 215, line 21, strike out ''(c)'' and insert in lieu thereof ''(d)''.

On page 215, between lines 23 and 24, insert the following:

(e) INTERNATIONAL COOPERATIVE AGREEMENTS.—(1) The Secretary of Defense may enter into a cooperative agreement 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; and

(2) Funds authorized to be appropriated under section 301(24) shall be available for carrying out any such agreement for fiscal year 1999.

On page 215, line 24, strike out ''(d)'' and insert in lieu thereof ''(f)''.

DODD AMENDMENTS NOS. 2862–2863

(Ordered to lie on the table.)

Mr. DODD submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2862

On page 157, between lines 13 and 14, insert the following:

SEC. 708. PUBLIC HEALTH GOALS REGARDING LYME DISEASE; FIVE-YEAR PLAN.

(a) IN GENERAL.—

(1) GOALS.—After consultation with the Secretary of Health and Human Services, the Secretary of Defense (in this section referred to as the ''Secretary'') shall—

(A) establish the goals described in paragraphs (3) through (5);

(B) through the medical and health care components of the Department of Defense, carry out activities toward achieving the goals, which may include activities carried out directly by the Secretary and activities carried out through awards of grants or contracts to public or nonprofit private entities; and

(C) in carrying out subparagraph (B), give priority—

(i) first, to achieving the goal under paragraph (3);

(ii) second, to achieving the goal under paragraph (4); and

(iii) third, to achieving the goal under paragraph (5).

(2) FIVE-YEAR PLAN.—In carrying out paragraph (1), the Secretary shall establish a plan that, for the five fiscal years following the date of enactment of this Act, provides for the activities that are to be carried out during such fiscal years toward achieving the goals under paragraphs (3) through (5). The plan shall, as appropriate to such goals, provide for the coordination of programs and activities regarding Lyme disease and related tick-borne infections that are conducted or supported by the Federal Government.

(3) FIRST GOAL: DIRECT DETECTION TEST.—For purposes of paragraph (1), the goal described in this paragraph is the development of—

(A) a test for accurately determining whether an individual who has been bitten by a tick has Lyme disease; and

(B) a test for accurately determining whether a patient with such disease has been cured of the disease, thereby eliminating the bacterial infection.

(4) SECOND GOAL: INDICATOR REGARDING ACCURATE DIAGNOSIS.—For purposes of paragraph (1), the goal described in this paragraph is to determine the average number of visits to physicians that, under medical and health care programs of the Department of Defense, are made by patients with Lyme disease or related tick-borne infections before a diagnosis of the infection involved is made. In carrying out activities toward such goal, the Secretary shall conduct a study of patients and physicians in two or more geographic areas in which there is a significant incidence or prevalence of cases of Lyme disease and related tick-borne infections.

(5) THIRD GOAL: PHYSICIAN KNOWLEDGE.—For purposes of paragraph (1), the goals described in this paragraph are, with respect to physicians in medical and health care programs of the Department of Defense, to make a significant increase in the number of such physicians who have an appropriate level of knowledge regarding Lyme disease and related tick-borne infections, and to develop and apply an objective method of determining the number of such physicians who have such knowledge.

(b) LYME DISEASE TASK FORCE.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, there shall be established in accordance with this subsection an advisory committee to be known as the Lyme Disease Task force (in this section referred to as the ''Task Force'').

(2) DUTIES.—The Task Force shall provide advice to the Secretary with respect to achieving the goals under subsection (a), including advice on the plan under paragraph (2) of such subsection.

(3) COMPOSITION.—The Task Force shall be composed of 11 members with appropriate knowledge or experience regarding Lyme disease and related tick-borne infections. Of such members—

(A) two shall be appointed by the Secretary of Defense;

(B) three shall be appointed by the Secretary of Health and Human Services, after consultation with the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health;

(C) three shall be appointed by the Speaker of the House of Representatives, after consultation with the Minority Leader of the House; and

(D) three shall be appointed by the President Pro Tempore of the Senate, after consultation with the Minority Leader of the Senate.

(4) CHAIR.—The Task Force shall, from among the members of the Task Force, designate an individual to serve as the chair of the Task Force.

(5) MEETINGS.—The Task Force shall meet at the call of the Chair or a majority of the members.

(6) TERM OF SERVICE.—The term of service of a member of the Task Force is the duration of the Task Force.

(7) VACANCIES.—Any vacancy in the membership of the Task Force shall be filled in the manner in which the original appointment was made and does not affect the power of the remaining members to carry out the duties of the Task Force.

(8) COMPENSATION; REIMBURSEMENT OF EXPENSES.—Members of the Task Force may not receive compensation for service on the Task Force. Such members may, in accordance with chapter 57 of title 5, United States Code, be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Task Force.

(9) STAFF; ADMINISTRATIVE SUPPORT.—The Secretary shall, on a reimbursable basis, provide to the Task Force such staff, administrative support, and other assistance as may be necessary for the Task Force to carry out the duties under paragraph (2) effectively.

(10) TERMINATION.—The Task Force shall terminate 90 days after the end of the fifth fiscal year that begins after the date of enactment of this Act.

(c) ANNUAL REPORTS.—The Secretary shall submit to Congress periodic reports on the activities carried out under this section and the extent of progress being made toward the goals established under subsection (a). The first such report shall be submitted not later than 18 months after the date of enactment of this Act, and subsequent reports shall be submitted annually thereafter until the goals are met.

(d) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated by this Act for Defense Health Programs, $3,000,000 shall be available for carrying out this section.

AMENDMENT NO. 2863

At the end of subtitle D of title X, add the following:

SEC. 1064. COMPUTER SECURITY AND INFORMATION MANAGEMENT COORDINATOR.

(a) IN GENERAL.—Section 5131 of the Information Technology Management Reform Act of 1996 (40 U.S.C. 1441) is amended by adding at the end the following:

''(f) COMPUTER SECURITY AND INFORMATION MANAGEMENT COORDINATOR.—

''(1) IN GENERAL.—In carrying out the functions under section 3504(g) of title 44, United States Code, the Director, acting through the Administrator of the Office of Information and Regulatory Affairs and the Computer Security and Information Management Coordinator appointed under paragraph (3), shall serve as the primary coordinator for computer security policies and practices of agencies listed in section 901(b) of title 31, United States Code (referred to in this subsection as 'covered agencies').

''(2) DUTIES.—In carrying out paragraph (1), the Director, acting through the Administrator of the Office of Information and Regulatory Affairs and the Computer Security and Information Management Coordinator appointed under paragraph (3), shall—

''(A) ensure that the each Chief Information Officer appointed under section 3506 of title 44, United States Code, for a covered agency, has—

''(i) primary responsibility for ensuring that the agency is carrying out an effective computer security policy that meets the requirements of this section; and

''(ii) authority to assist the agency head in the enforcement of such an effective computer security policy;

''(B) coordinate the computer security activities of all covered agencies;

''(C) as necessary, cooperate with appropriate Federal officials to ensure that the Federal Government is capable of protecting the security of Federal computer systems, including detecting intrusions, and prosecuting persons who gain unauthorized access to computer systems of covered agencies;

''(D) ensure the coordination of budget requests for computer security programs of covered agencies;

''(E) with the assistance of the Secretary of Commerce, advise chief information officers or the heads of covered agencies concerning improvements that may be made to computer security;

''(F) with the cooperation of the Attorney General, assist the heads of covered agencies in initiating enforcement actions to address violations of computer security; and

''(G) serve as a liaison with representatives of private industry with respect to the coordination of computer security matters between the Federal Government and private industry.

''(3) INFORMATION MANAGEMENT AND COMPUTER SECURITY COORDINATOR.—Not later than 60 days after the date of enactment of this subsection, the Director shall appoint a Computer Security and Information Management Coordinator.

''(4) REPORTS.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Director, in cooperation with the Chief Information Officers Council established under Executive Order No. 13011, shall prepare, and submit to Congress, a report that contains—

''(A) a summary of the activities of the Office of Management and Budget in carrying out paragraph (2); and

''(B) for each covered agency, an evaluation of the effectiveness of computer security of that agency.''.

(b) CONFORMING AMENDMENT.—Section 5141(b)(1) of the Information Technology Management Reform Act of 1996 (40 U.S.C. 1451(b)(1)) is amended by inserting ''5131(f),'' after ''5125,''.

HOLLINGS AMENDMENTS NOS. 2864–2866

(Ordered to lie on the table.)

Mr. HOLLINGS submitted three amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2864

On page 397, between lines 6 and 7, insert the following:

SEC. 3137. PROHIBITION ON USE OF FUNDS FOR COMMERCIAL LIGHT WATER REACTORS FOR PRODUCTION OF TRITIUM.

(a) PROHIBITION.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available for the Department of Energy for any fiscal year after fiscal year 1998 may be obligated or expended for the design, construction, or acquisition of facilities or services related to the use of a commercial light water reactor for the production of tritium.

(b) EXCEPTION.—Subsection (a) shall not apply to the use of funds for the completion of the current demonstration project at the Watts Bar Nuclear Plant.

AMENDMENT NO. 2865

On page 398, between lines 9 and 10, insert the following:

SEC. 3144. PROHIBITION ON USE OF TRITIUM PRODUCED IN FACILITIES LICENSED UNDER THE ATOMIC ENERGY ACT FOR NUCLEAR EXPLOSIVE PURPOSES.

Section 57(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(e)) is amended by inserting ''or tritium'' after ''section 11,''.

AMENDMENT NO. 2866

On page 397, between lines 6 and 7, insert the following:

SEC. 3137. PROHIBITION ON USE OF FUNDS FOR USE OF TRITIUM PRODUCED IN FACILITIES LICENSED UNDER ATOMIC ENERGY ACT FOR NUCLEAR EXPLOSIVE PURPOSES.

Notwithstanding any other provision of law, no funds authorized to be appropriated by this Act, or otherwise available under any other Act, may be used by any instrumentality of the United States or any other person to transfer, reprocess, use, or otherwise make available any tritium produced in a facility licensed under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) for nuclear explosives purposes.

BIDEN AMENDMENTS NOS. 2867–2869

(Ordered to lie on the table.)

Mr. BIDEN submittted three amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2867

On page 397, between lines 6 and 7, insert the following:

SEC. 3137. NONPROLIFERATION ACTIVITIES.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 3103(1)(B) is hereby increased by $45,000,000.

(b) OFFSET.—The amount authorized to be appropriated by section 103(2) is hereby decreased by $45,000,000.

(c) INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.—Of the amount authorized to be appropriated by section 3103(1)(B), as increased by subsection (a), $30,000,000 shall be available for the Initiatives for Proliferation Prevention program.

(d) NUCLEAR CITIES INITIATIVE.—Of the amount authorized to be appropriated by section 3103(1)(B), as increased by subsection (a), $30,000,000 shall 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).

AMENDMENT NO. 2868

At the end of subtitle B of title III, add the following:

SEC. 314. COOPERATIVE THREAT REDUCTION PROGRAMS TO PROVIDE RESEARCH OPPORTUNITIES FOR FORMER SOVIET EXPERTS.

(a) TREATMENT OF ASSISTANCE.—Assistance described in subsection (b) shall not be considered assistance to promote defense conversion for the purposes of section 1403(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1960) and any other provision of law that limits authority to provide assistance to Russia or any other former state of the Soviet Union to promote defense conversion.

(b) ASSISTANCE COVERED.—Subsection (a) applies to assistance that is provided under any of the Cooperative Threat Reduction programs in order to enable former Soviet personnel with expertise on weapons of mass destruction to pursue full-time research activities that do not involve—

(1) nuclear weapons or components of nuclear weapons;

(2) chemical weapons or precursors of chemical weapons; or

(3) biological weapons or dangerous pathogens that have been used in biological weapons programs.

AMENDMENT NO. 2869

On page 76, between lines 7 and 8, insert the following:

SEC. 349. SAFEGUARDING OF CHEMICAL AND BIOLOGICAL WEAPONS MATERIALS OF THE FORMER SOVIET UNION.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 301(24) is hereby increased by $10,000,000.

(b) OFFSET.—The amount authorized to be appropriated by section 103(2) is hereby reduced by $10,000,000.

(c) SAFEGUARDING OF CHEMICAL AND BIOLOGICAL WEAPONS MATERIALS OF FORMER SOVIET UNION.—Of the amount authorized to be appropriated by section 301(24), as increased by subsection (a), $10,000,000 shall be available for the purpose of programs to safeguard chemical and biological weapons materials in the former Soviet Union that would otherwise be at risk of diversion to other countries or to terrorist or criminal groups.

BIDEN (AND LEVIN) AMENDMENT NO. 2870

(Ordered to lie on the table.)

Mr. BIDEN (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra, as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. 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 noncommercial research and development or environmental remediation projects 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 such noncommercial projects.

(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.

ASHCROFT AMENDMENT NO. 2871

(Ordered to lie on the table.)

Mr. ASHCROFT submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. ___. NUCLEAR COOPERATION AMENDMENT.

(a)(1) No goods or services may be transferred to China under the 1985 United States-China nuclear cooperation agreement, unless the President certifies to the Majority Leader of the Senate, the Speaker of the House of Representatives, and the appropriate congressional committees that China is not assisting, attempting to assist, or encouraging any other country in the development of a nuclear explosive device and has not engaged in such activity for a period of two years prior to the date of the certification.

(2) Each certification under paragraph (1) shall be effective only through April 30 of the following year.

(b)(1) For each year after the year of initial certification under subsection (a), no goods or services may be transferred to China under the 1985 United States-China nuclear cooperation agreement on or after May 1 of that year unless before that date the President has certified to the Majority Leader of the Senate, the Speaker of the House of Representatives, and the appropriate congressional committees that—

(A) China is not and has not engaged in any effort, since the President's last certification, to assist, attempt to assist, or encourage any other country in the development of a nuclear explosive device (as defined in section 830 of the Nuclear Proliferation Prevention Act of 1994); and

(B) China has not diverted nuclear equipment or technology of United States origin for use in its nuclear weapons program and that China is fully cooperating with United

States efforts to verify China's peaceful use of nuclear equipment and technology of United States origin.

(2) The President's certification under paragraph (1)(B) shall include a report in classified form with an unclassified summary documenting the procedures and processes of United States verification of China's peaceful use of nuclear equipment and technology of United States origin and the degree of China's cooperation with such verification efforts, particularly China's allowance or refusal of post-shipment verification inspections.

(3) A certification under this subsection shall be effective only through April 30 of the year following the year in which the certification is made.

(c) As used in this section, the term ''appropriate congressional committees'' means the Foreign Relations Committee, the Select Committee on Intelligence, the Armed Services Committee of the Senate, the International Relations Committee, the National Security Committee, and the Intelligence Committee of the House of Representatives.

SNOWE AMENDMENT NO. 2872

(Ordered to lie on the table.)

Ms. SNOWE submitted an amendment intended to be proposed by her to the bill, S. 2057, supra; as follows:

At the appropriate place, insert:

SEC. . FEDERAL TASK FORCE ON REGIONAL THREATS TO INTERNATIONAL SECURITY.

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

(1) On May 11, 1998 and May 13, 1998, the Government of India broke a 24-year voluntary moratorium by conducting five underground nuclear tests.

(2) The Secretary of Defense predicted thereafter that these tests by the Government of India could induce other nations to obtain nuclear weapons technologies.

(3) On May 28, 1998, the Government of Pakistan announced that for the first time, it had conducted five underground nuclear tests and acknowledged ongoing efforts to place nuclear warheads on missiles capable of striking any target in India.

(4) The Director of Central Intelligence has accepted the June 2, 1998 findings of an independent investigation revealing that the Central Intelligence Agency lacked adequate analytical capabilities to detect the explosions in India despite satellite-generated evidence to the contrary and repeated declarations by Indian government representatives of an intent to improve the country's nuclear arsenal.

(5) 1997 assessments by the United States Air Force and the Central Intelligence Agency conflicted on the issue of whether the May 10, 1996 transmission to the Government of China of a private industry report exploring the potential causes of an earlier rocket crash contained information that may advance Chinese nuclear launch capabilities.

(6) The president did not receive or review the Air Force assessment prior to his February 18, 1998 approval of a license for the export of a commercial satellite to China.

(7) A March 11, 1998 report by the National Air Intelligence Center concluded that Chinese strategic missiles with nuclear warheads pose a threat to the United States.

(b) CREATION OF THE FEDERAL TASK FORCE ON REGIONAL THREATS TO INTERNATIONAL SECURITY.

The president shall create from among all appropriate federal agencies, including the Departments of State, Defense, and Commerce, as well as military and foreign intelligence organizations, a standing Task Force on Regional Threats to International Security. The Task Force, with the approval of the president, shall develop and execute plans, in cooperation with foreign allied governments when appropriate, for;

(1) the active mediation of the United States to foster negotiations between or among foreign governments engaged in civil, ethnic, or geographic conflicts that increase the risk of the acquisition, testing, or the deployment of Weapons of Mass Destruction.

(2) trade, economic reform, and investment programs to promote the market-based development of nations to reduce incentives for the pursuit or use of such weapons.

(3) a revised and integrated intelligence network that gathers, analyzes, and transmit all vital data to the president in advance of policy decisions related to such weapons.

(c) REPORTING REQUIREMENTS.—The Task Force shall issue bi-annual reports to Congress on the progress made in executing its responsibilities pursuant to Subsections (1), (2), and (3) of Section (b).

(d) EFFECTIVE DATE OF THE TASK FORCE.—The president must establish the Task Force no later than 60 days after the effective date of this act.

(e) RENEWAL OF TASK FORCE AUTHORITY.—Unless extended by an act of Congress or an executive order of the president, the statutory authority of the Task Force shall expire on October 1, 2000.

DOMENICI (AND BINGAMAN) AMENDMENT NO. 2873

(Ordered to lie on the table.)

Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

On page 397, between lines 6 and 7, insert the following:

SEC. 3137. 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 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 shall 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 and the contractor concerned 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 shall 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 shall 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.

WYDEN AMENDMENT NO. 2874

(Ordered to lie on the table.)

Mr. WYDEN submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 398, between lines 9 and 10, insert the following:

SEC. 3144. 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.

THOMAS AMENDMENT NO. 2875

(Ordered to lie on the table.)

Mr. THOMAS submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 320, line 25, strike out ''$95,395,000'' and insert in lieu thereof ''$108,979,000''.

KERRY (AND MCCAIN) AMENDMENTS NOS. 2876–2878

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. MCCAIN) submitted three amendments intended to be proposed by them to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2876

At the end of subtitle D of title X, add the following:

SEC. 1064. 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.

AMENDMENT NO. 2877

On page 127, between lines 12 and 13, insert the following:

SEC. 634. 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''.

AMENDMENT NO. 2878

On page 127, between lines 12 and 13, insert the following:

SEC. 634. 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.''.

ROCKFELLER AMENDMENTS NOS. 2879–2880

(Ordered to lie on the table.)

Mr. ROCKEFELLER submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2879

On page 412, below line 2, add the following:

DIVISION D—TRANSPORTATION PROGRAM TECHNICAL CORRECTIONS

SEC. 4001. SHORT TITLE.

This division may be cited as the ''TEA 21 Restoration Act''.

SEC. 702. AUTHORIZATION AND PROGRAM SUBTITLE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1101(a) of the Transportation Equity Act for the 21st Century is amended—

(1) in paragraph (13)—

(A) by striking ''$1,025,695,000'' and inserting ''$1,029,473,500'';

(B) by striking ''$1,398,675,000'' and inserting ''$1,403,827,500'';

(C) by striking ''$1,678,410,000'' the first place it appears and inserting ''$1,684,593,000'';

(D) by striking ''$1,678,410,000'' the second place it appears and inserting ''$1,684,593,000'';

(E) by striking ''$1,771,655,000'' the first place it appears and inserting ''$1,778,181,500''; and

(F) by striking ''$1,771,655,000'' the second place it appears and inserting ''$1,778,181,500''; and

(2) in paragraph (14)—

(A) by striking ''1998'' and inserting ''1999''; and

(B) by inserting before ''$5,000,000'' the following: ''$10,000,000 for fiscal year 1998''.

(b) OBLIGATION LIMITATIONS.—

(1) GENERAL LIMITATION.—Section 1102(a) of such Act is amended—

(A) in paragraph (2) by striking ''$25,431,000,000'' and inserting ''$25,511,000,000'';

(B) in paragraph (3) by striking ''$26,155,000,000'' and inserting ''$26,245,000,000'';

(C) in paragraph (4) by striking ''$26,651,000,000'' and inserting ''$26,761,000,000'';

(D) in paragraph (5) by striking ''$27,235,000,000'' and inserting ''$27,355,000,000''; and

(E) in paragraph (6) by striking ''$27,681,000,000'' and inserting ''$27,811,000,000''.

(2) TRANSPORTATION RESEARCH PROGRAMS.—Section 1102(e) of such Act is amended—

(A) by striking ''3'' and inserting ''5'';

(B) by striking ''VI'' and inserting ''V''; and

(C) by inserting before the period at the end the following: ''; except that obligation authority made available for such programs under such limitations shall remain available for a period of 3 fiscal years''.

(3) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Section 1102(f) of such Act is amended by striking ''(other than the program under section 160 of title 23, United States Code)''.

(c) APPORTIONMENTS.—Section 1103 of such Act is amended—

(1) in subsection (l) by adding at the end the following:

''(5) Section 150 of such title, and the item relating to such section in the analysis for chapter 1 of such title, are repealed.'';

(2) in subsection (n) by inserting ''of title 23, United States Code'' after ''206''; and

(3) by adding at the end the following:

''(o) TECHNICAL ADJUSTMENTS.—Section 104 of title 23, United States Code, is amended—

''(1) in subsection (a)(1) (as amended by subsection (a) of this section) by striking 'under section 103';

''(2) in subsection (b) (as amended by subsection (b) of this section)—

''(A) in paragraph (1)(A) by striking '1999 through 2003' and inserting '1998 through 2002'; and

''(B) in paragraph (4)(B)(i) by striking 'on lanes on Interstate System' and all that follows through 'in each State' and inserting

'on Interstate System routes open to traffic in each State'; and

''(3) in subsection (e)(2) (as added by subsection (d)(6) of this section) by striking '104, 144, or 157' and inserting '104, 105, or 144'.''.

(d) MINIMUM GUARANTEE.—Section 1104 of such Act is amended by adding at the end the following:

''(c) TECHNICAL ADJUSTMENTS.—Section 105 of title 23, United States Code (as amended by subsection (a) of this section), is amended—

''(1) in subsection (a) by adding at the end the following: 'The minimum amount allocated to a State under this section for a fiscal year shall be $1,000,000.';

''(2) in subsection (c)(1) by striking '50 percent of';

''(3) in subsection (c)(1)(A) by inserting '(other than metropolitan planning, minimum guarantee, high priority projects, Appalachian development highway system, and recreational trails programs)' after 'subsection (a)';

''(4) in subsection (c)(1)(B) by striking 'all States' and inserting 'each State';

''(5) in subsection (c)(2)—

''(A) by striking 'apportion' and inserting 'administer'; and

''(B) by striking 'apportioned' and inserting 'administered'; and

''(6) in subsection (f)—

''(A) by inserting 'percentage' before 'return' each place it appears;

''(B) in paragraph (2) by striking 'for the preceding fiscal year was equal to or less than' and inserting 'in the table in subsection (b) was equal to'; and

''(C) in paragraph (3)—

''(i) by inserting 'proportionately' before 'adjust';

''(ii) by striking 'set forth'; and

''(iii) by striking 'do not exceed' and inserting 'is equal to'.''.

(e) REVENUE ALIGNED BUDGET AUTHORITY.—Section 1105 of such Act is amended by adding at the end the following:

''(c) TECHNICAL CORRECTIONS.—Section 110 of such title (as amended by subsection (a)) is amended—

''(1) by striking subsection (a) and inserting the following:

'(a) IN GENERAL.—

'(1) ALLOCATION.—On October 15 of fiscal year 2000 and each fiscal year thereafter, the Secretary shall allocate for such fiscal year an amount of funds equal to the amount determined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)(2)(B)(ii)(I)(cc)) if the amount determined pursuant to such section for such fiscal year is greater than zero.

'(2) REDUCTION.—If the amount determined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)(2)(B)(ii)(I)(cc)) for fiscal year 2000 or any fiscal year thereafter is less than zero, the Secretary on October 1 of the succeeding fiscal year shall reduce proportionately the amount of sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out each of the Federal-aid highway and highway safety construction programs (other than emergency relief) by an aggregate amount equal to the amount determined pursuant to such section.';

''(2) in subsections (b)(2) and (b)(4) by striking 'subsection (a)' and inserting 'subsection (a)(1)'; and

''(3) in subsection (c) by striking 'Maintenance program, the' and inserting 'and'.''.

(f) INTERSTATE MAINTENANCE PROGRAM.—Section 1107 of such Act is amended by adding at the end the following:

''(d) TECHNICAL AMENDMENTS.—Section 119 of such title (as amended by subsection (a)) is amended—

''(1) in subsection (b)—

''(A) by striking '104(b)(5)(B)' and inserting '104(b)(4)'; and

''(B) by striking '104(b)(5)(A)' each place it appears and inserting '104(b)(5)(A) (as in effect on the date before the date of enactment of the Transportation Equity Act for the 21st Century)'; and

''(2) in subsection (c) by striking '104(b)(5)(B)' each place it appears and inserting '104(b)(4)'.''.

(g) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—Section 1110(d)(2) of such Act is amended—

(1) by striking ''149(c)'' and inserting ''149(e)''; and

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

(h) HIGHWAY USE TAX EVASION PROJECTS.—Section 1114 of such Act is amended by adding at the end the following:

''(c) TECHNICAL ADJUSTMENTS.—Section 143 of title 23, United States Code (as amended by subsection (a) of this section), is amended—

''(1) in subsection (c)(1) by striking 'April 1' and inserting 'August 1';

''(2) in subsection (c)(3) by inserting 'PRIORITY' after 'FUNDING'; and

''(3) in subsection (c)(3) by inserting 'and prior to funding any other activity under this section,' after '2003,'.''.

(i) FEDERAL LANDS HIGHWAYS PROGRAM.—Section 1115 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''(f) CONFORMING AMENDMENTS.—

''(1) FEDERAL SHARE.—Subsections (j) and (k) of section 120 of title 23, United States Code (as added by subsection (a) of this section), are redesignated as subsections (k) and (l), respectively.

''(2) RESERVATION OF FUNDS.—Section 202(d)(4)(B) of such title (as added by subsection (b)(4) of this section) is amended by striking 'to, apply sodium acetate/formate de-icer to,' and inserting ', sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions'.

''(3) ELIMINATION OF DUPLICATIVE PROVISION.—Section 144(g) of such title is amended by striking paragraph (4).''.

(j) WOODROW WILSON MEMORIAL BRIDGE CORRECTION.—Section 1116 of such Act is amended by adding at the end the following:

''(e) TECHNICAL CORRECTION.—Sections 404(5) and 407(c)(2)(C)(iii) of such Act (as amended by subsections (a)(2) and (b)(2), respectively) are amended by striking 'the record of decision' each place it appears and inserting 'a record of decision'.''.

(k) TECHNICAL CORRECTION.—Section 1117 of such Act is amended in subsections (a) and (b) by striking ''section 102'' each place it appears and inserting ''section 1101(a)(6)''.

SEC. 703. RESTORATIONS TO GENERAL PROVISIONS SUBTITLE.

(a) IN GENERAL.—Subtitle B of title I of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''SEC. 1224. NATIONAL HISTORIC COVERED BRIDGE PRESERVATION.

''(a) HISTORIC COVERED BRIDGE DEFINED.—In this section, the term 'historic covered bridge' means a covered bridge that is listed or eligible for listing on the National Register of Historic Places.

''(b) HISTORIC COVERED BRIDGE PRESERVATION.—Subject to the availability of appropriations under subsection (d), the Secretary shall—

''(1) collect and disseminate information concerning historic covered bridges;

''(2) foster educational programs relating to the history and construction techniques of historic covered bridges;

''(3) conduct research on the history of historic covered bridges; and

''(4) conduct research, and study techniques, on protecting historic covered bridges from rot, fire, natural disasters, or weight-related damage.

''(c) DIRECT FEDERAL ASSISTANCE.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out 1 or more historic covered bridge projects described in paragraph (2).

''(2) TYPES OF PROJECT.—A grant under paragraph (1) may be made for a project—

''(A) to rehabilitate or repair a historic covered bridge; and

''(B) to preserve a historic covered bridge, including through—

''(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

''(ii) installation of a system to prevent vandalism and arson; or

''(iii) relocation of a bridge to a preservation site.

''(3) AUTHENTICITY.—A grant under paragraph (1) may be made for a project only if—

''(A) to the maximum extent practicable, the project—

''(i) is carried out in the most historically appropriate manner; and

''(ii) preserves the existing structure of the historic covered bridge; and

''(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

''(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with a grant under this subsection shall be 80 percent.

''(d) FUNDING.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1999 through 2003. Such funds shall remain available until expended.

''SEC. 1225. SUBSTITUTE PROJECT.

''(a) APPROVAL OF PROJECT.—Notwithstanding any other provision of law, upon the request of the Mayor of the District of Columbia, the Secretary may approve substitute highway and transit projects under section 103(e)(4) of title 23, United States Code (as in effect on the day before the date of enactment of this Act), in lieu of construction of the Barney Circle Freeway project in the District of Columbia, as identified in the 1991 Interstate Cost Estimate.

''(b) ELIGIBILITY FOR FEDERAL ASSISTANCE.—Upon approval of any substitute project or projects under subsection (a)—

''(1) the cost of construction of the Barney Circle Freeway Modification project shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956; and

''(2) substitute projects approved pursuant to this section shall be funded from interstate construction funds apportioned or allocated to the District of Columbia that are not expended and not subject to lapse on the date of enactment of this Act.

''(c) FEDERAL SHARE.—The Federal share payable on account of a project or activity approved under this section shall be 85 percent of the cost thereof; except that the exception set forth in section 120(b)(2) of title 23, United States Code, shall apply.

''(d) LIMITATION ON ELIGIBILITY.—Any substitute project approved pursuant to subsection (a) (for which the Secretary finds that sufficient Federal funds are available) must be under contract for construction, or

construction must have commenced, before the last day of the 4-year period beginning on the date of enactment of this Act. If the substitute project is not under contract for construction, or construction has not commenced, by such last day, the Secretary shall withdraw approval of the substitute project.

''SEC. 1226. FISCAL, ADMINISTRATIVE, AND OTHER AMENDMENTS.

''(a) ADVANCED CONSTRUCTION.—Section 115 of title 23, United States Code, is amended—

''(1) in subsection (b)—

''(A) by moving the text of paragraph (1) (including subparagraphs (A) and (B)) 2 ems to the left;

''(B) by striking 'PROJECTS' and all that follows through 'When a State' and inserting 'PROJECTS.—When a State';

''(C) by striking paragraphs (2) and (3);

''(D) by striking '(A) prior' and inserting '(1) prior'; and

''(E) by striking '(B) the project' and inserting '(2) the project';

''(2) by striking subsection (c); and

''(3) by redesignating subsection (d) as subsection (c).

''(b) AVAILABILITY OF FUNDS.—Section 118 of such title is amended—

''(1) in the subsection heading of subsection (b) by striking '; DISCRETIONARY PROJECTS'; and

''(2) by striking subsection (e) and inserting the following:

'(e) EFFECT OF RELEASE OF FUNDS.—Any Federal-aid highway funds released by the final payment on a project, or by the modification of the project agreement, shall be credited to the same program funding category previously apportioned to the State and shall be immediately available for expenditure.'.''.

''(c) ADVANCES TO STATES.—Section 124 of such title is amended—

''(1) by striking '(a)' the first place it appears; and

''(2) by striking subsection (b).

''(d) DIVERSION.—Section 126 of such title, and the item relating to such section in the analysis for chapter 1 of such title, are repealed.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of such Act is amended by inserting after the item relating to section 1222 the following:

''Sec. 1223. Transportation assistance for Olympic cities.
''Sec. 1224. National historic covered bridge preservation.
''Sec. 1225. Substitute project.
''Sec. 1226. Fiscal, administrative, and other amendments.''.

(c) METROPOLITAN PLANNING TECHNICAL ADJUSTMENT.—Section 1203 of such Act is amended by adding at the end the following:

''(o) TECHNICAL ADJUSTMENT.—Section 134(h)(5)(A) of title 23, United States Code (as amended by subsection (h) of this section), is amended by striking 'for implementation'.''.

(d) AMENDMENTS TO PRIOR SURFACE TRANSPORTATION LAWS.—Section 1211 of such Act is amended—

(1) in subsection (i)(3)(E) by striking ''subparagraph (D)'' and inserting ''subparagraph (C)'';

(2) in subsection (i) by adding at the end the following:

''(4) TECHNICAL AMENDMENTS.—Section 1105(e)(5)(B)(i) of such Act (as amended by paragraph (3) of this subsection) is amended—

''(A) by striking 'subsection (c)(18)(B)(i)' and inserting 'subsection (c)(18)(D)(i)';

''(B) by striking 'subsection (c)(18)(B)(ii)' and inserting 'subsection (c)(18)(D)(ii)'; and

''(C) by adding at the end the following: 'The portion of the route referred to in subsection (c)(36) is designated as Interstate Route I–86.'.'';

(3) by striking subsection (j);

(4) in subsection (k)—

(A) by striking ''along'' in paragraph (1) and inserting ''from''; and

(B) by adding at the end the following:

''(4) TEXAS STATE HIGHWAY 99.—Texas State Highway 99 (also known as 'Grand Parkway') shall be considered as 1 option in the I–69 route studies performed by the Texas Department of Transportation for the designation of I–69 Bypass in Houston, Texas.''; and

(5) by redesignating subsections (g) through (i) and (k) through (n) as subsections (f) through (h) and (i) through (l), respectively.

(e) MISCELLANEOUS.—Section 1212 of such Act is amended—

(1) in the second sentence of subsection (q)(1) by striking ''advance curriculum'' and inserting ''advanced curriculum'';

(2) in subsection (r)—

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

(B) by inserting after paragraph (1) the following:

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out paragraph (1) $2,000,000 for fiscal year 1999 and $2,500,000 for fiscal year 2000.'';

(3) in subsection (s)—

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

(B) by inserting after paragraph (1) the following:

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out paragraph (1) $23,000,000 for fiscal year 1999.'';

(4) in subsection (u)—

(A) by inserting ''the Secretary shall approve, and'' before ''the Commonwealth'';

(B) by inserting a comma after ''with''; and

(C) by inserting ''(as redefined by this Act)'' after ''80''; and

(5) by redesignating subsections (k) through (z) as subsections (e) through (t), respectively.

(f) PUERTO RICO HIGHWAY PROGRAM.—Section 1214(r) of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''(3) TREATMENT OF FUNDS.—Amounts made available to carry out this subsection for a fiscal year shall be administered as follows:

''(A) For purposes of this subsection, such amounts shall be treated as being apportioned to Puerto Rico under sections 104(b), 144, and 206 of title 23, United States Code, for each program funded under such sections in an amount determined by multiplying—

''(i) the aggregate of such amounts for the fiscal year; by

''(ii) the ratio that—

''(I) the amount of funds apportioned to Puerto Rico for each such program for fiscal year 1997; bears to

''(II) the total amount of funds apportioned to Puerto Rico for all such programs for fiscal year 1997.

''(B) The amounts treated as being apportioned to Puerto Rico under each section referred to in subparagraph (A) shall be deemed to be required to be apportioned to Puerto Rico under such section for purposes of the imposition of any penalty provisions in titles 23 and 49, United States Code.

''(C) Subject to subparagraph (B), nothing in this subsection shall be construed as affecting any allocation under section 105 of title 23, United States Code, and any apportionment under sections 104 and 144 of such title.''.

(g) DESIGNATED TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 1215 of such Act—

(1) is amended in each of subsections (d), (e), (f), and (g)—

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

(B) by inserting after paragraph (1) the following:

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out paragraph (1) the amounts specified in such paragraph for the fiscal years specified in such paragraph.''; and

(2) in subsection (d)(1) by inserting ''on Route 50'' after ''measures''.

(h) ELIGIBILITY.—Section 1217 of such Act is amended—

(1) in subsection (d) by striking ''104(b)(4)'' and inserting ''104(b)(5)(A)'';

(2) in subsection (i) by striking ''120(l)(1)'' and inserting ''120(j)(1)''; and

(3) in subsection (j) by adding at the end the following: ''$3,000,000 of the amounts made available for item 164 of the table contained in section 1602 shall be made available on October 1, 1998, to the Pennsylvania Turnpike Commission to carry out this subsection.''.

(i) MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM.—Section 1218 of such Act is amended by adding at the end the following:

''(c) TECHNICAL AMENDMENTS.—Section 322 of title 23, United States Code (as added by subsection (a) of this section), is amended—

''(1) in subsection (a)(3) by striking 'or under 50 miles per hour';

''(2) in subsection (d)—

''(A) in paragraph (1) by striking 'or low-speed'; and

''(B) in paragraph (2)—

''(i) in subparagraph (A) by striking '(h)(1)(A)' and inserting '(h)(1)'; and

''(ii) in subparagraph (B) by striking '(h)(4)' and inserting '(h)(3)';

''(3) in subsection (h)(1)(B)(i) by inserting '(other than subsection (i))' after 'this section'; and

''(4) by adding at the end the following:

'(i) LOW-SPEED PROJECT.—

'(1) IN GENERAL.—Notwithstanding any other provision of this section, of the funds made available by subsection (h)(1)(A) to carry out this section, $5,000,000 shall be made available to the Secretary to make grants for the research and development of low-speed superconductivity magnetic levitation technology for public transportation purposes in urban areas to demonstrate energy efficiency, congestion mitigation, and safety benefits.

'(2) NONCONTRACT AUTHORITY AUTHORIZATION OF APPROPRIATIONS.—

'(A) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection such sums as are necessary for each of fiscal years 2000 through 2003.

'(B) AVAILABILITY.—Notwithstanding section 118(a), funds made available under subparagraph (A)—

'(i) shall not be available in advance of an annual appropriation; and

'(ii) shall remain available until expended.'.''.

(j) TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.—Section 1223(f) of such Act is amended by inserting before the period at the end the following: ''or Special Olympics International''.

SEC. 704. RESTORATIONS TO PROGRAM STREAMLINING AND FLEXIBILITY SUBTITLE.

(a) IN GENERAL.—Subtitle C of title I of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"SEC. 1311. DISCRETIONARY GRANT SELECTION CRITERIA AND PROCESS.

''(a) ESTABLISHMENT OF CRITERIA.—The Secretary shall establish criteria for all discretionary programs funded from the Highway Trust Fund (other than the Mass Transit Account). To the extent practicable, such criteria shall conform to the Executive Order No. 12893 (relating to infrastructure investment).

''(b) SELECTION PROCESS.—

''(1) LIMITATION ON ACCEPTANCE OF APPLICATIONS.—Before accepting applications for grants under any discretionary program for which funds are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) by this Act (including the amendments made by this Act), the Secretary shall publish the criteria established under subsection (a). Such publication shall identify all statutory criteria and any criteria established by regulation that will apply to the program.

''(2) EXPLANATION.—Not less often than quarterly, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a list of the projects selected under discretionary programs funded from the Highway Trust Fund (other than the Mass Transit Account) and an explanation of how the projects were selected based on the criteria established under subsection (a).

''(c) MINIMUM COVERED PROGRAMS.—At a minimum, the criteria established under subsection (a) and the selection process established by subsection (b) shall apply to the following programs:

''(1) The intelligent transportation system deployment program under title V.

''(2) The national corridor planning and development program.

''(3) The coordinated border infrastructure and safety program.

''(4) The construction of ferry boats and ferry terminal facilities.

''(5) The national scenic byways program.

''(6) The Interstate discretionary program.

''(7) The discretionary bridge program.''.

(b) CONFORMING AMENDMENTS.—The table of contents contained in section 1(b) of such Act is amended—

(1) by striking the following:

''Sec. 1309. Major investment study integration.''.

and inserting the following:

''Sec. 1308. Major investment study integration.'';

and

(2) by inserting after the item relating to section 1310 the following:

''Sec. 1311. Discretionary grant selection criteria and process.''.

(c) REVIEW PROCESS.—Section 1309 of the Transportation Equity Act for the 21st Century is amended—

(1) in subsection (a)(1) by inserting after ''highway construction'' the following: ''and mass transit'';

(2) in subsection (d) by inserting after ''Code,'' the following: ''or chapter 53 of title 49, United States Code,''; and

(3) in subsection (e)(1)—

(A) by inserting ''or recipient'' after ''a State'';

(B) by inserting after ''provide funds'' the following: ''for a highway project''; and

(C) by inserting after ''Code,'' the following: ''or for a mass transit project made available under chapter 53 of title 49, United States Code,''.

SEC. 705. RESTORATIONS TO SAFETY SUBTITLE.

(a) IN GENERAL.—Subtitle D of title I of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

"SEC. 1405. OPEN CONTAINER LAWS.

''(a) ESTABLISHMENT.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

'§ 154. Open container requirements

'(a) DEFINITIONS.—In this section, the following definitions apply:

'(1) ALCOHOLIC BEVERAGE.—The term ''alcoholic beverage'' has the meaning given the term in section 158(c).

'(2) MOTOR VEHICLE.—The term ''motor vehicle'' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated exclusively on a rail or rails.

'(3) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term ''open alcoholic beverage container'' means any bottle, can, or other receptacle—

'(A) that contains any amount of alcoholic beverage; and

'(B)(i) that is open or has a broken seal; or

'(ii) the contents of which are partially removed.

'(4) PASSENGER AREA.—The term ''passenger area'' shall have the meaning given the term by the Secretary by regulation.

'(b) OPEN CONTAINER LAWS.—

'(1) IN GENERAL.—For the purposes of this section, each State shall have in effect a law that prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) located on a public highway, or the right-of-way of a public highway, in the State.

'(2) MOTOR VEHICLES DESIGNED TO TRANSPORT MANY PASSENGERS.—For the purposes of this section, if a State has in effect a law that makes unlawful the possession of any open alcoholic beverage container by the driver (but not by a passenger)—

'(A) in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, or

'(B) in the living quarters of a house coach or house trailer,

the State shall be deemed to have in effect a law described in this subsection with respect to such a motor vehicle for each fiscal year during which the law is in effect.

'(c) TRANSFER OF FUNDS.—

'(1) FISCAL YEARS 2001 AND 2002.—On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer an amount equal to 1½ percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402—

'(A) to be used for alcohol-impaired driving countermeasures; or

'(B) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

'(2) FISCAL YEAR 2003 AND FISCAL YEARS THEREAFTER.—On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer an amount equal to 3 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).

'(3) USE FOR HAZARD ELIMINATION PROGRAM.—A State may elect to use all or a portion of the funds transferred under paragraph (1) or (2) for activities eligible under section 152.

'(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with funds transferred under paragraph (1) or (2), or used under paragraph (3), shall be 100 percent.

'(5) DERIVATION OF AMOUNT TO BE TRANSFERRED.—The amount to be transferred under paragraph (1) or (2) may be derived from 1 or more of the following:

'(A) The apportionment of the State under section 104(b)(1).

'(B) The apportionment of the State under section 104(b)(3).

'(C) The apportionment of the State under section 104(b)(4).

'(6) TRANSFER OF OBLIGATION AUTHORITY.—

'(A) IN GENERAL.—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

'(B) AMOUNT.—The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying—

'(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year; by

'(ii) the ratio that—

'(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs; bears to

'(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

'(7) LIMITATION ON APPLICABILITY OF OBLIGATION LIMITATION.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.'.

''(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by inserting after the item relating to section 153 the following:

'154. Open container requirements.'.

"SEC. 1406. MINIMUM PENALTIES FOR REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED OR DRIVING UNDER THE INFLUENCE.

''(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

'§ 164. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence

'(a) DEFINITIONS.—In this section, the following definitions apply:

'(1) ALCOHOL CONCENTRATION.—The term ''alcohol concentration'' means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

'(2) DRIVING WHILE INTOXICATED; DRIVING UNDER THE INFLUENCE.—The terms ''driving while intoxicated'' and ''driving under the influence'' mean driving or being in actual physical control of a motor vehicle while having an alcohol concentration above the permitted limit as established by each State.

'(3) LICENSE SUSPENSION.—The term ''license suspension'' means the suspension of all driving privileges.

'(4) MOTOR VEHICLE.—The term ''motor vehicle'' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line or a commercial vehicle.

'(5) REPEAT INTOXICATED DRIVER LAW.—The term ''repeat intoxicated driver law'' means a State law that provides, as a minimum penalty, that an individual convicted of a second or subsequent offense for driving while intoxicated or driving under the influence after a previous conviction for that offense shall—

'(A) receive a driver's license suspension for not less than 1 year;

'(B) be subject to the impoundment or immobilization of each of the individual's motor vehicles or the installation of an ignition interlock system on each of the motor vehicles;

'(C) receive an assessment of the individual's degree of abuse of alcohol and treatment as appropriate; and

'(D) receive—

'(i) in the case of the second offense—

'(I) an assignment of not less than 30 days of community service; or

'(II) not less than 5 days of imprisonment; and

'(ii) in the case of the third or subsequent offense—

'(I) an assignment of not less than 60 days of community service; or

'(II) not less than 10 days of imprisonment.

'(b) TRANSFER OF FUNDS.—

'(1) FISCAL YEARS 2001 AND 2002.—On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 1½ percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402—

'(A) to be used for alcohol-impaired driving countermeasures; or

'(B) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

'(2) FISCAL YEAR 2003 AND FISCAL YEARS THEREAFTER.—On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 3 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).

'(3) USE FOR HAZARD ELIMINATION PROGRAM.—A State may elect to use all or a portion of the funds transferred under paragraph (1) or (2) for activities eligible under section 152.

'(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with funds transferred under paragraph (1) or (2), or used under paragraph (3), shall be 100 percent.

'(5) DERIVATION OF AMOUNT TO BE TRANSFERRED.—The amount to be transferred under paragraph (1) or (2) may be derived from 1 or more of the following:

'(A) The apportionment of the State under section 104(b)(1).

'(B) The apportionment of the State under section 104(b)(3).

'(C) The apportionment of the State under section 104(b)(4).

'(6) TRANSFER OF OBLIGATION AUTHORITY.—

'(A) IN GENERAL.—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

'(B) AMOUNT.—The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying—

'(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year; by

'(ii) the ratio that—

'(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs; bears to

'(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

'(7) LIMITATION ON APPLICABILITY OF OBLIGATION LIMITATION.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.'.

''(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by adding at the end the following:

'164. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.'.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of such Act is amended by inserting after the item relating to section 1403 the following:

''Sec. 1404. Safety incentives to prevent operation of motor vehicles by intoxicated persons.

''Sec. 1405. Open container laws.

''Sec. 1406. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.''.

(c) ROADSIDE SAFETY TECHNOLOGIES.—Section 1402(a)(2) of such Act is amended by striking ''directive'' and inserting ''redirective''.

SEC. 706. ELIMINATION OF DUPLICATE PROVISIONS.

(a) SAN MATEO COUNTY, CALIFORNIA.—Section 1113 of the Transportation Equity Act for the 21st Century is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (c) as subsection (d).

(b) VALUE PRICING PILOT PROGRAM.—Section 1216(a) of such Act is amended by adding at the end the following:

''(8) CONFORMING AMENDMENTS.—

''(A) Section 1012(b)(6) of such Act (as amended by paragraph (5) of this subsection) is amended by striking '146(c)' and inserting '102(a)'.

''(B) Section 1012(b)(8) of such Act (as added by paragraph (7) of this subsection) is amended—

''(i) in subparagraph (C) by striking 'under this subsection' and inserting 'to carry out this subsection';

''(ii) in subparagraph (D)—

''(I) by striking 'under this paragraph' and inserting 'to carry out this subsection'; and

''(II) by striking 'by this paragraph' and inserting 'to carry out this subsection';

''(iii) by striking subparagraph (A); and

''(iv) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.''.

(c) NATIONAL DEFENSE HIGHWAYS OUTSIDE THE UNITED STATES.—Section 1214(e) of such Act is amended to read as follows:

''(e) MINNESOTA TRANSPORTATION HISTORY NETWORK.—

''(1) IN GENERAL.—The Secretary shall award a grant to the Minnesota Historical Society for the establishment of the Minnesota Transportation History Network to include major exhibits, interpretive programs at national historic landmark sites, and outreach programs with county and local historical organizations.

''(2) COORDINATION.—In carrying out subsection (a), the Secretary shall coordinate with officials of the Minnesota Historical Society.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $1,000,000 for each of fiscal years 1999 through 2003 to carry out this subsection.

''(4) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.''.

(d) ENTRANCE PAVING AT NINIGRET NATIONAL WILDLIFE REFUGE.—Section 1214(i) of such Act is amended by striking ''$750,000'' each place it appears and inserting ''$75,000''.

SEC. 707. HIGHWAY FINANCE.

(a) IN GENERAL.—Section 1503 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''(c) TECHNICAL AMENDMENTS.—Section 188 of title 23, United States Code (as added by subsection (a) of this section), is amended—

''(1) in subsection (a)(2) by striking '1998' and inserting '1999'; and

''(2) in subsection (c)—

''(A) by striking '1998' and inserting '1999'; and

''(B) by striking the table and inserting the following:

'Fiscal year:	Maximum amount of credit:
1999	$1,600,000,000
2000	$1,800,000,000
2001	$2,200,000,000
2002	$2,400,000,000
2003	$2,600,000,000.'.''.

(b) CONFORMING AMENDMENTS.—The table of contents contained in section 1(b) of the Transportation Equity Act for the 21st Century is amended—

(1) in the item relating to section 1119 by striking ''and safety''; and

(2) by striking the items relating to subtitle E of title I and inserting the following:

''Subtitle E—Finance

''CHAPTER 1—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

''Sec. 1501. Short title.

''Sec. 1502. Findings.

''Sec. 1503. Establishment of program.

''Sec. 1504. Duties of the Secretary.

''CHAPTER 2—STATE INFRASTRUCTURE BANK PILOT PROGRAM

''Sec. 1511. State infrastructure bank pilot program.''.

SEC. 708. HIGH PRIORITY PROJECTS TECHNICAL CORRECTIONS.

The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended—

(1) in item 1 by striking ''1.275'' and inserting ''1.7'';

(2) in item 82 by striking ''30.675'' and inserting ''32.4'';

(3) in item 107 by striking ''1.125'' and inserting ''1.44'';

(4) in item 121 by striking ''10.5'' and inserting ''5.0'';

(5) in item 140 by inserting ''-VFHS Center'' after ''Park'';

(6) in item 151 by striking ''5.666'' and inserting ''8.666'';

(7) in item 164—

(A) by inserting '', and $3,000,000 for the period of fiscal years 1998 and 1999 shall be made available to carry out section 1217(j)'' after ''Pennsylvania''; and

(B) by striking ''25'' and inserting ''24.78'';

(8) by striking item 166 and inserting the following:

''166.	Michigan	Improve Tenth Street, Port Huron	1.8'';

(9) by striking item 242 and inserting the following:

''242.	Minnesota	Construct Third Street North, CSAH 81, Waite Park and St. Cloud	1.0'';

(10) by striking item 250 and inserting the following:

''250.	Indiana	Reconstruct Old Merridan Corridor from Pennsylvania Avenue to Gilford Road	1.35'';

(11) in item 255 by striking ''2.25'' and inserting ''3.0'';

(12) in item 263 by striking ''Upgrade Highway 99 between State Highway 70 and Lincoln Road, Sutter County'' and inserting ''Upgrade Highway 99, Sutter County'';

(13) in item 288 by striking ''3.75'' and inserting ''5.0'';

(14) in item 290 by striking ''3.5'' and inserting ''3.0'';

(15) in item 345 by striking ''8'' and inserting ''19.4'';

(16) in item 418 by striking ''2'' and inserting ''2.5'';

(17) in item 421 by striking ''11'' and inserting ''6'';

(18) in item 508 by striking ''1.8'' and inserting ''2.4'';

(19) by striking item 525 and inserting the following:

''525.	Alaska	Construct Bradfield Canal Road	1'';

(20) in item 540 by striking ''1.5'' and inserting ''2.0'';

(21) in item 576 by striking ''0.52275'' and inserting ''0.69275'';

(22) in item 588 by striking ''2.5'' and inserting ''3.0'';

(23) in item 591 by striking ''10'' and inserting ''5'';

(24) in item 635 by striking ''1.875'' and inserting ''2.15'';

(25) in item 669 by striking ''3'' and inserting ''3.5'';

(26) in item 702 by striking ''10.5'' and inserting ''10'';

(27) in item 746 by inserting '', and for the purchase of the Block House in Scott County, Virginia'' after ''Forest'';

(28) in item 755 by striking ''1.125'' and inserting ''1.5'';

(29) in item 769 by striking ''Construct new I–95 interchange with Highway 99W, Tehama County'' and inserting ''Construct new I–5 interchange with Highway 99W, Tehama County'';

(30) in item 770 by striking ''1.35'' and inserting ''1.0'';

(31) in item 789 by striking ''2.0625'' and inserting ''1.0'';

(32) in item 803 by striking ''Tomahark'' and inserting ''Tomahawk'';

(33) in item 836 by striking ''Construct'' and all that follows through ''for'' and inserting ''To the National Park Service for construction of the'';

(34) in item 854 by striking ''0.75'' and inserting ''1'';

(35) in item 863 by striking ''9'' and inserting ''4.75'';

(36) in item 887 by striking ''0.75'' and inserting ''3.21'';

(37) in item 891 by striking ''19.5'' and inserting ''25.0'';

(38) in item 902 by striking ''10.5'' and inserting ''14.0'';

(39) by striking item 1065 and inserting the following:

''1065.	Texas	Construct a 4-lane divided highway on Artcraft Road from I–10 to Route 375 in El Paso	5'';

(40) in item 1192 by striking ''24.97725'' and inserting ''24.55725'';

(41) in item 1200 by striking ''Upgrade (all weather) on U.S. 2, U.S. 41, and M 35'' and inserting ''Upgrade (all weather) on Delta County's reroute of U.S. 2, U.S. 41, and M 35'';

(42) in item 1245 by striking ''3'' and inserting ''3.5'';

(43) in item 1271 by striking ''Spur'' and all that follows through ''U.S. 59'' and inserting ''rail-grade separations (Rosenberg Bypass) at U.S. 59(S)'';

(44) in item 1278 by striking ''28.18'' and inserting ''22.0'';

(45) in item 1288 by inserting ''30'' after ''U.S.'';

(46) in item 1338 by striking ''5.5'' and inserting ''3.5'';

(47) in item 1383 by striking ''0.525'' and inserting ''0.35'';

(48) in item 1395 by striking ''Construct'' and all that follows through ''Road'' and inserting ''Upgrade Route 219 between Meyersdale and Somerset'';

(49) in item 1468 by striking ''Reconstruct'' and all that follows through ''U.S. 23'' and inserting ''Conduct engineering and design and improve I–94 in Calhoun and Jackson Counties'';

(50) in item 1474—

(A) by striking ''in Euclid'' and inserting ''and London Road in Cleveland''; and

(B) by striking ''3.75'' and inserting ''8.0'';

(51) in item 1535 by striking ''Stanford'' and inserting ''Stamford'';

(52) in item 1538 by striking ''and Winchester'' and inserting '', Winchester, and Torrington'';

(53) by striking item 1546 and inserting the following:

''1546.	Michigan	Construct Bridge-to-Bay bike path, St. Clair County	0.450'';

(54) by striking item 1549 and inserting the following:

''1549.	New York	Center for Advanced Simulation and Technology, at Dowling College	0.6'';

(55) in item 1663 by striking ''26.5'' and inserting ''27.5'';

(56) in item 1703 by striking ''I–80'' and inserting ''I–180'';

(57) in item 1726 by striking ''I–179'' and inserting ''I–79'';

(58) by striking item 1770 and inserting the following:

''1770.	Virginia	Operate and conduct research on the 'Smart Road' in Blacksburg	6.025'';

(59) in item 1810 by striking ''Construct Rio Rancho Highway'' and inserting ''Northwest Albuquerque/Rio Rancho high priority roads'';

(60) in item 1815 by striking ''High'' and all that follows through ''projects'' and inserting ''Highway and bridge projects that Delaware provides for by law'';

(61) in item 1844 by striking ''Prepare'' and inserting ''Repair'';

(62) by striking item 1850 and inserting the following:

''1850.	Missouri	Resurface and maintain roads located in Missouri State parks	5'';

(63) in item 661 by striking ''SR 800'' and inserting ''SR 78'';

(64) in item 1704 by inserting '', Pittsburgh,'' after ''Road''; and

(65) in item 1710 by inserting '', Bethlehem'' after ''site''.

SEC. 709. FEDERAL TRANSIT ADMINISTRATION PROGRAMS.

(a) DEFINITIONS.—Section 3003 of the Federal Transit Act of 1998 is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Section 5302''; and

(2) by adding at the end the following:

''(b) CONFORMING AMENDMENTS.—Section 5302 (as amended by subsection (a) of this section) is amended in subsection (a)(1)(G)(i) by striking 'daycare and' and inserting 'daycare or'.''.

(b) METROPOLITAN PLANNING.—Section 3004 of the Federal Transit Act of 1998 is amended—

(1) in subsection (b)—

(A) in paragraph (1) by striking subparagraph (A) and inserting the following:

''(A) by striking 'general local government representing' and inserting 'general purpose local government that together represent'; and'';

(B) in paragraph (3) by striking ''and'' at the end;

(C) in paragraph (4) by striking subparagraph (A) and inserting the following:

''(A) by striking 'general local government representing' and inserting 'general purpose local government that together represent'; and'';

(D) by redesignating paragraph (4) as paragraph (5); and

(E) by inserting after paragraph (3) the following:

''(3) in paragraph (4)(A) by striking '(3)' and inserting '(5)'; and'';

(2) in subsection (d) by striking the closing quotation marks and the final period at the end and inserting the following:

'(5) COORDINATION.—If a project is located within the boundaries of more than 1 metropolitan planning organization, the metropolitan planning organizations shall coordinate plans regarding the project.

'(6) LAKE TAHOE REGION.—

'(A) DEFINITION.—In this paragraph, the term ''Lake Tahoe region'' has the meaning given the term ''region'' in subdivision (a) of article II of the Tahoe Regional Planning Compact, as set forth in the first section of Public Law 96–551 (94 Stat. 3234).

'(B) TRANSPORTATION PLANNING PROCESS.—The Secretary shall—

'(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region a transportation planning process for the region; and

'(ii) coordinate the transportation planning process with the planning process required of State and local governments under this chapter and sections 134 and 135 of title 23.

'(C) INTERSTATE COMPACT.—

'(i) IN GENERAL.—Subject to clause (ii) and notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

'(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

'(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under clause (i) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

'(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of this chapter and under title 23, not more than 1 percent of the funds allocated under section 202 of title 23 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

'(D) ACTIVITIES.—Highway projects included in transportation plans developed under this paragraph—

'(i) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

'(ii) may, in accordance with chapter 2 of title 23, be funded using funds allocated under section 202 of title 23.'.'.''; and

(3) by adding at the end the following:

''(f) TECHNICAL ADJUSTMENTS.—Section 5303(f) is amended—

''(1) in paragraph (1) (as amended by subsection (e)(1) of this subsection)—

''(A) in subparagraph (C) by striking 'and' at the end;

''(B) in subparagraph (D) by striking the period at the end and inserting '; and';

''(C) by adding at the end the following:

'(E) the financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range plan if reasonable additional resources beyond those identified in the financial plan were available, except that, for the purpose of developing the long-range plan, the metropolitan planning organization and the State shall cooperatively develop estimates of funds that will be available to support plan implementation.'; and

''(2) by adding at the end the following:

'(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (1)(E), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (1)(B).'.''.

(c) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—Section 3005 of the Federal Transit Act of 1998 is amended—

(1) in the section heading by inserting ''**metropolitan**'' before ''**transportation**''; and

(2) by adding at the end the following:

''(d) TECHNICAL ADJUSTMENTS.—Section 5304 is amended—

''(1) in subsection (a) (as amended by subsection (a) of this section)—

''(A) by striking 'In cooperation with' and inserting the following:

'(1) IN GENERAL.—In cooperation with'; and

''(B) by adding at the end the following:

'(2) FUNDING ESTIMATE.—For the purpose of developing the transportation improvement program, the metropolitan planning organization, public transit agency, and the State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.';

''(2) in subsection (b)(2)—

''(A) in subparagraph (B) by striking 'and' at the end; and

''(B) in subparagraph (C) (as added by subsection (b) of this section) by striking 'strategies which may include' and inserting the following: 'strategies; and

'(D) may include'; and

''(3) in subsection (c) by striking paragraph (4) (as amended by subsection (c) of this section) and inserting the following:

'(4) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

'(A) IN GENERAL.—Notwithstanding subsection (b)(2)(D), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subsection (b)(2)(D).

'(B) ACTION BY SECRETARY.—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the plan under subsection (b)(2) for inclusion in an approved transportation improvement plan.'.''.

(d) TRANSPORTATION MANAGEMENT AREAS.—Section 3006(d) of the Federal Transit Act of 1998 is amended to read as follows:

''(d) PROJECT SELECTION.—Section 5305(d)(1) is amended to read as follows: '(1)(A) All federally funded projects carried out within the boundaries of a transportation management area under title 23 (excluding projects carried out on the National Highway System and projects carried out under the bridge and interstate maintenance program) or under this chapter shall be selected from the approved transportation improvement program by the metropolitan planning organization designated for the area in consultation with the State and any affected public transit operator.

'(B) Projects carried out within the boundaries of a transportation management area on the National Highway System and projects carried out within such boundaries under the bridge program or the interstate maintenance program shall be selected from the approved transportation improvement program by the State in cooperation with the metropolitan planning organization designated for the area.'.''.

(e) URBANIZED AREA FORMULA GRANTS.—Section 3007 of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(h) TECHNICAL ADJUSTMENTS.—

''(1) GENERAL AUTHORITY.—Section 5307(b) (as amended by subsection (c)(1)(B) of this section) is amended by adding at the end the following: 'The Secretary may make grants under this section from funds made available for fiscal year 1998 to finance the operating costs of equipment and facilities for use in mass transportation in an urbanized area with a population of at least 200,000.'.

''(2) REPORT.—Section 5307(k)(3) (as amended by subsection (f) of this section) is amended by inserting 'preceding' before 'fiscal year'.''.

(f) CLEAN FUELS FORMULA GRANT PROGRAM.—Section 3008 of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(c) TECHNICAL ADJUSTMENTS.—Section 5308(e)(2) (as added by subsection (a) of this section) is amended by striking '$50,000,000' and inserting '35 percent'.''.

(g) CAPITAL INVESTMENT GRANTS AND LOANS.—Section 3009 of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(k) TECHNICAL ADJUSTMENTS.—

''(1) CRITERIA.—Section 5309(e) (as amended by subsection (e) of this section) is amended—

''(A) in paragraph (3)(C) by striking 'urban' and inserting 'suburban';

''(B) in the second sentence of paragraph (6) by striking 'or not' and all that follows through ', based' and inserting 'or ''not recommended'', based'; and

''(C) in the last sentence of paragraph (6) by inserting 'of the' before 'criteria established'.

''(2) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—Section 5309(g) (as amended by subsection (f) of this section) is amended in paragraph (4) by striking '5338(a)' and all that follows through '2003' and inserting '5338(b) of this title for new fixed guideway systems and extensions to existing fixed guideway systems and the amount appropriated under section 5338(h)(5) or an amount equivalent to the last 2 fiscal years of funding authorized under section 5338(b) for new fixed guideway systems and extensions to existing fixed guideway systems'.

''(3) ALLOCATING AMOUNTS.—Section 5309(m) (as amended by subsection (g) of this section) is amended—

''(A) in paragraph (1) by inserting '(b)' after '5338';

''(B) by striking paragraph (2) and inserting the following:

'(2) NEW FIXED GUIDEWAY GRANTS.—

'(A) LIMITATION ON AMOUNTS AVAILABLE FOR ACTIVITIES OTHER THAN FINAL DESIGN AND CONSTRUCTION.—Not more than 8 percent of the amounts made available in each fiscal year by paragraph (1)(B) shall be available for activities other than final design and construction.

'(B) FUNDING FOR FERRY BOAT SYSTEMS.—

'(i) AMOUNTS UNDER (1)(B).—Of the amounts made available under paragraph (1)(B), $10,400,000 shall be available in each of fiscal years 1999 through 2003 for capital projects in Alaska or Hawaii, for new fixed guideway systems and extensions to existing fixed guideway systems that are ferry boats or ferry terminal facilities, or that are approaches to ferry terminal facilities.

'(ii) AMOUNTS UNDER 5338(H)(5).—Of the amounts appropriated under section 5338(h)(5), $3,600,000 shall be available in each of fiscal years 1999 through 2003 for capital projects in Alaska or Hawaii, for new fixed guideway systems and extensions to existing fixed guideway systems that are ferry boats or ferry terminal facilities, or that are approaches to ferry terminal facilities.';

''(C) by redesignating paragraph (4) as paragraph (3)(C);

''(D) in paragraph (3) by adding at the end the following:

'(D) OTHER THAN URBANIZED AREAS.—Of amounts made available by paragraph (1)(C), not less than 5.5 percent shall be available in each fiscal year for other than urbanized areas.';

''(E) by striking paragraph (5); and

''(F) by inserting after paragraph (3) the following:

'(4) ELIGIBILITY FOR ASSISTANCE FOR MULTIPLE PROJECTS.—A person applying for or receiving assistance for a project described in subparagraph (A), (B), or (C) of paragraph (1) may receive assistance for a project described in any other of such subparagraphs.'.''.

(h) REFERENCES TO FULL FUNDING GRANT AGREEMENTS.—Section 3009(h)(3) of the Federal Transit Act of 1998 is amended—

(1) by striking ''and'' at the end of subparagraph (A)(ii);

(2) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(3) by adding at the end the following:

''(C) in section 5328(a)(4) by striking 'section 5309(m)(2) of this title' and inserting '5309(o)(1)'; and

''(D) in section 5309(n)(2) by striking 'in a way' and inserting 'in a manner'.''.

(i) DOLLAR VALUE OF MOBILITY IMPROVEMENTS.—Section 3010(b)(2) of the Federal Transit Act of 1998 is amended by striking ''Secretary'' and inserting ''Comptroller General''.

(j) INTELLIGENT TRANSPORTATION SYSTEM APPLICATIONS.—Section 3012 of the Federal Transit Act of 1998 is amended by moving paragraph (3) of subsection (a) to the end of subsection (b) and by redesignating such paragraph (3) as paragraph (4).

(k) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015 of the Federal Transit Act of 1998 is amended—

(1) in subsection (c)(2) by adding at the end the following: ''Financial assistance made available under this subsection and projects assisted with the assistance shall be subject to section 5333(a) of title 49, United States Code.''; and

(2) by adding at the end the following:

''(d) TRAINING AND CURRICULUM DEVELOPMENT.—

''(1) IN GENERAL.—Any funds made available by section 5338(e)(2)(C)(iii) of title 49, United States Code, shall be available in equal amounts for transportation research, training, and curriculum development at institutions identified in subparagraphs (E) and (F) of section 5505(j)(3) of such title.

''(2) SPECIAL RULE.—If the institutions identified in paragraph (1) are selected pursuant to 5505(i)(3)(B) of such title in fiscal year 2002 or 2003, the funds made available to carry out this subsection shall be available to those institutions to carry out the activities required pursuant to section 5505(i)(3)(B) of such title for that fiscal year.''.

(l) NATIONAL TRANSIT INSTITUTE.—Section 3017(a) of the Federal Transit Act of 1998 is amended to read as follows:

''(a) IN GENERAL.—Section 5315 is amended—

''(1) in the section heading by striking '**mass transportation** and inserting '**transit**';

''(2) in subsection (a)—

''(A) by striking 'mass transportation' in the first sentence and inserting 'transit';

''(B) in paragraph (5) by inserting 'and architectural design' before the semicolon at the end;

''(C) in paragraph (7) by striking 'carrying out' and inserting 'delivering';

''(D) in paragraph (11) by inserting ', construction management, insurance, and risk management' before the semicolon at the end;

''(E) in paragraph (13) by striking 'and' at the end;

''(F) in paragraph (14) by striking the period at the end and inserting a semicolon; and

''(G) by adding at the end the following:

'(15) innovative finance; and

'(16) workplace safety.'.''.

(m) PILOT PROGRAM.—Section 3021(a) of the Federal Transit Act of 1998 is amended by inserting ''single-State'' before ''pilot program''.

(n) ARCHITECTURAL, ENGINEERING, AND DESIGN CONTRACTS.—Section 3022 of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(b) CONFORMING AMENDMENT.—Section 5325(b) (as redesignated by subsection (a)(2) of this section) is amended—

''(1) by inserting 'or requirement' after 'A contract'; and

''(2) by inserting before the last sentence the following: 'When awarding such contracts, recipients of assistance under this chapter shall maximize efficiencies of administration by accepting nondisputed audits conducted by other governmental agencies, as provided in subparagraphs (C) through (F) of section 112(b)(2) of title 23.'.''.

(o) CONFORMING AMENDMENT.—Section 3027 of the Federal Transit Act of 1998 is amended—

(1) in subsection (c) by striking ''600,000'' each place it appears and inserting ''900,000''; and

(2) by adding at the end the following:

''(d) CONFORMING AMENDMENT.—The item relating to section 5336 in the table of sections for chapter 53 is amended by striking 'block grants' and inserting 'formula grants'.''.

(p) APPORTIONMENT FOR FIXED GUIDEWAY MODERNIZATION.—Section 3028 of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(c) CONFORMING AMENDMENTS.—Section 5337(a) (as amended by subsection (a) of this section) is amended—

''(1) in paragraph (2)(B) by striking '(e)' and inserting '(e)(1)';

''(2) in paragraph (3)(D)—

''(A) by striking '(ii)'; and

''(B) by striking '(e)' and inserting '(e)(1)';

''(3) in paragraph (4) by striking '(e)' and inserting '(e)(1)';

''(4) in paragraph (5)(A) by striking '(e)' and inserting '(e)(2)';

''(5) in paragraph (5)(B) by striking '(e)' and inserting '(e)(2)';

''(6) in paragraph (6) by striking '(e)' each place it appears and inserting '(e)(2)'; and

''(7) in paragraph (7) by striking '(e)' each place it appears and inserting '(e)(2)'.''.

(q) AUTHORIZATIONS.—Section 3029 of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(c) TECHNICAL ADJUSTMENTS.—Section 5338 (as amended by subsection (a) of this section) is amended—

''(1) in subsection (c)(2)(A)(i) by striking '$43,200,000' and inserting '$42,200,000';

''(2) in subsection (c)(2)(A)(ii) by striking '$46,400,000' and inserting '$48,400,000';

''(3) in subsection (c)(2)(A)(iii) by striking '$51,200,000' and inserting '$50,200,000';

''(4) in subsection (c)(2)(A)(iv) by striking '$52,800,000' and inserting '$53,800,000';

''(5) in subsection (c)(2)(A)(v) by striking '$57,600,000' and inserting '$58,600,000';

''(6) in subsection (d)(2)(C)(iii) by inserting before the semicolon ', including not more than $1,000,000 shall be available to carry out section 5315(a)(16)';

''(7) in subsection (e)—

''(A) by striking '5317(b)' each place it appears and inserting '5505';

''(B) in paragraph (1) by striking 'There are' and inserting 'Subject to paragraph (2)(C), there are';

''(C) in paragraph (2)—

''(i) in subparagraph (A) by striking 'There shall' and inserting 'Subject to subparagraph (C), there shall';

''(ii) in subparagraph (B) by striking 'In addition' and inserting 'Subject to subparagraph (C), in addition'; and

''(iii) by adding at the end the following:

'(C) FUNDING OF CENTERS.—

'(i) Of the amounts made available under subparagraph (A) and paragraph (1) for each fiscal year—

'(I) $2,000,000 shall be available for the center identified in section 5505(j)(4)(A); and

'(II) $2,000,000 shall be available for the center identified in section 5505(j)(4)(F).

'(ii) For each of fiscal years 1998 through 2001, of the amounts made available under this paragraph and paragraph (1)—

'(I) $400,000 shall be available from amounts made available under subparagraph (A) of this paragraph and under paragraph (1) for each of the centers identified in subparagraphs (E) and (F) of section 5505(j)(3); and

'(II) $350,000 shall be available from amounts made available under subparagraph (B) of this paragraph and under paragraph (1) for each of the centers identified in subparagraphs (E) and (F) of section 5505(j)(3).

'(iii) Any amounts made available under this paragraph or paragraph (1) for any fiscal year that remain after distribution under clauses (i) and (ii), shall be available for the purposes identified in section 3015(d) of the Federal Transit Act of 1998.'; and

''(D) by adding at the end the following:

'(3) SPECIAL RULE.—Nothing in this subsection shall be construed to limit the transportation research conducted by the centers funded by this section.';

''(8) in subsection (g)(2) by striking '(c)(2)(B),' and all that follows through '(f)(2)(B),' and inserting '(c)(1), (c)(2)(B), (d)(1), (d)(2)(B), (e)(1), (e)(2)(B), (f)(1), (f)(2)(B),';

''(9) in subsection (h) by inserting 'under the Transportation Discretionary Spending Guarantee for the Mass Transit Category' after 'through (f)'; and

''(10) in subsection (h)(5) by striking subparagraphs (A) through (E) and inserting the following:

'(A) for fiscal year 1999 $400,000,000;

'(B) for fiscal year 2000 $410,000,000;

'(C) for fiscal year 2001 $420,000,000;

'(D) for fiscal year 2002 $430,000,000; and

'(E) for fiscal year 2003 $430,000,000;'.''.

(r) PROJECTS FOR FIXED GUIDEWAY SYSTEMS.—Section 3030 of the Federal Transit Act of 1998 is amended—

(1) in subsection (a)—

(A) in paragraph (8) by inserting ''North-'' before ''South'';

(B) in paragraph (42) by striking ''Maryland'' and inserting ''Baltimore'';

(C) in paragraph (103) by striking ''busway'' and inserting ''Boulevard transitway'';

(D) in paragraph (106) by inserting ''CTA'' before ''Douglas'';

(E) by striking paragraph (108) and inserting the following:

''(108) Greater Albuquerque Mass Transit Project.''; and

(F) by adding at the end the following:

''(109) Hartford City Light Rail Connection to Central Business District.

''(110) Providence–Boston Commuter Rail.

''(111) New York–St. George's Ferry Intermodal Terminal.

''(112) New York–Midtown West Ferry Terminal.

''(113) Pinellas County–Mobility Initiative Project.

''(114) Atlanta–MARTA Extension (S. De Kalb-Lindbergh).'';

(2) in subsection (b)—

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

''(2) Sioux City–Light Rail.'';

(B) by striking paragraph (40) and inserting the following:

''(40) Santa Fe–El Dorado Rail Link.'';

(C) by striking paragraph (44) and inserting the following:

''(44) Albuquerque–High Capacity Corridor.'';

(D) by striking paragraph (53) and inserting the following:

''(53) San Jacinto–Branch Line (Riverside County).''; and

(E) by adding at the end the following:

''(69) Chicago–Northwest Rail Transit Corridor.

''(70) Vermont–Burlington-Essex Commuter Rail.''; and

(3) in subsection (c)—

(A) in paragraph (1)(A)—

(i) in the matter preceding clause (i) by inserting ''(even if the project is not listed in subsection (a) or (b))'' before the colon;

(ii) by striking clause (ii) and inserting the following:

''(ii) San Diego Mission Valley and Mid-Coast Corridor, $325,000,000.'';

(iii) by striking clause (v) and inserting the following:

''(v) Hartford City Light Rail Connection to Central Business District, $33,000,000.'';

(iv) by striking clause (xxiii) and inserting the following:

''(xxiii) Kansas City–I-35 Commuter Rail, $30,000,000.'';

(v) in clause (xxxii) by striking ''Whitehall Ferry Terminal'' and inserting ''Staten Island Ferry-Whitehall Intermodal Terminal'';

(vi) by striking clause (xxxv) and inserting the following:

''(xxxv) New York–Midtown West Ferry Terminal, $16,300,000.'';

(vii) in clause (xxxix) by striking ''Allegheny County'' and inserting ''Pittsburgh'';

(viii) by striking clause (xvi) and inserting the following:

''(xvi) Northeast Indianapolis Corridor, $10,000,000.'';

(ix) by striking clause (xxix) and inserting the following:

''(xxix) Greater Albuquerque Mass Transit Project, $90,000,000.'';

(x) by striking clause (xliii) and inserting the following:

''(xliii) Providence–Boston Commuter Rail, $10,000,000.'';

(xi) by striking clause (xlix) and inserting the following:

''(xlix) Seattle Sound Move Corridor, $40,000,000.''; and

(xii) by striking clause (li) and inserting the following:

''(li) Dallas-Ft. Worth RAILTRAN (Phase-II), $12,000,000.'';

(B) by striking the heading for subsection (c)(2) and inserting ''ADDITIONAL AMOUNTS''; and

(C) in paragraph (3) by inserting after the first sentence the following: ''The project shall also be exempted from all requirements relating to criteria for grants and loans for fixed guideway systems under section 5309(e) of such title and from regulations required under that section.''.

(s) NEW JERSEY URBAN CORE PROJECT.—Section 3030(e) of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(4) TECHNICAL ADJUSTMENT.—Section 3031(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (as amended by paragraph (3)(B) of this subsection) is amended—

''(A) by striking 'of the West Shore Line' and inserting 'or the West Shore Line'; and

''(B) by striking 'directly connected to' and all that follows through 'Newark International Airport' the first place it appears.''.

(t) BALTIMORE-WASHINGTON TRANSPORTATION IMPROVEMENTS.—Section 3030 of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(h) TECHNICAL ADJUSTMENT.—Section 3035(nn) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2134) (as amended by subsection (g)(1)(C) of this section) is amended by inserting after 'expenditure of' the following: 'section 5309 funds to the aggregate expenditure of'.''.

(u) BUS PROJECTS.—Section 3031 of the Federal Transit Act of 1998 is amended—

(1) in the table contained in subsection (a)—

(A) by striking item 64;

(B) in item 69 by striking ''Rensslear'' each place it appears and inserting ''Rensselaer'';

(C) in item 103 by striking ''facilities and''; and

(D) by striking item 150;

(2) by striking the heading for subsection (b) and inserting ''ADDITIONAL AMOUNTS'';

(3) in subsection (b) by inserting after ''2000'' the first place it appears ''with funds made available under section 5338(h)(6) of such title''; and

(4) in item 2 of the table contained in subsection (b) by striking ''Rensslear'' each place it appears and inserting ''Rensselaer''.

(v) CONTRACTING OUT STUDY.—Section 3032 of the Federal Transit Act of 1998 is amended—

(1) in subsection (a) by striking ''3'' and inserting ''6'';

(2) in subsection (d) by striking ''the Mass Transit Account of the Highway Trust Fund'' and inserting ''funds made available under section 5338(f)(2) of title 49, United States Code,'';

(3) in subsection (d) by striking ''1998'' and inserting ''1999''; and

(4) in subsection (e) by striking ''subsection (c)'' and inserting ''subsection (d)''.

(w) JOB ACCESS AND REVERSE COMMUTE GRANTS.—Section 3037 of the Federal Transit Act of 1998 is amended—

(1) in subsection (b)(4)(A)—

(A) by inserting ''designated recipients under section 5307(a)(2) of title 49, United States Code,'' after ''from among''; and

(B) by inserting a comma after ''and agencies'';

(2) in subsection (b)(4)(B)—

(A) by striking ''at least'' and inserting ''less than'';

(B) by inserting ''designated recipients under section 5307(a)(2) of title 49, United States Code,'' after ''from among''; and

(C) by inserting ''and agencies,'' after ''authorities'';

(3) in subsection (f)(2)—

(A) by striking ''(including bicycling)''; and

(B) by inserting ''(including bicycling)'' after ''additional services'';

(4) in subsection (h)(2)(B) by striking ''403(a)(5)(C)(ii)'' and inserting ''403(a)(5)(C)(vi)'';

(5) in the heading for subsection (l)(1)(C) by striking ''FROM THE GENERAL FUND'';

(6) in subsection (l)(1)(C) by inserting ''under the Transportation Discretionary Spending Guarantee for the Mass Transit Category'' after ''(B)''; and

(7) in subsection (l)(3)(B) by striking ''at least'' and inserting ''less than''.

(x) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038 of the Federal Transit Act of 1998 is amended—

(1) in subsection (a)(1)(A) by inserting before the semicolon ''or connecting 1 or more rural communities with an urban area not in close proximity'';

(2) in subsection (g)(1)—

(A) by inserting ''over-the-road buses used substantially or exclusively in'' after ''operators of''; and

(B) by inserting at the end the following: ''Such sums shall remain available until expended.''; and

(3) in subsection (g)(2)—

(A) by striking ''each of''; and

(B) by adding at the end the following: ''Such sums shall remain available until expended.''.

(y) STUDY OF TRANSIT NEEDS IN NATIONAL PARKS AND RELATED PUBLIC LANDS.—Section 3039(b) of the Federal Transit Act of 1998 is amended—

(1) in paragraph (1) by striking ''in order to carry'' and inserting ''assist in carrying''; and

(2) by adding at the end the following:

''(3) DEFINITION.—For purposes of this subsection, the term 'Federal land management agencies' means the National Park Service, the United States Fish and Wildlife Service, and the Bureau of Land Management.''.

(z) OBLIGATION CEILING.—Section 3040 of the Federal Transit Act of 1998 is amended—

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

''(2) $5,797,000,000 in fiscal year 2000;''; and

(2) in paragraph (4) by striking ''$6,746,000,000'' and inserting ''$6,747,000,000''.

SEC. 710. MOTOR CARRIER SAFETY TECHNICAL CORRECTION.

Section 4011 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''(h) TECHNICAL AMENDMENTS.—Section 31314 (as amended by subsection (g) of this section) is amended—

''(1) in subsections (a) and (b) by striking '(3), and (5)' each place it appears and inserting '(3), and (4)'; and

''(2) by striking subsection (d).''.

SEC. 711. RESTORATIONS TO RESEARCH TITLE.

(a) UNIVERSITY TRANSPORTATION RESEARCH FUNDING.—Section 5001(a)(7) of the Transportation Equity Act for the 21st Century is amended—

(1) by striking ''$31,150,000'' each place it appears and inserting ''$25,650,000'';

(2) by striking ''$32,750,000'' each place it appears and inserting ''$27,250,000''; and

(3) by striking ''$32,000,000'' each place it appears and inserting ''$26,500,000''.

(b) OBLIGATION CEILING.—Section 5002 of such Act is amended by striking ''$403,150,000'' and all that follows through ''$468,000,000'' and inserting ''$397,650,000 for fiscal year 1998, $403,650,000 for fiscal year 1999, $422,450,000 for fiscal year 2000, $437,250,000 for fiscal year 2001, $447,500,000 for fiscal year 2002, and $462,500,000''.

(c) USE OF FUNDS FOR ITS.—Section 5210 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''(d) USE OF INNOVATIVE FINANCING.—

''(1) IN GENERAL.—The Secretary may use up to 25 percent of the funds made available to carry out this subtitle to make available loans, lines of credit, and loan guarantees for projects that are eligible for assistance under this subtitle and that have significant intelligent transportation system elements.

''(2) CONSISTENCY WITH OTHER LAW.—Credit assistance described in paragraph (1) shall be made available in a manner consistent with the Transportation Infrastructure Finance and Innovation Act of 1998.''.

(d) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5110 of such Act is amended by adding at the end the following:

''(d) TECHNICAL ADJUSTMENTS.—Section 5505 of title 49, United States Code (as added by subsection (a) of this section), is amended—

''(1) in subsection (g)(2) by striking 'section 5506,' and inserting 'section 508 of title 23, United States Code,';

''(2) in subsection (i)—

''(A) by inserting 'Subject to section 5338(e):' after '(i) NUMBER AND AMOUNT OF GRANTS.—'; and

''(B) by striking 'institutions' each place it appears and inserting 'institutions or groups of institutions'; and

''(3) in subsection (j)(4)(B) by striking 'on behalf of' and all that follows before the period and inserting 'on behalf of a consortium which may also include West Virginia University Institute of Technology, the College of West Virginia, and Bluefield State College'.''.

(e) TECHNICAL CORRECTIONS.—Section 5115 of such Act is amended—

(1) in subsection (a) by striking ''Director'' and inserting ''Director of the Bureau of Transportation Statistics'';

(2) in subsection (b) by striking ''Bureau'' and inserting ''Bureau of Transportation Statistics,''; and

(3) in subsection (c) by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(f) CORRECTIONS TO CERTAIN OKLAHOMA PROJECTS.—Section 5116 of such Act is amended—

(1) in subsection (e)(2) by striking ''$1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, and $500,000 for fiscal year 2001'' and inserting ''$1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, $1,000,000 for fiscal year 2001, and $500,000 for fiscal year 2002''; and

(2) in subsection (f)(2) by striking ''$1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, $1,000,000 for fiscal year 2001, and $500,000 for fiscal year 2002'' and inserting ''$1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, and $500,000 for fiscal year 2001''.

(g) INTELLIGENT TRANSPORTATION INFRASTRUCTURE REFERENCE.—Section 5117(b)(3)(B)(ii) of such Act is amended by striking ''local departments of transportation'' and inserting ''the Department of Transportation''.

(h) FUNDAMENTAL PROPERTIES OF ASPHALTS AND MODIFIED ASPHALTS.—Section 5117(b)(5)(B) of such Act is amended—

(1) by striking ''1999'' and inserting ''1998''; and

(2) by striking ''$3,000,000 per fiscal year'' and inserting ''$1,000,000 for fiscal year 1998 and $3,000,000 for each of fiscal years 1999 through 2003''.

SEC. 712. AUTOMOBILE SAFETY AND INFORMATION.

(a) REFERENCE.—Section 7104 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''(c) CONFORMING AMENDMENT.—Section 30105(a) of title 49, United States Code (as amended by subsection (a) of this section), is amended by inserting after 'Secretary' the following: 'for the National Highway Traffic Safety Administration'.''.

(b) CLEAN VESSEL ACT FUNDING.—Section 7403 of such Act is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Section 4(b)''; and

(2) by adding at the end the following:

''(b) TECHNICAL AMENDMENT.—Section 4(b)(3)(B) of the 1950 Act (as amended by subsection (a) of this section) is amended by striking '6404(d)' and inserting '7404(d)'.''.

(c) BOATING INFRASTRUCTURE.—Section 7404(b) of such Act is amended by striking ''6402'' and inserting ''7402''.

SEC. 713. TECHNICAL CORRECTIONS REGARDING SUBTITLE A OF TITLE VIII.

(a) AMENDMENT TO OFFSETTING ADJUSTMENT FOR DISCRETIONARY SPENDING LIMIT.—Section 8101(b) of the Transportation Equity Act for the 21st Century is amended—

(1) in paragraph (1) by striking ''$25,173,000,000'' and inserting ''$25,144,000,000''; and

(2) in paragraph (2) by striking ''$26,045,000,000'' and inserting ''$26,009,000,000''.

(b) AMENDMENTS FOR HIGHWAY CATEGORY.—Section 8101 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''(f) TECHNICAL AMENDMENTS.—Section 250(c)(4)(C) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by subsection (c) of this Act) is amended—

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

''(2) by striking 'as amended by this section,' and inserting 'as amended by the Transportation Equity Act for the 21st Century,'; and

''(3) by adding at the end the following new flush sentence:

'Such term also refers to the Washington Metropolitan Transit Authority account (69-1128-0-1-401) only for fiscal year 1999 only for appropriations provided pursuant to authorizations contained in section 14 of Public Law 96–184 and Public Law 101–551.'.''.

(c) TECHNICAL AMENDMENT.—Section 8102 of the Transportation Equity Act for the 21st Century is amended by inserting before the period at the end the following: ''or from section 1102 of this Act''.

SEC. 714. REPEAL OF PROVISIONS RELATING TO VETERANS BENEFITS.

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.

SEC. 715. TECHNICAL CORRECTIONS REGARDING TITLE IX.

(a) HIGHWAY TRUST FUND.—Subsection (f) of section 9002 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following new paragraphs:

''(4) The last sentence of section 9503(c)(1), as amended by subsection (d), is amended by striking 'the date of enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.

''(5) Paragraph (3) of section 9503(e), as amended by subsection (d), is amended by striking 'the date of enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.''.

(b) BOAT SAFETY ACCOUNT AND SPORT FISH RESTORATION ACCOUNT.—Section 9005 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following new subsection:

''(f) CLERICAL AMENDMENTS.—

''(1) Subparagraph (A) of section 9504(b)(2), as amended by subsection (b)(1), is amended by striking 'the date of the enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.

''(2) Subparagraph (B) of section 9504(b)(2), as added by subsection (b)(3), is amended by striking 'such Act' and inserting 'the TEA 21 Restoration Act'.

''(3) Subparagraph (C) of section 9504(b)(2), as amended by subsection (b)(2) and redesignated by subsection (b)(3), is amended by striking 'the date of the enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.

''(4) Subsection (c) of section 9504, as amended by subsection (c)(2), is amended by striking 'the date of enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.''.

SEC. 716. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect simultaneously with the enactment of the Transportation Equity Act for the 21st Century. For purposes of all Federal laws, the amendments made by this title shall be treated as being included in the Transportation Equity Act for the 21st Century at the time of the enactment of such Act, and the provisions of such Act (including the amendments made by such Act) (as in effect on the day before the date of enactment of this Act) that are amended by this title shall be treated as not being enacted.

AMENDMENT NO. 2880

On page 412, below line 2, add the following:

DIVISION D—TRANSPORTATION PROGRAM TECHNICAL CORRECTIONS

SEC. 4001. SHORT TITLE.

This division may be cited as the ''TEA 21 Restoration Act''.

SEC. 702. AUTHORIZATION AND PROGRAM SUBTITLE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1101(a) of the Transportation Equity Act for the 21st Century is amended—

(1) in paragraph (13)—

(A) by striking ''$1,025,695,000'' and inserting ''$1,029,473,500'';

(B) by striking ''$1,398,675,000'' and inserting ''$1,403,827,500'';

(C) by striking ''$1,678,410,000'' the first place it appears and inserting ''$1,684,593,000'';

(D) by striking ''$1,678,410,000'' the second place it appears and inserting ''$1,684,593,000'';

(E) by striking ''$1,771,655,000'' the first place it appears and inserting ''$1,778,181,500''; and

(F) by striking ''$1,771,655,000'' the second place it appears and inserting ''$1,778,181,500''; and

(2) in paragraph (14)—

(A) by striking ''1998'' and inserting ''1999''; and

(B) by inserting before ''$5,000,000'' the following: ''$10,000,000 for fiscal year 1998''.

(b) OBLIGATION LIMITATIONS.—

(1) GENERAL LIMITATION.—Section 1102(a) of such Act is amended—

(A) in paragraph (2) by striking ''$25,431,000,000'' and inserting ''$25,511,000,000'';

(B) in paragraph (3) by striking ''$26,155,000,000'' and inserting ''$26,245,000,000'';

(C) in paragraph (4) by striking ''$26,651,000,000'' and inserting ''$26,761,000,000'';

(D) in paragraph (5) by striking ''$27,235,000,000'' and inserting ''$27,355,000,000''; and

(E) in paragraph (6) by striking ''$27,681,000,000'' and inserting ''$27,811,000,000''.

(2) TRANSPORTATION RESEARCH PROGRAMS.—Section 1102(e) of such Act is amended—

(A) by striking ''3'' and inserting ''5'';

(B) by striking ''VI'' and inserting ''V''; and

(C) by inserting before the period at the end the following: ''; except that obligation authority made available for such programs under such limitations shall remain available for a period of 3 fiscal years''.

(3) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Section 1102(f) of such Act is amended by striking ''(other than the program under section 160 of title 23, United States Code)''.

(c) APPORTIONMENTS.—Section 1103 of such Act is amended—

(1) in subsection (l) by adding at the end the following:

''(5) Section 150 of such title, and the item relating to such section in the analysis for chapter 1 of such title, are repealed.'';

(2) in subsection (n) by inserting ''of title 23, United States Code'' after ''206''; and

(3) by adding at the end the following:

''(o) TECHNICAL ADJUSTMENTS.—Section 104 of title 23, United States Code, is amended—

''(1) in subsection (a)(1) (as amended by subsection (a) of this section) by striking 'under section 103';

''(2) in subsection (b) (as amended by subsection (b) of this section)—

''(A) in paragraph (1)(A) by striking '1999 through 2003' and inserting '1998 through 2002'; and

''(B) in paragraph (4)(B)(i) by striking 'on lanes on Interstate System' and all that follows through 'in each State' and inserting 'on Interstate System routes open to traffic in each State'; and

''(3) in subsection (e)(2) (as added by subsection (d)(6) of this section) by striking '104, 144, or 157' and inserting '104, 105, or 144'.''.

(d) MINIMUM GUARANTEE.—Section 1104 of such Act is amended by adding at the end the following:

''(c) TECHNICAL ADJUSTMENTS.—Section 105 of title 23, United States Code (as amended by subsection (a) of this section), is amended—

''(1) in subsection (a) by adding at the end the following: 'The minimum amount allocated to a State under this section for a fiscal year shall be $1,000,000.';

''(2) in subsection (c)(1) by striking '50 percent of';

''(3) in subsection (c)(1)(A) by inserting '(other than metropolitan planning, minimum guarantee, high priority projects, Appalachian development highway system, and recreational trails programs)' after 'subsection (a)';

''(4) in subsection (c)(1)(B) by striking 'all States' and inserting 'each State';

''(5) in subsection (c)(2)—

''(A) by striking 'apportion' and inserting 'administer'; and

''(B) by striking 'apportioned' and inserting 'administered'; and

''(6) in subsection (f)—

''(A) by inserting 'percentage' before 'return' each place it appears;

''(B) in paragraph (2) by striking 'for the preceding fiscal year was equal to or less than' and inserting 'in the table in subsection (b) was equal to'; and

''(C) in paragraph (3)—

''(i) by inserting 'proportionately' before 'adjust';

''(ii) by striking 'set forth'; and

''(iii) by striking 'do not exceed' and inserting 'is equal to'.''.

(e) REVENUE ALIGNED BUDGET AUTHORITY.—Section 1105 of such Act is amended by adding at the end the following:

''(c) TECHNICAL CORRECTIONS.—Section 110 of such title (as amended by subsection (a)) is amended—

''(1) by striking subsection (a) and inserting the following:

'(a) IN GENERAL.—

'(1) ALLOCATION.—On October 15 of fiscal year 2000 and each fiscal year thereafter, the Secretary shall allocate for such fiscal year an amount of funds equal to the amount determined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)(2)(B)(ii)(I)(cc)) if the amount determined pursuant to such section for such fiscal year is greater than zero.

'(2) REDUCTION.—If the amount determined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)(2)(B)(ii)(I)(cc)) for fiscal year 2000 or any fiscal year thereafter is less than zero, the Secretary on October 1 of the succeeding fiscal year shall reduce proportionately the amount of sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out each of the Federal-aid highway and highway safety construction programs (other than emergency relief) by an aggregate amount equal to the amount determined pursuant to such section.';

''(2) in subsections (b)(2) and (b)(4) by striking 'subsection (a)' and inserting 'subsection (a)(1)'; and

''(3) in subsection (c) by striking 'Maintenance program, the' and inserting 'and'.''.

(f) INTERSTATE MAINTENANCE PROGRAM.—Section 1107 of such Act is amended by adding at the end the following:

''(d) TECHNICAL AMENDMENTS.—Section 119 of such title (as amended by subsection (a)) is amended—

''(1) in subsection (b)—

''(A) by striking '104(b)(5)(B)' and inserting '104(b)(4)'; and

''(B) by striking '104(b)(5)(A)' each place it appears and inserting '104(b)(5)(A) (as in effect on the date before the date of enactment of the Transportation Equity Act for the 21st Century)'; and

''(2) in subsection (c) by striking '104(b)(5)(B)' each place it appears and inserting '104(b)(4)'.''.

(g) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—Section 1110(d)(2) of such Act is amended—

(1) by striking ''149(c)'' and inserting ''149(e)''; and

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

(h) HIGHWAY USE TAX EVASION PROJECTS.—Section 1114 of such Act is amended by adding at the end the following:

''(c) TECHNICAL ADJUSTMENTS.—Section 143 of title 23, United States Code (as amended by subsection (a) of this section), is amended—

''(1) in subsection (c)(1) by striking 'April 1' and inserting 'August 1';

''(2) in subsection (c)(3) by inserting 'PRIORITY' after 'FUNDING'; and

''(3) in subsection (c)(3) by inserting 'and prior to funding any other activity under this section,' after '2003,'.''.

(i) FEDERAL LANDS HIGHWAYS PROGRAM.—Section 1115 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''(f) CONFORMING AMENDMENTS.—

''(1) FEDERAL SHARE.—Subsections (j) and (k) of section 120 of title 23, United States Code (as added by subsection (a) of this section), are redesignated as subsections (k) and (l), respectively.

''(2) RESERVATION OF FUNDS.—Section 202(d)(4)(B) of such title (as added by subsection (b)(4) of this section) is amended by striking 'to, apply sodium acetate/formate de-icer to,' and inserting ', sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions'.

''(3) ELIMINATION OF DUPLICATIVE PROVISION.—Section 144(g) of such title is amended by striking paragraph (4).''.

(j) WOODROW WILSON MEMORIAL BRIDGE CORRECTION.—Section 1116 of such Act is amended by adding at the end the following:

''(e) TECHNICAL CORRECTION.—Sections 404(5) and 407(c)(2)(C)(iii) of such Act (as amended by subsections (a)(2) and (b)(2), respectively) are amended by striking 'the record of decision' each place it appears and inserting 'a record of decision'.''.

(k) TECHNICAL CORRECTION.—Section 1117 of such Act is amended in subsections (a) and (b) by striking ''section 102'' each place it appears and inserting ''section 1101(a)(6)''.

SEC. 703. RESTORATIONS TO GENERAL PROVISIONS SUBTITLE.

(a) IN GENERAL.—Subtitle B of title I of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''SEC. 1224. NATIONAL HISTORIC COVERED BRIDGE PRESERVATION.

''(a) HISTORIC COVERED BRIDGE DEFINED.—In this section, the term 'historic covered bridge' means a covered bridge that is listed or eligible for listing on the National Register of Historic Places.

''(b) HISTORIC COVERED BRIDGE PRESERVATION.—Subject to the availability of appropriations under subsection (d), the Secretary shall—

''(1) collect and disseminate information concerning historic covered bridges;

''(2) foster educational programs relating to the history and construction techniques of historic covered bridges;

''(3) conduct research on the history of historic covered bridges; and

''(4) conduct research, and study techniques, on protecting historic covered bridges from rot, fire, natural disasters, or weight-related damage.

''(c) DIRECT FEDERAL ASSISTANCE.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out 1 or more historic covered bridge projects described in paragraph (2).

''(2) TYPES OF PROJECT.—A grant under paragraph (1) may be made for a project—

''(A) to rehabilitate or repair a historic covered bridge; and

''(B) to preserve a historic covered bridge, including through—

''(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

''(ii) installation of a system to prevent vandalism and arson; or

''(iii) relocation of a bridge to a preservation site.

''(3) AUTHENTICITY.—A grant under paragraph (1) may be made for a project only if—

''(A) to the maximum extent practicable, the project—

''(i) is carried out in the most historically appropriate manner; and

''(ii) preserves the existing structure of the historic covered bridge; and

''(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

''(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with a grant under this subsection shall be 80 percent.

''(d) FUNDING.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1999 through 2003. Such funds shall remain available until expended.

''SEC. 1225. SUBSTITUTE PROJECT.

''(a) APPROVAL OF PROJECT.—Notwithstanding any other provision of law, upon the request of the Mayor of the District of Columbia, the Secretary may approve substitute highway and transit projects under section 103(e)(4) of title 23, United States Code (as in effect on the day before the date of enactment of this Act), in lieu of construction of the Barney Circle Freeway project in the District of Columbia, as identified in the 1991 Interstate Cost Estimate.

''(b) ELIGIBILITY FOR FEDERAL ASSISTANCE.—Upon approval of any substitute project or projects under subsection (a)—

''(1) the cost of construction of the Barney Circle Freeway Modification project shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956; and

''(2) substitute projects approved pursuant to this section shall be funded from interstate construction funds apportioned or allocated to the District of Columbia that are not expended and not subject to lapse on the date of enactment of this Act.

''(c) FEDERAL SHARE.—The Federal share payable on account of a project or activity approved under this section shall be 85 percent of the cost thereof; except that the exception set forth in section 120(b)(2) of title 23, United States Code, shall apply.

''(d) LIMITATION ON ELIGIBILITY.—Any substitute project approved pursuant to subsection (a) (for which the Secretary finds that sufficient Federal funds are available) must be under contract for construction, or construction must have commenced, before the last day of the 4-year period beginning on the date of enactment of this Act. If the substitute project is not under contract for construction, or construction has not commenced, by such last day, the Secretary shall withdraw approval of the substitute project.

''SEC. 1226. FISCAL, ADMINISTRATIVE, AND OTHER AMENDMENTS.

''(a) ADVANCED CONSTRUCTION.—Section 115 of title 23, United States Code, is amended—

''(1) in subsection (b)—

''(A) by moving the text of paragraph (1) (including subparagraphs (A) and (B)) 2 ems to the left;

''(B) by striking 'PROJECTS' and all that follows through 'When a State' and inserting 'PROJECTS.—When a State';

''(C) by striking paragraphs (2) and (3);

''(D) by striking '(A) prior' and inserting '(1) prior'; and

''(E) by striking '(B) the project' and inserting '(2) the project';

''(2) by striking subsection (c); and

''(3) by redesignating subsection (d) as subsection (c).

''(b) AVAILABILITY OF FUNDS.—Section 118 of such title is amended—

''(1) in the subsection heading of subsection (b) by striking '; DISCRETIONARY PROJECTS'; and

''(2) by striking subsection (e) and inserting the following:

'(e) EFFECT OF RELEASE OF FUNDS.—Any Federal-aid highway funds released by the final payment on a project, or by the modification of the project agreement, shall be credited to the same program funding category previously apportioned to the State and shall be immediately available for expenditure.'.''.

''(c) ADVANCES TO STATES.—Section 124 of such title is amended—

''(1) by striking '(a)' the first place it appears; and

''(2) by striking subsection (b).

''(d) DIVERSION.—Section 126 of such title, and the item relating to such section in the analysis for chapter 1 of such title, are repealed.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of such Act is amended by inserting after the item relating to section 1222 the following:

''Sec. 1223. Transportation assistance for Olympic cities.

''Sec. 1224. National historic covered bridge preservation.

''Sec. 1225. Substitute project.

''Sec. 1226. Fiscal, administrative, and other amendments.''.

(c) METROPOLITAN PLANNING TECHNICAL ADJUSTMENT.—Section 1203 of such Act is amended by adding at the end the following:

''(o) TECHNICAL ADJUSTMENT.—Section 134(h)(5)(A) of title 23, United States Code (as amended by subsection (h) of this section), is amended by striking 'for implementation'.''.

(d) AMENDMENTS TO PRIOR SURFACE TRANSPORTATION LAWS.—Section 1211 of such Act is amended—

(1) in subsection (i)(3)(E) by striking ''subparagraph (D)'' and inserting ''subparagraph (C)'';

(2) in subsection (i) by adding at the end the following:

''(4) TECHNICAL AMENDMENTS.—Section 1105(e)(5)(B)(i) of such Act (as amended by paragraph (3) of this subsection) is amended—

''(A) by striking 'subsection (c)(18)(B)(i)' and inserting 'subsection (c)(18)(D)(i)';

''(B) by striking 'subsection (c)(18)(B)(ii)' and inserting 'subsection (c)(18)(D)(ii)'; and

''(C) by adding at the end the following: 'The portion of the route referred to in subsection (c)(36) is designated as Interstate Route I–86.'.'';

(3) by striking subsection (j);

(4) in subsection (k)—

(A) by striking ''along'' in paragraph (1) and inserting ''from''; and

(B) by adding at the end the following:

''(4) TEXAS STATE HIGHWAY 99.—Texas State Highway 99 (also known as 'Grand Parkway') shall be considered as 1 option in the I–69 route studies performed by the Texas Department of Transportation for the designation of I–69 Bypass in Houston, Texas.''; and

(5) by redesignating subsections (g) through (i) and (k) through (n) as subsections (f) through (h) and (i) through (l), respectively.

(e) MISCELLANEOUS.—Section 1212 of such Act is amended—

(1) in the second sentence of subsection (q)(1) by striking ''advance curriculum'' and inserting ''advanced curriculum'';

(2) in subsection (r)—

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

(B) by inserting after paragraph (1) the following:

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out paragraph (1) $2,000,000 for fiscal year 1999 and $2,500,000 for fiscal year 2000.'';

(3) in subsection (s)—

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

(B) by inserting after paragraph (1) the following:

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out paragraph (1) $23,000,000 for fiscal year 1999.'';

(4) in subsection (u)—

(A) by inserting ''the Secretary shall approve, and'' before ''the Commonwealth'';

(B) by inserting a comma after ''with''; and

(C) by inserting ''(as redefined by this Act)'' after ''80''; and

(5) by redesignating subsections (k) through (z) as subsections (e) through (t), respectively.

(f) PUERTO RICO HIGHWAY PROGRAM.—Section 1214(r) of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''(3) TREATMENT OF FUNDS.—Amounts made available to carry out this subsection for a fiscal year shall be administered as follows:

''(A) For purposes of this subsection, such amounts shall be treated as being apportioned to Puerto Rico under sections 104(b), 144, and 206 of title 23, United States Code, for each program funded under such sections in an amount determined by multiplying—

''(i) the aggregate of such amounts for the fiscal year; by

''(ii) the ratio that—

''(I) the amount of funds apportioned to Puerto Rico for each such program for fiscal year 1997; bears to

''(II) the total amount of funds apportioned to Puerto Rico for all such programs for fiscal year 1997.

''(B) The amounts treated as being apportioned to Puerto Rico under each section referred to in subparagraph (A) shall be deemed to be required to be apportioned to Puerto Rico under such section for purposes of the imposition of any penalty provisions in titles 23 and 49, United States Code.

''(C) Subject to subparagraph (B), nothing in this subsection shall be construed as affecting any allocation under section 105 of title 23, United States Code, and any apportionment under sections 104 and 144 of such title.''.

(g) DESIGNATED TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 1215 of such Act—

(1) is amended in each of subsections (d), (e), (f), and (g)—

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

(B) by inserting after paragraph (1) the following:

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out paragraph (1) the amounts specified in such paragraph for the fiscal years specified in such paragraph.''; and

(2) in subsection (d)(1) by inserting ''on Route 50'' after ''measures''.

(h) ELIGIBILITY.—Section 1217 of such Act is amended—

(1) in subsection (d) by striking ''104(b)(4)'' and inserting ''104(b)(5)(A)'';

(2) in subsection (i) by striking ''120(l)(1)'' and inserting ''120(j)(1)''; and

(3) in subsection (j) by adding at the end the following: ''$3,000,000 of the amounts made available for item 164 of the table contained in section 1602 shall be made available on October 1, 1998, to the Pennsylvania Turnpike Commission to carry out this subsection.''.

(i) MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM.—Section 1218 of such Act is amended by adding at the end the following:

''(c) TECHNICAL AMENDMENTS.—Section 322 of title 23, United States Code (as added by subsection (a) of this section), is amended—

''(1) in subsection (a)(3) by striking 'or under 50 miles per hour';

''(2) in subsection (d)—

''(A) in paragraph (1) by striking 'or low-speed'; and

''(B) in paragraph (2)—

''(i) in subparagraph (A) by striking '(h)(1)(A)' and inserting '(h)(1)'; and

''(ii) in subparagraph (B) by striking '(h)(4)' and inserting '(h)(3)';

''(3) in subsection (h)(1)(B)(i) by inserting '(other than subsection (i))' after 'this section'; and

''(4) by adding at the end the following:

'(i) LOW-SPEED PROJECT.—

'(1) IN GENERAL.—Notwithstanding any other provision of this section, of the funds made available by subsection (h)(1)(A) to carry out this section, $5,000,000 shall be made available to the Secretary to make grants for the research and development of low-speed superconductivity magnetic levitation technology for public transportation purposes in urban areas to demonstrate energy efficiency, congestion mitigation, and safety benefits.

'(2) NONCONTRACT AUTHORITY AUTHORIZATION OF APPROPRIATIONS.—

'(A) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection such sums as are necessary for each of fiscal years 2000 through 2003.

'(B) AVAILABILITY.—Notwithstanding section 118(a), funds made available under subparagraph (A)—

'(i) shall not be available in advance of an annual appropriation; and

'(ii) shall remain available until expended.'.''.

(j) TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.—Section 1223(f) of such Act is amended by inserting before the period at the end the following: ''or Special Olympics International''.

SEC. 704. RESTORATIONS TO PROGRAM STREAMLINING AND FLEXIBILITY SUBTITLE.

(a) IN GENERAL.—Subtitle C of title I of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''SEC. 1311. DISCRETIONARY GRANT SELECTION CRITERIA AND PROCESS.

''(a) ESTABLISHMENT OF CRITERIA.—The Secretary shall establish criteria for all discretionary programs funded from the Highway Trust Fund (other than the Mass Transit Account). To the extent practicable, such criteria shall conform to the Executive Order No. 12893 (relating to infrastructure investment).

''(b) SELECTION PROCESS.—

''(1) LIMITATION ON ACCEPTANCE OF APPLICATIONS.—Before accepting applications for grants under any discretionary program for which funds are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) by this Act (including the amendments made by this Act), the Secretary shall publish the criteria established under subsection (a). Such publication shall identify all statutory criteria and any criteria established by regulation that will apply to the program.

''(2) EXPLANATION.—Not less often than quarterly, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a list of the projects selected under discretionary programs funded from the Highway Trust Fund (other than the Mass Transit Account) and an explanation of how the projects were selected based on the criteria established under subsection (a).

''(c) MINIMUM COVERED PROGRAMS.—At a minimum, the criteria established under subsection (a) and the selection process established by subsection (b) shall apply to the following programs:

''(1) The intelligent transportation system deployment program under title V.

''(2) The national corridor planning and development program.

''(3) The coordinated border infrastructure and safety program.

''(4) The construction of ferry boats and ferry terminal facilities.

''(5) The national scenic byways program.

''(6) The Interstate discretionary program.

''(7) The discretionary bridge program.''.

(b) CONFORMING AMENDMENTS.—The table of contents contained in section 1(b) of such Act is amended—

(1) by striking the following:

''Sec. 1309. Major investment study integration.''.

and inserting the following:

''Sec. 1308. Major investment study integration.'';

and

(2) by inserting after the item relating to section 1310 the following:

''Sec. 1311. Discretionary grant selection criteria and process.''.

(c) REVIEW PROCESS.—Section 1309 of the Transportation Equity Act for the 21st Century is amended—

(1) in subsection (a)(1) by inserting after ''highway construction'' the following: ''and mass transit'';

(2) in subsection (d) by inserting after ''Code,'' the following: ''or chapter 53 of title 49, United States Code,''; and

(3) in subsection (e)(1)—

(A) by inserting ''or recipient'' after ''a State'';

(B) by inserting after ''provide funds'' the following: ''for a highway project''; and

(C) by inserting after ''Code,'' the following: ''or for a mass transit project made available under chapter 53 of title 49, United States Code,''.

SEC. 705. RESTORATIONS TO SAFETY SUBTITLE.

(a) IN GENERAL.—Subtitle D of title I of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''SEC. 1405. OPEN CONTAINER LAWS.

''(a) ESTABLISHMENT.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

'§ 154. Open container requirements

'(a) DEFINITIONS.—In this section, the following definitions apply:

'(1) ALCOHOLIC BEVERAGE.—The term ''alcoholic beverage'' has the meaning given the term in section 158(c).

'(2) MOTOR VEHICLE.—The term ''motor vehicle'' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated exclusively on a rail or rails.

'(3) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term ''open alcoholic beverage container'' means any bottle, can, or other receptacle—

'(A) that contains any amount of alcoholic beverage; and

'(B)(i) that is open or has a broken seal; or

'(ii) the contents of which are partially removed.

'(4) PASSENGER AREA.—The term ''passenger area'' shall have the meaning given the term by the Secretary by regulation.

'(b) OPEN CONTAINER LAWS.—

'(1) IN GENERAL.—For the purposes of this section, each State shall have in effect a law that prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) located on a public highway, or the right-of-way of a public highway, in the State.

'(2) MOTOR VEHICLES DESIGNED TO TRANSPORT MANY PASSENGERS.—For the purposes of this section, if a State has in effect a law that makes unlawful the possession of any open alcoholic beverage container by the driver (but not by a passenger)—

'(A) in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, or

'(B) in the living quarters of a house coach or house trailer,

the State shall be deemed to have in effect a law described in this subsection with respect to such a motor vehicle for each fiscal year during which the law is in effect.

'(c) TRANSFER OF FUNDS.—

'(1) FISCAL YEARS 2001 AND 2002.—On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer an amount equal to 1½ percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402—

'(A) to be used for alcohol-impaired driving countermeasures; or

'(B) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

'(2) FISCAL YEAR 2003 AND FISCAL YEARS THEREAFTER.—On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer an amount equal to 3 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).

'(3) USE FOR HAZARD ELIMINATION PROGRAM.—A State may elect to use all or a portion of the funds transferred under paragraph (1) or (2) for activities eligible under section 152.

'(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with funds transferred under paragraph (1) or (2), or used under paragraph (3), shall be 100 percent.

'(5) DERIVATION OF AMOUNT TO BE TRANSFERRED.—The amount to be transferred under paragraph (1) or (2) may be derived from 1 or more of the following:

'(A) The apportionment of the State under section 104(b)(1).

'(B) The apportionment of the State under section 104(b)(3).

'(C) The apportionment of the State under section 104(b)(4).

'(6) TRANSFER OF OBLIGATION AUTHORITY.—

'(A) IN GENERAL.—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

'(B) AMOUNT.—The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying—

'(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year; by

'(ii) the ratio that—

'(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs; bears to

'(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

'(7) LIMITATION ON APPLICABILITY OF OBLIGATION LIMITATION.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.'.

''(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by inserting after the item relating to section 153 the following:

'154. Open container requirements.'.

"SEC. 1406. MINIMUM PENALTIES FOR REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED OR DRIVING UNDER THE INFLUENCE.

''(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

'§ 164. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence

'(a) DEFINITIONS.—In this section, the following definitions apply:

'(1) ALCOHOL CONCENTRATION.—The term ''alcohol concentration'' means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

'(2) DRIVING WHILE INTOXICATED; DRIVING UNDER THE INFLUENCE.—The terms ''driving while intoxicated'' and ''driving under the influence'' mean driving or being in actual physical control of a motor vehicle while having an alcohol concentration above the permitted limit as established by each State.

'(3) LICENSE SUSPENSION.—The term ''license suspension'' means the suspension of all driving privileges.

'(4) MOTOR VEHICLE.—The term ''motor vehicle'' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line or a commercial vehicle.

'(5) REPEAT INTOXICATED DRIVER LAW.—The term ''repeat intoxicated driver law'' means a State law that provides, as a minimum penalty, that an individual convicted of a second or subsequent offense for driving while intoxicated or driving under the influence after a previous conviction for that offense shall—

'(A) receive a driver's license suspension for not less than 1 year;

'(B) be subject to the impoundment or immobilization of each of the individual's motor vehicles or the installation of an ignition interlock system on each of the motor vehicles;

'(C) receive an assessment of the individual's degree of abuse of alcohol and treatment as appropriate; and

'(D) receive—

'(i) in the case of the second offense—

'(I) an assignment of not less than 30 days of community service; or

'(II) not less than 5 days of imprisonment; and

'(ii) in the case of the third or subsequent offense—

'(I) an assignment of not less than 60 days of community service; or

'(II) not less than 10 days of imprisonment.

'(b) TRANSFER OF FUNDS.—

'(1) FISCAL YEARS 2001 AND 2002.—On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 1½ percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402—

'(A) to be used for alcohol-impaired driving countermeasures; or

'(B) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

'(2) FISCAL YEAR 2003 AND FISCAL YEARS THEREAFTER.—On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 3 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).

'(3) USE FOR HAZARD ELIMINATION PROGRAM.—A State may elect to use all or a portion of the funds transferred under paragraph (1) or (2) for activities eligible under section 152.

'(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with funds transferred under paragraph (1) or (2), or used under paragraph (3), shall be 100 percent.

'(5) DERIVATION OF AMOUNT TO BE TRANSFERRED.—The amount to be transferred under paragraph (1) or (2) may be derived from 1 or more of the following:

'(A) The apportionment of the State under section 104(b)(1).

'(B) The apportionment of the State under section 104(b)(3).

'(C) The apportionment of the State under section 104(b)(4).

'(6) TRANSFER OF OBLIGATION AUTHORITY.—

'(A) IN GENERAL.—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

'(B) AMOUNT.—The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying—

'(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year; by

'(ii) the ratio that—

'(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs; bears to

'(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

'(7) LIMITATION ON APPLICABILITY OF OBLIGATION LIMITATION.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.'.

''(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by adding at the end the following:

'164. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.'.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of such Act is amended by inserting after the item relating to section 1403 the following:

''Sec. 1404. Safety incentives to prevent operation of motor vehicles by intoxicated persons.

''Sec. 1405. Open container laws.

''Sec. 1406. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.''.

(c) ROADSIDE SAFETY TECHNOLOGIES.—Section 1402(a)(2) of such Act is amended by striking ''directive'' and inserting ''redirective''.

SEC. 706. ELIMINATION OF DUPLICATE PROVISIONS.

(a) SAN MATEO COUNTY, CALIFORNIA.—Section 1113 of the Transportation Equity Act for the 21st Century is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (c) as subsection (d).

(b) VALUE PRICING PILOT PROGRAM.—Section 1216(a) of such Act is amended by adding at the end the following:

''(8) CONFORMING AMENDMENTS.—

''(A) Section 1012(b)(6) of such Act (as amended by paragraph (5) of this subsection) is amended by striking '146(c)' and inserting '102(a)'.

''(B) Section 1012(b)(8) of such Act (as added by paragraph (7) of this subsection) is amended—

''(i) in subparagraph (C) by striking 'under this subsection' and inserting 'to carry out this subsection';

''(ii) in subparagraph (D)—

''(I) by striking 'under this paragraph' and inserting 'to carry out this subsection'; and

''(II) by striking 'by this paragraph' and inserting 'to carry out this subsection';

''(iii) by striking subparagraph (A); and

''(iv) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.''.

(c) NATIONAL DEFENSE HIGHWAYS OUTSIDE THE UNITED STATES.—Section 1214(e) of such Act is amended to read as follows:

''(e) MINNESOTA TRANSPORTATION HISTORY NETWORK.—

''(1) IN GENERAL.—The Secretary shall award a grant to the Minnesota Historical Society for the establishment of the Minnesota Transportation History Network to include major exhibits, interpretive programs at national historic landmark sites, and outreach programs with county and local historical organizations.

''(2) COORDINATION.—In carrying out subsection (a), the Secretary shall coordinate with officials of the Minnesota Historical Society.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $1,000,000 for each of fiscal years 1999 through 2003 to carry out this subsection.

''(4) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.''.

(d) ENTRANCE PAVING AT NINIGRET NATIONAL WILDLIFE REFUGE.—Section 1214(i) of such Act is amended by striking ''$750,000'' each place it appears and inserting ''$75,000''.

SEC. 707. HIGHWAY FINANCE.

(a) IN GENERAL.—Section 1503 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''(c) TECHNICAL AMENDMENTS.—Section 188 of title 23, United States Code (as added by subsection (a) of this section), is amended—

''(1) in subsection (a)(2) by striking '1998' and inserting '1999'; and

''(2) in subsection (c)—

''(A) by striking '1998' and inserting '1999'; and

''(B) by striking the table and inserting the following:

'Fiscal year:	Maximum amount of credit:
1999	$1,600,000,000
2000	$1,800,000,000
2001	$2,200,000,000
2002	$2,400,000,000
2003	$2,600,000,000.'.''.

(b) CONFORMING AMENDMENTS.—The table of contents contained in section 1(b) of the Transportation Equity Act for the 21st Century is amended—

(1) in the item relating to section 1119 by striking ''and safety''; and

(2) by striking the items relating to subtitle E of title I and inserting the following:

''Subtitle E—Finance

''CHAPTER 1—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

''Sec. 1501. Short title.

''Sec. 1502. Findings.

''Sec. 1503. Establishment of program.

''Sec. 1504. Duties of the Secretary.

''CHAPTER 2—STATE INFRASTRUCTURE BANK PILOT PROGRAM

''Sec. 1511. State infrastructure bank pilot program.''.

SEC. 708. HIGH PRIORITY PROJECTS TECHNICAL CORRECTIONS.

The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended—

(1) in item 1 by striking ''1.275'' and inserting ''1.7'';

(2) in item 82 by striking ''30.675'' and inserting ''32.4'';

(3) in item 107 by striking ''1.125'' and inserting ''1.44'';

(4) in item 121 by striking ''10.5'' and inserting ''5.0'';

(5) in item 140 by inserting ''-VFHS Center'' after ''Park'';

(6) in item 151 by striking ''5.666'' and inserting ''8.666'';

(7) in item 164—

(A) by inserting '', and $3,000,000 for the period of fiscal years 1998 and 1999 shall be made available to carry out section 1217(j)'' after ''Pennsylvania''; and

(B) by striking ''25'' and inserting ''24.78'';

(8) by striking item 166 and inserting the following:

''166.	Michigan	Improve Tenth Street, Port Huron	1.8'';

(9) by striking item 242 and inserting the following:

''242.	Minnesota ...	Construct Third Street North, CSAH 81, Waite Park and St. Cloud	1.0'';

(10) by striking item 250 and inserting the following:

''250.	Indiana	Reconstruct Old Merridan Corridor from Pennsylvania Avenue to Gilford Road	1.35'';

(11) in item 255 by striking ''2.25'' and inserting ''3.0'';

(12) in item 263 by striking ''Upgrade Highway 99 between State Highway 70 and Lincoln Road, Sutter County'' and inserting ''Upgrade Highway 99, Sutter County'';

(13) in item 288 by striking ''3.75'' and inserting ''5.0'';

(14) in item 290 by striking ''3.5'' and inserting ''3.0'';

(15) in item 345 by striking ''8'' and inserting ''19.4'';

(16) in item 418 by striking ''2'' and inserting ''2.5'';

(17) in item 421 by striking ''11'' and inserting ''6'';

(18) in item 508 by striking ''1.8'' and inserting ''2.4'';

(19) by striking item 525 and inserting the following:

''525.	Alaska	Construct Bradfield Canal Road	1'';

(20) in item 540 by striking ''1.5'' and inserting ''2.0'';

(21) in item 576 by striking ''0.52275'' and inserting ''0.69275'';

(22) in item 588 by striking ''2.5'' and inserting ''3.0'';

(23) in item 591 by striking ''10'' and inserting ''5'';

(24) in item 635 by striking ''1.875'' and inserting ''2.15'';

(25) in item 669 by striking ''3'' and inserting ''3.5'';

(26) in item 702 by striking ''10.5'' and inserting ''10'';

(27) in item 746 by inserting '', and for the purchase of the Block House in Scott County, Virginia'' after ''Forest'';

(28) in item 755 by striking ''1.125'' and inserting ''1.5'';

(29) in item 769 by striking ''Construct new I–95 interchange with Highway 99W, Tehama County'' and inserting ''Construct new I–5 interchange with Highway 99W, Tehama County'';

(30) in item 770 by striking ''1.35'' and inserting ''1.0'';

(31) in item 789 by striking ''2.0625'' and inserting ''1.0'';

(32) in item 803 by striking ''Tomahark'' and inserting ''Tomahawk'';

(33) in item 836 by striking ''Construct'' and all that follows through ''for'' and inserting ''To the National Park Service for construction of the'';

(34) in item 854 by striking ''0.75'' and inserting ''1'';

(35) in item 863 by striking ''9'' and inserting ''4.75'';

(36) in item 887 by striking ''0.75'' and inserting ''3.21'';

(37) in item 891 by striking ''19.5'' and inserting ''25.0'';

(38) in item 902 by striking ''10.5'' and inserting ''14.0'';

(39) by striking item 1065 and inserting the following:

''1065.	Texas	Construct a 4-lane divided highway on Artcraft Road from I–10 to Route 375 in El Paso	5'';

(40) in item 1192 by striking ''24.97725'' and inserting ''24.55725'';

(41) in item 1200 by striking ''Upgrade (all weather) on U.S. 2, U.S. 41, and M 35'' and inserting ''Upgrade (all weather) on Delta County's reroute of U.S. 2, U.S. 41, and M 35'';

(42) in item 1245 by striking ''3'' and inserting ''3.5'';

(43) in item 1271 by striking ''Spur'' and all that follows through ''U.S. 59'' and inserting ''rail-grade separations (Rosenberg Bypass) at U.S. 59(S)'';

(44) in item 1278 by striking ''28.18'' and inserting ''22.0'';

(45) in item 1288 by inserting ''30'' after ''U.S.'';

(46) in item 1338 by striking ''5.5'' and inserting ''3.5'';

(47) in item 1383 by striking ''0.525'' and inserting ''0.35'';

(48) in item 1395 by striking ''Construct'' and all that follows through ''Road'' and inserting ''Upgrade Route 219 between Meyersdale and Somerset'';

(49) in item 1468 by striking ''Reconstruct'' and all that follows through ''U.S. 23'' and inserting ''Conduct engineering and design and improve I–94 in Calhoun and Jackson Counties'';

(50) in item 1474—

(A) by striking ''in Euclid'' and inserting ''and London Road in Cleveland''; and

(B) by striking ''3.75'' and inserting ''8.0'';

(51) in item 1535 by striking ''Stanford'' and inserting ''Stamford'';

(52) in item 1538 by striking ''and Winchester'' and inserting '', Winchester, and Torrington'';

(53) by striking item 1546 and inserting the following:

''1546.	Michigan	Construct Bridge-to-Bay bike path, St. Clair County	0.450'';

(54) by striking item 1549 and inserting the following:

''1549.	New York	Center for Advanced Simulation and Technology, at Dowling College	0.6'';

(55) in item 1663 by striking ''26.5'' and inserting ''27.5'';

(56) in item 1703 by striking ''I–80'' and inserting ''I–180'';

(57) in item 1726 by striking ''I–179'' and inserting ''I–79'';

(58) by striking item 1770 and inserting the following:

''1770.	Virginia	Operate and conduct research on the 'Smart Road' in Blacksburg	6.025'';

(59) in item 1810 by striking ''Construct Rio Rancho Highway'' and inserting ''Northwest Albuquerque/Rio Rancho high priority roads'';

(60) in item 1815 by striking ''High'' and all that follows through ''projects'' and inserting ''Highway and bridge projects that Delaware provides for by law'';

(61) in item 1844 by striking ''Prepare'' and inserting ''Repair'';

(62) by striking item 1850 and inserting the following:

''1850.	Missouri	Resurface and maintain roads located in Missouri State parks	5'';

(63) in item 661 by striking ''SR 800'' and inserting ''SR 78'';

(64) in item 1704 by inserting '', Pittsburgh,'' after ''Road''; and

(65) in item 1710 by inserting '', Bethlehem'' after ''site''.

SEC. 709. FEDERAL TRANSIT ADMINISTRATION PROGRAMS.

(a) DEFINITIONS.—Section 3003 of the Federal Transit Act of 1998 is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Section 5302''; and

(2) by adding at the end the following:

''(b) CONFORMING AMENDMENTS.—Section 5302 (as amended by subsection (a) of this section) is amended in subsection (a)(1)(G)(i) by striking 'daycare and' and inserting 'daycare or'.''.

(b) METROPOLITAN PLANNING.—Section 3004 of the Federal Transit Act of 1998 is amended—

(1) in subsection (b)—

(A) in paragraph (1) by striking subparagraph (A) and inserting the following:

''(A) by striking 'general local government representing' and inserting 'general purpose local government that together represent'; and'';

(B) in paragraph (3) by striking ''and'' at the end;

(C) in paragraph (4) by striking subparagraph (A) and inserting the following:

''(A) by striking 'general local government representing' and inserting 'general purpose local government that together represent'; and'';

(D) by redesignating paragraph (4) as paragraph (5); and

(E) by inserting after paragraph (3) the following:

''(3) in paragraph (4)(A) by striking '(3)' and inserting '(5)'; and'';

(2) in subsection (d) by striking the closing quotation marks and the final period at the end and inserting the following:

'(5) COORDINATION.—If a project is located within the boundaries of more than 1 metropolitan planning organization, the metropolitan planning organizations shall coordinate plans regarding the project.

'(6) LAKE TAHOE REGION.—

'(A) DEFINITION.—In this paragraph, the term ''Lake Tahoe region'' has the meaning given the term ''region'' in subdivision (a) of article II of the Tahoe Regional Planning Compact, as set forth in the first section of Public Law 96–551 (94 Stat. 3234).

'(B) TRANSPORTATION PLANNING PROCESS.—The Secretary shall—

'(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region a transportation planning process for the region; and

'(ii) coordinate the transportation planning process with the planning process required of State and local governments under this chapter and sections 134 and 135 of title 23.

'(C) INTERSTATE COMPACT.—

'(i) IN GENERAL.—Subject to clause (ii) and notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

'(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

'(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under clause (i) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

'(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of this chapter and under title 23, not more than 1 percent of the funds allocated under section 202 of title 23 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

'(D) ACTIVITIES.—Highway projects included in transportation plans developed under this paragraph—

'(i) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

'(ii) may, in accordance with chapter 2 of title 23, be funded using funds allocated under section 202 of title 23.'.''; and

(3) by adding at the end the following:

''(f) TECHNICAL ADJUSTMENTS.—Section 5303(f) is amended—

''(1) in paragraph (1) (as amended by subsection (e)(1) of this subsection)—

''(A) in subparagraph (C) by striking 'and' at the end;

''(B) in subparagraph (D) by striking the period at the end and inserting '; and';

''(C) by adding at the end the following:

'(E) the financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range plan if reasonable additional resources beyond those identified in the financial plan were available, except that, for the purpose of developing the long-range plan, the metropolitan planning organization and the State shall cooperatively develop estimates of funds that will be available to support plan implementation.'; and

''(2) by adding at the end the following:

'(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (1)(E), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (1)(B).'.''.

(c) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—Section 3005 of the Federal Transit Act of 1998 is amended—

(1) in the section heading by inserting ''metropolitan'' before ''transportation''; and

(2) by adding at the end the following:

''(d) TECHNICAL ADJUSTMENTS.—Section 5304 is amended—

''(1) in subsection (a) (as amended by subsection (a) of this section)—

''(A) by striking 'In cooperation with' and inserting the following:

'(1) IN GENERAL.—In cooperation with'; and

''(B) by adding at the end the following:

'(2) FUNDING ESTIMATE.—For the purpose of developing the transportation improvement program, the metropolitan planning organization, public transit agency, and the State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.';

''(2) in subsection (b)(2)—

''(A) in subparagraph (B) by striking 'and' at the end; and

''(B) in subparagraph (C) (as added by subsection (b) of this section) by striking 'strategies which may include' and inserting the following: 'strategies; and

'(D) may include'; and

''(3) in subsection (c) by striking paragraph (4) (as amended by subsection (c) of this section) and inserting the following:

'(4) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

'(A) IN GENERAL.—Notwithstanding subsection (b)(2)(D), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subsection (b)(2)(D).

'(B) ACTION BY SECRETARY.—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the plan under subsection (b)(2) for inclusion in an approved transportation improvement plan.'.''.

(d) TRANSPORTATION MANAGEMENT AREAS.—Section 3006(d) of the Federal Transit Act of 1998 is amended to read as follows:

''(d) PROJECT SELECTION.—Section 5305(d)(1) is amended to read as follows: '(1)(A) All federally funded projects carried out within the boundaries of a transportation management area under title 23 (excluding projects carried out on the National Highway System and projects carried out under the bridge and interstate maintenance program) or under this chapter shall be selected from the approved transportation improvement program by the metropolitan planning organization designated for the area in consultation with the State and any affected public transit operator.

'(B) Projects carried out within the boundaries of a transportation management area on the National Highway System and projects carried out within such boundaries under the bridge program or the interstate maintenance program shall be selected from the approved transportation improvement program by the State in cooperation with the metropolitan planning organization designated for the area.'.''.

(e) URBANIZED AREA FORMULA GRANTS.—Section 3007 of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(h) TECHNICAL ADJUSTMENTS.—

''(1) GENERAL AUTHORITY.—Section 5307(b) (as amended by subsection (c)(1)(B) of this section) is amended by adding at the end the following: 'The Secretary may make grants under this section from funds made available for fiscal year 1998 to finance the operating costs of equipment and facilities for use in mass transportation in an urbanized area with a population of at least 200,000.'.

''(2) REPORT.—Section 5307(k)(3) (as amended by subsection (f) of this section) is amended by inserting 'preceding' before 'fiscal year'.''.

(f) CLEAN FUELS FORMULA GRANT PROGRAM.—Section 3008 of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(c) TECHNICAL ADJUSTMENTS.—Section 5308(e)(2) (as added by subsection (a) of this section) is amended by striking '$50,000,000' and inserting '35 percent'.''.

(g) CAPITAL INVESTMENT GRANTS AND LOANS.—Section 3009 of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(k) TECHNICAL ADJUSTMENTS.—

''(1) CRITERIA.—Section 5309(e) (as amended by subsection (e) of this section) is amended—

''(A) in paragraph (3)(C) by striking 'urban' and inserting 'suburban';

''(B) in the second sentence of paragraph (6) by striking 'or not' and all that follows through ', based' and inserting 'or ''not recommended'', based'; and

''(C) in the last sentence of paragraph (6) by inserting 'of the' before 'criteria established'.

''(2) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—Section 5309(g) (as amended by subsection (f) of this section) is amended in paragraph (4) by striking '5338(a)' and all that follows through '2003' and inserting '5338(b) of this title for new fixed guideway systems and extensions to existing fixed guideway systems and the amount appropriated under section 5338(h)(5) or an amount equivalent to the last 2 fiscal years of funding authorized under section 5338(b) for new fixed guideway systems and extensions to existing fixed guideway systems'.

''(3) ALLOCATING AMOUNTS.—Section 5309(m) (as amended by subsection (g) of this section) is amended—

''(A) in paragraph (1) by inserting '(b)' after '5338';

''(B) by striking paragraph (2) and inserting the following:

'(2) NEW FIXED GUIDEWAY GRANTS.—

'(A) LIMITATION ON AMOUNTS AVAILABLE FOR ACTIVITIES OTHER THAN FINAL DESIGN AND CONSTRUCTION.—Not more than 8 percent of the amounts made available in each fiscal year by paragraph (1)(B) shall be available for activities other than final design and construction.

'(B) FUNDING FOR FERRY BOAT SYSTEMS.—

'(i) AMOUNTS UNDER (1)(B).—Of the amounts made available under paragraph (1)(B), $10,400,000 shall be available in each of fiscal years 1999 through 2003 for capital projects in Alaska or Hawaii, for new fixed guideway systems and extensions to existing fixed guideway systems that are ferry boats or ferry terminal facilities, or that are approaches to ferry terminal facilities.

'(ii) AMOUNTS UNDER 5338(H)(5).—Of the amounts appropriated under section 5338(h)(5), $3,600,000 shall be available in each of fiscal years 1999 through 2003 for capital projects in Alaska or Hawaii, for new fixed guideway systems and extensions to existing fixed guideway systems that are ferry boats or ferry terminal facilities, or that are approaches to ferry terminal facilities.';

''(C) by redesignating paragraph (4) as paragraph (3)(C);

''(D) in paragraph (3) by adding at the end the following:

'(D) OTHER THAN URBANIZED AREAS.—Of amounts made available by paragraph (1)(C), not less than 5.5 percent shall be available in each fiscal year for other than urbanized areas.';

''(E) by striking paragraph (5); and

''(F) by inserting after paragraph (3) the following:

'(4) ELIGIBILITY FOR ASSISTANCE FOR MULTIPLE PROJECTS.—A person applying for or receiving assistance for a project described in subparagraph (A), (B), or (C) of paragraph (1) may receive assistance for a project described in any other of such subparagraphs.'.''.

(h) REFERENCES TO FULL FUNDING GRANT AGREEMENTS.—Section 3009(h)(3) of the Federal Transit Act of 1998 is amended—

(1) by striking ''and'' at the end of subparagraph (A)(ii);

(2) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(3) by adding at the end the following:

''(C) in section 5328(a)(4) by striking 'section 5309(m)(2) of this title' and inserting '5309(o)(1)'; and

''(D) in section 5309(n)(2) by striking 'in a way' and inserting 'in a manner'.''.

(i) DOLLAR VALUE OF MOBILITY IMPROVEMENTS.—Section 3010(b)(2) of the Federal Transit Act of 1998 is amended by striking ''Secretary'' and inserting ''Comptroller General''.

(j) INTELLIGENT TRANSPORTATION SYSTEM APPLICATIONS.—Section 3012 of the Federal Transit Act of 1998 is amended by moving paragraph (3) of subsection (a) to the end of subsection (b) and by redesignating such paragraph (3) as paragraph (4).

(k) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015 of the Federal Transit Act of 1998 is amended—

(1) in subsection (c)(2) by adding at the end the following: ''Financial assistance made available under this subsection and projects assisted with the assistance shall be subject to section 5333(a) of title 49, United States Code.''; and

(2) by adding at the end the following:

''(d) TRAINING AND CURRICULUM DEVELOPMENT.—

''(1) IN GENERAL.—Any funds made available by section 5338(e)(2)(C)(iii) of title 49, United States Code, shall be available in equal amounts for transportation research, training, and curriculum development at institutions identified in subparagraphs (E) and (F) of section 5505(j)(3) of such title.

''(2) SPECIAL RULE.—If the institutions identified in paragraph (1) are selected pursuant to 5505(i)(3)(B) of such title in fiscal year 2002 or 2003, the funds made available to carry out this subsection shall be available to those institutions to carry out the activities required pursuant to section 5505(i)(3)(B) of such title for that fiscal year.''.

(l) NATIONAL TRANSIT INSTITUTE.—Section 3017(a) of the Federal Transit Act of 1998 is amended to read as follows:

''(a) IN GENERAL.—Section 5315 is amended—

''(1) in the section heading by striking '**mass transportation** and inserting '**transit**';

''(2) in subsection (a)—

''(A) by striking 'mass transportation' in the first sentence and inserting 'transit';

''(B) in paragraph (5) by inserting 'and architectural design' before the semicolon at the end;

''(C) in paragraph (7) by striking 'carrying out' and inserting 'delivering';

''(D) in paragraph (11) by inserting ', construction management, insurance, and risk management' before the semicolon at the end;

''(E) in paragraph (13) by striking 'and' at the end;

''(F) in paragraph (14) by striking the period at the end and inserting a semicolon; and

''(G) by adding at the end the following:

'(15) innovative finance; and

'(16) workplace safety.'.''.

(m) PILOT PROGRAM.—Section 3021(a) of the Federal Transit Act of 1998 is amended by inserting ''single-State'' before ''pilot program''.

(n) ARCHITECTURAL, ENGINEERING, AND DESIGN CONTRACTS.—Section 3022 of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(b) CONFORMING AMENDMENT.—Section 5325(b) (as redesignated by subsection (a)(2) of this section) is amended—

''(1) by inserting 'or requirement' after 'A contract'; and

''(2) by inserting before the last sentence the following: 'When awarding such contracts, recipients of assistance under this

chapter shall maximize efficiencies of administration by accepting nondisputed audits conducted by other governmental agencies, as provided in subparagraphs (C) through (F) of section 112(b)(2) of title 23.'.''.

(o) CONFORMING AMENDMENT.—Section 3027 of the Federal Transit Act of 1998 is amended—

(1) in subsection (c) by striking ''600,000'' each place it appears and inserting ''900,000''; and

(2) by adding at the end the following:

''(d) CONFORMING AMENDMENT.—The item relating to section 5336 in the table of sections for chapter 53 is amended by striking 'block grants' and inserting 'formula grants'.''.

(p) APPORTIONMENT FOR FIXED GUIDEWAY MODERNIZATION.—Section 3028 of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(c) CONFORMING AMENDMENTS.—Section 5337(a) (as amended by subsection (a) of this section) is amended—

''(1) in paragraph (2)(B) by striking '(e)' and inserting '(e)(1)';

''(2) in paragraph (3)(D)—

''(A) by striking '(ii)'; and

''(B) by striking '(e)' and inserting '(e)(1)';

''(3) in paragraph (4) by striking '(e)' and inserting '(e)(1)';

''(4) in paragraph (5)(A) by striking '(e)' and inserting '(e)(2)';

''(5) in paragraph (5)(B) by striking '(e)' and inserting '(e)(2)';

''(6) in paragraph (6) by striking '(e)' each place it appears and inserting '(e)(2)'; and

''(7) in paragraph (7) by striking '(e)' each place it appears and inserting '(e)(2)'.''.

(q) AUTHORIZATIONS.—Section 3029 of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(c) TECHNICAL ADJUSTMENTS.—Section 5338 (as amended by subsection (a) of this section) is amended—

''(1) in subsection (c)(2)(A)(i) by striking '$43,200,000' and inserting '$42,200,000';

''(2) in subsection (c)(2)(A)(ii) by striking '$46,400,000' and inserting '$48,400,000';

''(3) in subsection (c)(2)(A)(iii) by striking '$51,200,000' and inserting '$50,200,000';

''(4) in subsection (c)(2)(A)(iv) by striking '$52,800,000' and inserting '$53,800,000';

''(5) in subsection (c)(2)(A)(v) by striking '$57,600,000' and inserting '$58,600,000';

''(6) in subsection (d)(2)(C)(iii) by inserting before the semicolon ', including not more than $1,000,000 shall be available to carry out section 5315(a)(16)';

''(7) in subsection (e)—

''(A) by striking '5317(b)' each place it appears and inserting '5505';

''(B) in paragraph (1) by striking 'There are' and inserting 'Subject to paragraph (2)(C), there are';

''(C) in paragraph (2)—

''(i) in subparagraph (A) by striking 'There shall' and inserting 'Subject to subparagraph (C), there shall';

''(ii) in subparagraph (B) by striking 'In addition' and inserting 'Subject to subparagraph (C), in addition'; and

''(iii) by adding at the end the following:

'(C) FUNDING OF CENTERS.—

'(i) Of the amounts made available under subparagraph (A) and paragraph (1) for each fiscal year—

'(I) $2,000,000 shall be available for the center identified in section 5505(j)(4)(A); and

'(II) $2,000,000 shall be available for the center identified in section 5505(j)(4)(F).

'(ii) For each of fiscal years 1998 through 2001, of the amounts made available under this paragraph and paragraph (1)—

'(I) $400,000 shall be available from amounts made available under subparagraph (A) of this paragraph and under paragraph (1) for each of the centers identified in subparagraphs (E) and (F) of section 5505(j)(3); and

'(II) $350,000 shall be available from amounts made available under subparagraph (B) of this paragraph and under paragraph (1) for each of the centers identified in subparagraphs (E) and (F) of section 5505(j)(3).

'(iii) Any amounts made available under this paragraph or paragraph (1) for any fiscal year that remain after distribution under clauses (i) and (ii), shall be available for the purposes identified in section 3015(d) of the Federal Transit Act of 1998.'; and

''(D) by adding at the end the following:

'(3) SPECIAL RULE.—Nothing in this subsection shall be construed to limit the transportation research conducted by the centers funded by this section.';

''(8) in subsection (g)(2) by striking '(c)(2)(B),' and all that follows through '(f)(2)(B),' and inserting '(c)(1), (c)(2)(B), (d)(1), (d)(2)(B), (e)(1), (e)(2)(B), (f)(1), (f)(2)(B),';

''(9) in subsection (h) by inserting 'under the Transportation Discretionary Spending Guarantee for the Mass Transit Category' after 'through (f)'; and

''(10) in subsection (h)(5) by striking subparagraphs (A) through (E) and inserting the following:

'(A) for fiscal year 1999 $400,000,000;

'(B) for fiscal year 2000 $410,000,000;

'(C) for fiscal year 2001 $420,000,000;

'(D) for fiscal year 2002 $430,000,000; and

'(E) for fiscal year 2003 $430,000,000;'.''.

(r) PROJECTS FOR FIXED GUIDEWAY SYSTEMS.—Section 3030 of the Federal Transit Act of 1998 is amended—

(1) in subsection (a)—

(A) in paragraph (8) by inserting ''North-'' before ''South'';

(B) in paragraph (42) by striking ''Maryland'' and inserting ''Baltimore'';

(C) in paragraph (103) by striking ''busway'' and inserting ''Boulevard transitway'';

(D) in paragraph (106) by inserting ''CTA'' before ''Douglas'';

(E) by striking paragraph (108) and inserting the following:

''(108) Greater Albuquerque Mass Transit Project.''; and

(F) by adding at the end the following:

''(109) Hartford City Light Rail Connection to Central Business District.

''(110) Providence–Boston Commuter Rail.

''(111) New York–St. George's Ferry Intermodal Terminal.

''(112) New York–Midtown West Ferry Terminal.

''(113) Pinellas County–Mobility Initiative Project.

''(114) Atlanta–MARTA Extension (S. De Kalb-Lindbergh).'';

(2) in subsection (b)—

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

''(2) Sioux City–Light Rail.'';

(B) by striking paragraph (40) and inserting the following:

''(40) Santa Fe–El Dorado Rail Link.'';

(C) by striking paragraph (44) and inserting the following:

''(44) Albuquerque–High Capacity Corridor.'';

(D) by striking paragraph (53) and inserting the following:

''(53) San Jacinto–Branch Line (Riverside County).''; and

(E) by adding at the end the following:

''(69) Chicago–Northwest Rail Transit Corridor.

''(70) Vermont–Burlington-Essex Commuter Rail.''; and

(3) in subsection (c)—

(A) in paragraph (1)(A)—

(i) in the matter preceding clause (i) by inserting ''(even if the project is not listed in subsection (a) or (b))'' before the colon;

(ii) by striking clause (ii) and inserting the following:

''(ii) San Diego Mission Valley and Mid-Coast Corridor, $325,000,000.'';

(iii) by striking clause (v) and inserting the following:

''(v) Hartford City Light Rail Connection to Central Business District, $33,000,000.'';

(iv) by striking clause (xxiii) and inserting the following:

''(xxiii) Kansas City–I-35 Commuter Rail, $30,000,000.'';

(v) in clause (xxxii) by striking ''Whitehall Ferry Terminal'' and inserting ''Staten Island Ferry-Whitehall Intermodal Terminal'';

(vi) by striking clause (xxxv) and inserting the following:

''(xxxv) New York–Midtown West Ferry Terminal, $16,300,000.'';

(vii) in clause (xxxix) by striking ''Allegheny County'' and inserting ''Pittsburgh'';

(viii) by striking clause (xvi) and inserting the following:

''(xvi) Northeast Indianapolis Corridor, $10,000,000.'';

(ix) by striking clause (xxix) and inserting the following:

''(xxix) Greater Albuquerque Mass Transit Project, $90,000,000.'';

(x) by striking clause (xliii) and inserting the following:

''(xliii) Providence–Boston Commuter Rail, $10,000,000.'';

(xi) by striking clause (xlix) and inserting the following:

''(xlix) SEATAC–Personal Rapid Transit, $40,000,000.''; and

(xii) by striking clause (li) and inserting the following:

''(li) Dallas-Ft. Worth RAILTRAN (Phase-II), $12,000,000.'';

(B) by striking the heading for subsection (c)(2) and inserting ''ADDITIONAL AMOUNTS''; and

(C) in paragraph (3) by inserting after the first sentence the following: ''The project shall also be exempted from all requirements relating to criteria for grants and loans for fixed guideway systems under section 5309(e) of such title and from regulations required under that section.''.

(s) NEW JERSEY URBAN CORE PROJECT.—Section 3030(e) of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(4) TECHNICAL ADJUSTMENT.—Section 3031(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (as amended by paragraph (3)(B) of this subsection) is amended—

''(A) by striking 'of the West Shore Line' and inserting 'or the West Shore Line'; and

''(B) by striking 'directly connected to' and all that follows through 'Newark International Airport' the first place it appears.''.

(t) BALTIMORE-WASHINGTON TRANSPORTATION IMPROVEMENTS.—Section 3030 of the Federal Transit Act of 1998 is amended by adding at the end the following:

''(h) TECHNICAL ADJUSTMENT.—Section 3035(nn) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2134) (as amended by subsection (g)(1)(C) of this section) is amended by inserting after 'expenditure of' the following: 'section 5309 funds to the aggregate expenditure of'.''.

(u) BUS PROJECTS.—Section 3031 of the Federal Transit Act of 1998 is amended—

(1) in the table contained in subsection (a)—

(A) by striking item 64;

(B) in item 69 by striking ''Rensslear'' each place it appears and inserting ''Rensselaer'';

(C) in item 103 by striking ''facilities and''; and

(D) by striking item 150;

(2) by striking the heading for subsection (b) and inserting ''ADDITIONAL AMOUNTS'';

(3) in subsection (b) by inserting after ''2000'' the first place it appears ''with funds made available under section 5338(h)(6) of such title''; and

(4) in item 2 of the table contained in subsection (b) by striking ''Rensslear'' each place it appears and inserting ''Rensselaer''.

(v) CONTRACTING OUT STUDY.—Section 3032 of the Federal Transit Act of 1998 is amended—

(1) in subsection (a) by striking ''3'' and inserting ''6'';

(2) in subsection (d) by striking ''the Mass Transit Account of the Highway Trust Fund'' and inserting ''funds made available under section 5338(f)(2) of title 49, United States Code,'';

(3) in subsection (d) by striking ''1998'' and inserting ''1999''; and

(4) in subsection (e) by striking ''subsection (c)'' and inserting ''subsection (d)''.

(w) JOB ACCESS AND REVERSE COMMUTE GRANTS.—Section 3037 of the Federal Transit Act of 1998 is amended—

(1) in subsection (b)(4)(A)—

(A) by inserting ''designated recipients under section 5307(a)(2) of title 49, United States Code,'' after ''from among''; and

(B) by inserting a comma after ''and agencies'';

(2) in subsection (b)(4)(B)—

(A) by striking ''at least'' and inserting ''less than'';

(B) by inserting ''designated recipients under section 5307(a)(2) of title 49, United States Code,'' after ''from among''; and

(C) by inserting ''and agencies,'' after ''authorities'';

(3) in subsection (f)(2)—

(A) by striking ''(including bicycling)''; and

(B) by inserting ''(including bicycling)'' after ''additional services'';

(4) in subsection (h)(2)(B) by striking ''403(a)(5)(C)(ii)'' and inserting ''403(a)(5)(C)(vi)'';

(5) in the heading for subsection (l)(1)(C) by striking ''FROM THE GENERAL FUND'';

(6) in subsection (l)(1)(C) by inserting ''under the Transportation Discretionary Spending Guarantee for the Mass Transit Category'' after ''(B)''; and

(7) in subsection (l)(3)(B) by striking ''at least'' and inserting ''less than''.

(x) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038 of the Federal Transit Act of 1998 is amended—

(1) in subsection (a)(1)(A) by inserting before the semicolon ''or connecting 1 or more rural communities with an urban area not in close proximity'';

(2) in subsection (g)(1)—

(A) by inserting ''over-the-road buses used substantially or exclusively in'' after ''operators of''; and

(B) by inserting at the end the following: ''Such sums shall remain available until expended.''; and

(3) in subsection (g)(2)—

(A) by striking ''each of''; and

(B) by adding at the end the following: ''Such sums shall remain available until expended.''.

(y) STUDY OF TRANSIT NEEDS IN NATIONAL PARKS AND RELATED PUBLIC LANDS.—Section 3039(b) of the Federal Transit Act of 1998 is amended—

(1) in paragraph (1) by striking ''in order to carry'' and inserting ''assist in carrying''; and

(2) by adding at the end the following:

''(3) DEFINITION.—For purposes of this subsection, the term 'Federal land management agencies' means the National Park Service, the United States Fish and Wildlife Service, and the Bureau of Land Management.''.

(z) OBLIGATION CEILING.—Section 3040 of the Federal Transit Act of 1998 is amended—

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

''(2) $5,797,000,000 in fiscal year 2000;''; and

(2) in paragraph (4) by striking ''$6,746,000,000'' and inserting ''$6,747,000,000''.

SEC. 710. MOTOR CARRIER SAFETY TECHNICAL CORRECTION.

Section 4011 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''(h) TECHNICAL AMENDMENTS.—Section 31314 (as amended by subsection (g) of this section) is amended—

''(1) in subsections (a) and (b) by striking '(3), and (5)' each place it appears and inserting '(3), and (4)'; and

''(2) by striking subsection (d).''.

SEC. 711. RESTORATIONS TO RESEARCH TITLE.

(a) UNIVERSITY TRANSPORTATION RESEARCH FUNDING.—Section 5001(a)(7) of the Transportation Equity Act for the 21st Century is amended—

(1) by striking ''$31,150,000'' each place it appears and inserting ''$25,650,000'';

(2) by striking ''$32,750,000'' each place it appears and inserting ''$27,250,000''; and

(3) by striking ''$32,000,000'' each place it appears and inserting ''$26,500,000''.

(b) OBLIGATION CEILING.—Section 5002 of such Act is amended by striking ''$403,150,000'' and all that follows through ''$468,000,000'' and inserting ''$397,650,000 for fiscal year 1998, $403,650,000 for fiscal year 1999, $422,450,000 for fiscal year 2000, $437,250,000 for fiscal year 2001, $447,500,000 for fiscal year 2002, and $462,500,000''.

(c) USE OF FUNDS FOR ITS.—Section 5210 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''(d) USE OF INNOVATIVE FINANCING.—

''(1) IN GENERAL.—The Secretary may use up to 25 percent of the funds made available to carry out this subtitle to make available loans, lines of credit, and loan guarantees for projects that are eligible for assistance under this subtitle and that have significant intelligent transportation system elements.

''(2) CONSISTENCY WITH OTHER LAW.—Credit assistance described in paragraph (1) shall be made available in a manner consistent with the Transportation Infrastructure Finance and Innovation Act of 1998.''.

(d) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5110 of such Act is amended by adding at the end the following:

''(d) TECHNICAL ADJUSTMENTS.—Section 5505 of title 49, United States Code (as added by subsection (a) of this section), is amended—

''(1) in subsection (g)(2) by striking 'section 5506,' and inserting 'section 508 of title 23, United States Code,';

''(2) in subsection (i)—

''(A) by inserting 'Subject to section 5338(e):' after '(i) NUMBER AND AMOUNT OF GRANTS.—'; and

''(B) by striking 'institutions' each place it appears and inserting 'institutions or groups of institutions'; and

''(3) in subsection (j)(4)(B) by striking 'on behalf of' and all that follows before the period and inserting 'on behalf of a consortium which may also include West Virginia University Institute of Technology, the College of West Virginia, and Bluefield State College'.''.

(e) TECHNICAL CORRECTIONS.—Section 5115 of such Act is amended—

(1) in subsection (a) by striking ''Director'' and inserting ''Director of the Bureau of Transportation Statistics'';

(2) in subsection (b) by striking ''Bureau'' and inserting ''Bureau of Transportation Statistics,''; and

(3) in subsection (c) by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(f) CORRECTIONS TO CERTAIN OKLAHOMA PROJECTS.—Section 5116 of such Act is amended—

(1) in subsection (e)(2) by striking ''$1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, and $500,000 for fiscal year 2001'' and inserting ''$1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, $1,000,000 for fiscal year 2001, and $500,000 for fiscal year 2002''; and

(2) in subsection (f)(2) by striking ''$1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, $1,000,000 for fiscal year 2001, and $500,000 for fiscal year 2002'' and inserting ''$1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, and $500,000 for fiscal year 2001''.

(g) INTELLIGENT TRANSPORTATION INFRASTRUCTURE REFERENCE.—Section 5117(b)(3)(B)(ii) of such Act is amended by striking ''local departments of transportation'' and inserting ''the Department of Transportation''.

(h) FUNDAMENTAL PROPERTIES OF ASPHALTS AND MODIFIED ASPHALTS.—Section 5117(b)(5)(B) of such Act is amended—

(1) by striking ''1999'' and inserting ''1998''; and

(2) by striking ''$3,000,000 per fiscal year'' and inserting ''$1,000,000 for fiscal year 1998 and $3,000,000 for each of fiscal years 1999 through 2003''.

SEC. 712. AUTOMOBILE SAFETY AND INFORMATION.

(a) REFERENCE.—Section 7104 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''(c) CONFORMING AMENDMENT.—Section 30105(a) of title 49, United States Code (as amended by subsection (a) of this section), is amended by inserting after 'Secretary' the following: 'for the National Highway Traffic Safety Administration'.''.

(b) CLEAN VESSEL ACT FUNDING.—Section 7403 of such Act is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Section 4(b)''; and

(2) by adding at the end the following:

''(b) TECHNICAL AMENDMENT.—Section 4(b)(3)(B) of the 1950 Act (as amended by subsection (a) of this section) is amended by striking '6404(d)' and inserting '7404(d)'.''.

(c) BOATING INFRASTRUCTURE.—Section 7404(b) of such Act is amended by striking ''6402'' and inserting ''7402''.

SEC. 713. TECHNICAL CORRECTIONS REGARDING SUBTITLE A OF TITLE VIII.

(a) AMENDMENT TO OFFSETTING ADJUSTMENT FOR DISCRETIONARY SPENDING LIMIT.—Section 8101(b) of the Transportation Equity Act for the 21st Century is amended—

(1) in paragraph (1) by striking ''$25,173,000,000'' and inserting ''$25,144,000,000''; and

(2) in paragraph (2) by striking ''$26,045,000,000'' and inserting ''$26,009,000,000''.

(b) AMENDMENTS FOR HIGHWAY CATEGORY.—Section 8101 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following:

''(f) TECHNICAL AMENDMENTS.—Section 250(c)(4)(C) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by subsection (c) of this Act) is amended—

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

''(2) by striking 'as amended by this section,' and inserting 'as amended by the Transportation Equity Act for the 21st Century,'; and

''(3) by adding at the end the following new flush sentence:

'Such term also refers to the Washington Metropolitan Transit Authority account (69-1128-0-1-401) only for fiscal year 1999 only for

appropriations provided pursuant to authorizations contained in section 14 of Public Law 96–184 and Public Law 101–551.'.''.

(c) TECHNICAL AMENDMENT.—Section 8102 of the Transportation Equity Act for the 21st Century is amended by inserting before the period at the end the following: ''or from section 1102 of this Act''.

SEC. 714. REPEAL OF PROVISIONS RELATING TO VETERANS BENEFITS.

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.

SEC. 715. TECHNICAL CORRECTIONS REGARDING TITLE IX.

(a) HIGHWAY TRUST FUND.—Subsection (f) of section 9002 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following new paragraphs:

''(4) The last sentence of section 9503(c)(1), as amended by subsection (d), is amended by striking 'the date of enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.

''(5) Paragraph (3) of section 9503(e), as amended by subsection (d), is amended by striking 'the date of enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.''.

(b) BOAT SAFETY ACCOUNT AND SPORT FISH RESTORATION ACCOUNT.—Section 9005 of the Transportation Equity Act for the 21st Century is amended by adding at the end the following new subsection:

''(f) CLERICAL AMENDMENTS.—

''(1) Subparagraph (A) of section 9504(b)(2), as amended by subsection (b)(1), is amended by striking 'the date of the enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.

''(2) Subparagraph (B) of section 9504(b)(2), as added by subsection (b)(3), is amended by striking 'such Act' and inserting 'the TEA 21 Restoration Act'.

''(3) Subparagraph (C) of section 9504(b)(2), as amended by subsection (b)(2) and redesignated by subsection (b)(3), is amended by striking 'the date of the enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.

''(4) Subsection (c) of section 9504, as amended by subsection (c)(2), is amended by striking 'the date of enactment of the Transportation Equity Act for the 21st Century' and inserting 'the date of the enactment of the TEA 21 Restoration Act'.''.

SEC. 716. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect simultaneously with the enactment of the Transportation Equity Act for the 21st Century. For purposes of all Federal laws, the amendments made by this title shall be treated as being included in the Transportation Equity Act for the 21st Century at the time of the enactment of such Act, and the provisions of such Act (including the amendments made by such Act) (as in effect on the day before the date of enactment of this Act) that are amended by this title shall be treated as not being enacted.

HUTCHISON (AND BYRD) AMENDMENTS NOS. 2881–2882

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. BYRD) submitted two amendments intended to be proposed by them to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2881

At the end of division A of the bill, insert the following new title:

TITLE XIII—REDUCTION IN UNITED STATES GROUND FORCES IN BOSNIA AND HERZEGOVINA.

SEC. 1301. FINDINGS.

Congress finds the following:

(1) The United States Armed Forces in Bosnia and Herzegovina have accomplished the military mission assigned to them as a component of the Implementation Force.

(2) The continuing and open-ended commitment of United States ground forces in Bosnia and Herzegovina is subject to the oversight authority of Congress.

(3) Congress may limit the use of appropriated funds to create the conditions for an orderly and honorable drawdown of the United States Armed Forces from Bosnia and Herzegovina.

(4) On November 27, 1995, the President affirmed that United States participation in the multinational military Implementation Force in Bosnia and Herzegovina would terminate in about one year.

(5) The President declared the expiration date of the mandate for the Implementation Force to be December 20, 1996.

(6) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff expressed confidence that the Implementation Force would complete its mission after approximately one year.

(7) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff expressed the critical importance of establishing a firm deadline for termination of the mission of the United States forces, without which there would be a potential for expansion of the mission.

(8) On October 3, 1996, the Chairman of the Joint Chiefs of Staff announced the intention of the President to delay the removal of United States forces from Bosnia and Herzegovina until March 1997.

(9) In November 1996, the President announced his intention to further extend the deployment of United States forces in Bosnia and Herzegovina until June 1998.

(10) The President did not request authorization by the Congress of a policy that would result in the further deployment of the United States forces in Bosnia and Herzegovina until June 1998.

(11) Notwithstanding the lapse of two previously established deadlines, the reaffirmation of those deadlines by senior national security officials, and the endorsement by those same national security officials of the importance of having a deadline as a hedge against an expanded mission, the President announced on December 17, 1997, that establishing a deadline had been a mistake and that United States ground combat forces were committed to the NATO-led mission in Bosnia and Herzegovina for the indefinite future.

(12) NATO military forces have increased their participation in law enforcement, particularly police, activities in Bosnia and Herzegovina.

(13) Successive United States commanders of NATO forces have stated on several occasions that, in accordance with the Dayton Peace Agreement, the principal responsibility for such law enforcement and police activities lies with the Bosnian parties themselves.

SEC. 1302. PRESIDENTIAL REPORT TO CONGRESS.

(a) PRESIDENTIAL PLAN.—

(1) IN GENERAL.—Not later than February 2, 1999, the President shall submit to Congress a report containing a plan to reduce, by not later than February 2, 2000, the number of personnel in the United States ground force in Bosnia and Herzegovina so that the total number of such personnel equals the average number of personnel in the ground forces of Great Britain, Germany, France, and Italy in Bosnia and Herzegovina.

(2) CONTENTS OF PLAN.—The plan shall contain—

(A) a timetable for the drawdown of military personnel from Bosnia and Herzegovina;

(B) the level of ground forces that will remain there after the reduction of forces is completed; and

(C) a statement of the budget authority necessary—

(i) to implement the plan; and

(ii) to sustain operations in Bosnia and Herzegovina at the reduced level after the plan takes effect.

(b) ADDITIONAL CONTENTS OF THE REPORT.—In addition to the requirements of subsection (a), the report shall contain the following:

(1) BUDGET AUTHORITY.—A description of the means by which the budget authority will be provided, whether out of unobligated balances of current defense appropriations or through a request for an additional authorization of appropriations.

(2) ANALYSIS OF FORCE LEVELS.—An analysis of the number of additional military personnel that would be necessary—

(A) for protection of the withdrawing forces as the drawdown proceeds;

(B) to protect United States diplomatic facilities in Bosnia and Herzegovina on the date of the enactment of this Act;

(C) in a noncombatant role, to advise the commanders of the North Atlantic Treaty Organization peacekeeping operations in Bosnia and Herzegovina; and

(D) as part of NATO containment operations in regions adjacent to Bosnia and Herzegovina.

SEC. 1303. LIMITATION ON FUNDING.

(a) LIMITATION.—Effective 30 days after the report described in section 1302(a) is submitted, or is required to be submitted, whichever occurs first, funds available to the Department of Defense for fiscal year 2000 may not be obligated or expended to support a number of military personnel in the ground elements of the United States Armed Forces in Bosnia and Herzegovina in excess of the level specified in the report required by section 1302(a), if within the 30-day period, there is enacted, in accordance with section 1306, a joint resolution approving the plan contained in the report.

(b) EXPEDITED RESOLUTION.—For the purposes of subsection (a), the term ''joint resolution'' means only a joint resolution that sets forth as the matter after the resolving clause only the following: ''That the President's plan contained in the report transmitted pursuant to section 1302 of the National Defense Authorization Act for Fiscal Year 1999 is approved.''.

SEC. 1304. SUSPENSION OF DEADLINES UNDER THE DRAWDOWN TIMETABLE.

(a) IN GENERAL.—Except as provided in subsection (b), the President may suspend compliance with a deadline under the drawdown timetable established in a plan approved by Congress pursuant to section 1303, if the President determines and certifies to the chairmen and ranking members of the Committee on National Security and the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations and the Committee on Armed Services of the Senate that such suspension is necessary—

(1) for the security of the forces of the United States Armed Forces in Bosnia and Herzegovina; or

(2) in response to a military emergency requiring the involvement of United States forces in operations in Bosnia and Herzegovina.

(b) LIMITATION.—

(1) IN GENERAL.—A suspension under subsection (a) may not exceed 90 days unless there is enacted a joint resolution, in accordance with section 1306, authorizing the extension of the suspension.

(2) EXPEDITED RESOLUTION.—For purposes of paragraph (1), the term ''joint resolution'' means only a joint resolution the matter after the resolving clause of which is as follows: ''That Congress authorizes the further suspension of compliance with a deadline under the drawdown timetable under section 1304 of the National Defense Authorization Act for Fiscal Year 1999''.

SEC. 1305. LIMITATION ON SUPPORT FOR LAW ENFORCEMENT ACTIVITIES.

None of the funds available to the Department of Defense for any fiscal year may be obligated or expended on or after the date of the enactment of this Act for the—

(1) conduct of, or direct support for, law enforcement and police activities in Bosnia and Herzegovina, except for the training of law enforcement personnel or to prevent imminent loss of life;

(2) conduct of, or support for, any activity in Bosnia and Herzegovina that may have the effect of jeopardizing the primary mission of the NATO-led force in preventing armed conflict between the Federation of Bosnia and Herzegovina and the Republika Srpska (hereinafter in this section referred to as the ''Bosnian Entities'');

(3) transfer of refugees within Bosnia and Herzegovina that, in the opinion of the commander of NATO forces involved in such transfer—

(A) has as one of its purposes the acquisition of control by one of the Bosnian Entities of territory allocated to the other of the Bosnian Entities under the Dayton Peace Agreement; or

(B) may expose forces of the United States Armed Forces to substantial risk of harm; and

(4) implementation of any decision to change the legal status of any territory within Bosnia and Herzegovina unless expressly agreed to by all signatories to the Dayton Peace Agreement.

SEC. 1306. PROCEDURES FOR JOINT RESOLUTION OF APPROVAL.

(a) REFERRAL OF RESOLUTIONS.—A resolution described in section 1303(b) or 1304(b) that is introduced in the Senate shall be referred to the Committee on Armed Services of the Senate. A resolution described in section 1303(b) or 1304(b) that is introduced in the House of Representatives shall be referred to the Committee on National Security of the House of Representatives.

(b) DISCHARGE OF COMMITTEES.—If the committee to which is referred a resolution described in section 1303(b) or 1304(b) has not reported such resolution (or an identical resolution) at the end of 7 calendar days after its introduction, the committee shall be deemed to be discharged from further consideration of the resolution and the resolution shall be placed on the appropriate calendar of the House involved.

(c) MOTIONS TO PROCEED TO THE CONSIDERATION OF THE RESOLUTIONS.—Whenever the committee to which a resolution is referred has reported, or has been deemed to be discharged from further consideration of, a resolution described in section 1303(b) or 1304(b), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain unfinished business of the respective House until disposed of.

(d) TIME FOR DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(e) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in section 1303(b) or 1304(b), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(f) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in section 1303(b) or 1304(b) shall be decided without debate.

(g) TREATMENT OF OTHER HOUSE'S RESOLUTION.—If, before the passage by one House of a resolution of that House described in section 1303(b) or 1304(b), that House receives from the other House a resolution described in section 1303(b) or 1304(b), then the following procedures shall apply:

(1) The resolution of the other House shall not be referred to a committee.

(2) With respect to a resolution described in section 1303(b) or 1304(b) of the House receiving the resolution—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(h) PRESIDENTIAL VETOES.—

(1) IN GENERAL.—Upon receipt of a message from the President returning the joint resolution unsigned to the House of origin and setting further his objections to the joint resolution, the House receiving the message shall immediately enter the objections at large on the journal of that House and the House shall proceed to the immediate reconsideration of the joint resolution the objections of the President to the contrary notwithstanding or of a motion to proceed to the immediate reconsideration of the joint resolution, or the joint resolution and objections shall lie on the table. Upon receipt of a message of a House transmitting the joint resolution and the objections of the President, the House receiving the message shall proceed to the immediate reconsideration of the joint resolution the objections of the President to the contrary notwithstanding or of a motion to proceed to the immediate reconsideration of the joint resolution, or the joint resolution and objections shall lie on the table. A motion to refer the joint resolution to a committee shall not be in order in either House.

(2) MOTION TO PROCEED.—After the receipt of a message by a House as described in paragraph (1), it is at any time in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the reconsideration of the joint resolution the objections of the President to the contrary notwithstanding. The motion is highly privileged in the House of Representatives and is a question of highest privilege in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the reconsideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(3) LIMIT ON DEBATE.—Debate on reconsideration of the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business is not in order. A motion to reconsider the vote by which the joint resolution is agreed to notwithstanding the objections of the President or disagreed is not in order.

(4) VOTE TO OVERRIDE VETO.—Immediately following the conclusion of the debate on reconsideration of the resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on the question of passage, the objections of the President to the contrary notwithstanding, shall occur.

(i) RULES OF THE SENATE AND THE HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such as it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in section 1303(b) or 1304(b), 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 either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

AMENDMENT NO. 2882

At the end of SEC. 1030(a), add the following subparagraph (7):

(7) A proposal that outlines the steps that would be necessary to reduce, by not later than February 2, 2000, the number of personnel in the United States ground force the Stabilization Force in Bosnia and Herzegovina so that the total number of such personnel equals the average number of personnel in the ground forces of Great Britain, Germany, France, and Italy in Bosnia and Herzegovina as of that date.

(A) The proposal shall contain—

(i) a timetable for the drawdown of military personnel from Bosnia and Herzegovina;

(ii) the level of ground forces that would remain there after the reduction of forces were completed; and

(iii) a statement of the budget authority that would be needed to implement the plan and sustain operations in Bosnia and Herzegovina at the reduced level.

(B) In addition, the proposal shall also contain a description of the means by which the budget authority would be provided, whether out of unobligated balances of current defense appropriations or through a request for an additional authorization of appropriations.

(C) Effective 30 days after this proposal is submitted, funds available to the Department of Defense for fiscal year 2000 may not

be obligated or expended to support a number of military personnel in the ground elements of the United States Armed Forces in Bosnia and Herzegovina in excess of the level specified in the report.

SARBANES AMENDMENT NO. 2883

(Ordered to lie on the table.)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 295, between lines 17 and 18, insert the following:

TITLE XIII—NATIONAL MILITARY MUSEUM FOUNDATION

SEC. 1301. ESTABLISHMENT OF NATIONAL MILITARY MUSEUM FOUNDATION.

There is established a nonprofit corporation to be known as the National Military Museum Foundation (in this title referred to as the ''Foundation''). The Foundation is not an agency or instrumentality of the United States.

SEC. 1302. PURPOSES.

The Foundation shall have the following purposes:

(1) To encourage and facilitate the preservation of military artifacts having historical or technological significance.

(2) To promote innovative solutions to the problems associated with the preservation of such artifacts.

(3) To facilitate research on and educational activities relating to military history.

(4) To promote voluntary partnerships between the Federal Government and the private sector for the preservation of such artifacts and of military history.

(5) To facilitate the display of such artifacts for the education and benefit of the public.

(6) To develop publications and other interpretive materials pertinent to the historical collections of the Armed Forces that will supplement similar publications and materials available from public, private, and corporate sources.

(7) To provide financial support for educational, interpretive, and conservation programs of the Armed Forces relating to such artifacts.

(8) To broaden public understanding of the role of the military in United States history.

(9) To recognize and honor the individuals who have served in the Armed Forces of the United States.

SEC. 1303. BOARD OF DIRECTORS.

(a) BOARD OF DIRECTORS.—(1) The Foundation shall have a Board of Directors (in this title referred to as the ''Board'') composed of nine individuals appointed by the Secretary of Defense from among individuals who are United States citizens.

(2) Of the individuals appointed under paragraph (1)—

(A) at least one shall have an expertise in historic preservation;

(B) at least one shall have an expertise in military history;

(C) at least one shall have an expertise in the administration of museums; and

(D) at least one shall have an expertise in military technology and materiel.

(b) CHAIRPERSON.—(1) The Secretary shall designate one of the individuals first appointed to the Board under subsection (a) as the chairperson of the Board. The individual so designated shall serve as chairperson for a term of 2 years.

(2) Upon the expiration of the term of chairperson of the individual designated as chairperson under paragraph (1), or of the term of a chairperson elected under this paragraph, the members of the Board shall elect a chairperson of the Board from among its members.

(c) TERM.—(1) Subject to paragraph (2), members appointed to the Board shall serve on the Board for a term of 4 years.

(2) If a member of the Board misses three consecutive meetings of the Board, the Board may remove the member from the Board for that reason.

(d) VACANCY.—Any vacancy in the Board shall not affect its powers but shall be filled, not later than 60 days after the vacancy, in the same manner in which the original appointment was made.

(e) QUORUM.—A majority of the members of the Board shall constitute a quorum.

(f) MEETINGS.—The Board shall meet at the call of the chairperson of the Board. The Board shall meet at least once a year.

SEC. 1304. ORGANIZATIONAL MATTERS.

The members of the Board first appointed under section 1303(a) shall—

(1) adopt a constitution and bylaws for the Foundation;

(2) serve as incorporators of the Foundation; and

(3) take whatever other actions the Board determines appropriate in order to establish the Foundation as a nonprofit corporation.

SEC. 1305. OFFICERS AND EMPLOYEES.

(a) EXECUTIVE DIRECTOR.—The Foundation shall have an executive director appointed by the Board and such other officers as the Board may appoint. The executive director and the other officers of the Foundation shall be compensated at rates fixed by the Board and shall serve at the pleasure of the Board.

(b) EMPLOYEES.—Subject to the approval of the Board, the Foundation may employ such individuals, and at such rates of compensation, as the executive director determines appropriate.

(c) VOLUNTEERS.—Subject to the approval of the Board, the Foundation may accept the services of volunteers in the performance of the functions of the Foundation.

(d) SERVICE OF FEDERAL EMPLOYEES.—A person who is a full-time or part-time employee of the Federal Government may not serve as a full-time or part-time employee of the Foundation and shall not be considered for any purpose an employee of the Foundation.

SEC. 1306. POWERS AND RESPONSIBILITIES.

In order to carry out the purposes of this title, the Foundation may—

(1) accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation;

(2) enter into contracts with individuals, public or private organizations, professional societies, and government agencies for the purpose of carrying out the functions of the Foundation; and

(3) enter into such other contracts, leases, cooperative agreements, and other transactions at the executive director of the Foundation considers appropriate to carry out the activities of the Foundation.

SEC. 1307. AUDITS.

(a) AUDITS.—The first section of the Act entitled ''An Act to provide for the audit of accounts of private corporations established under Federal law,'' approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end the following:

''(80) The National Military Museum Foundation.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that the chairperson of the Board notifies the Secretary of Defense of the incorporation of the Foundation under this title.

SEC. 1308. REPORTS.

As soon as practicable after the end of each fiscal year of the Foundation, the Board shall submit to Congress and to the Secretary of Defense a report on the activities of the Foundation during the preceding fiscal year, including a full and complete statement of the receipts, expenditures, investment activities, and other financial activities of the Foundation during such fiscal year.

SEC. 1309. INITIAL SUPPORT.

(a) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated by section 301, $250,000 shall be available for the purpose of making a grant to the Foundation in order to assist the Foundation in defraying the costs of its activities. Such amount shall be available for such purpose until expended.

(b) ADDITIONAL SUPPORT.—In each of fiscal years 1999 through 2001, the Secretary of Defense may provide, without reimbursement, personnel, facilities, and other administrative services of the Department to the Foundation.

HARKIN AMENDMENTS NOS. 2884–2888

(Ordered to lie on the table.)

Mr. HARKIN submitted five amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2884

At the end of subtitle B of title II, add the following:

SEC. 219. 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 $15,000,000.

(b) REDUCED AMOUNT FOR FOREIGN MILITARY COMPARATIVE TESTING PROGRAM.—Of the amount authorized to be appropriated under section 201(4), $17,684,000 shall be available for the Foreign Military Comparative Testing program.

AMENDMENT NO. 2885

At the end of subtitle B of title II, add the following:

SEC. 219. 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 $15,000,000.

AMENDMENT NO. 2886

On page 25, line 16, increase the dollar figure by the sum $15,000,000.

AMENDMENT NO. 2887

On page 25, line 16, subtract from the dollar figure, the sum $1,000.

AMENDMENT NO. 2888

At the end of subtitle E of title III, add the following:

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.

HARKIN (AND OTHERS) AMENDMENT NO. 2889

(Ordered to lie on the table.)

Mr. HARKIN (for himself, Mr. BROWNBACK, Mr. TORRICELLI, and Mr. JOHNSON) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. ___. RESOLUTION OF JAMMU AND KASHMIR DISPUTE.

(a) FINDINGS.—Congress finds that—

(1) the detonation of nuclear explosive devices by India and Pakistan in May of 1998 has underscored the need to reexamine relations between India and Pakistan;

(2) a spiraling nuclear arms race in South Asia would threaten the national security of the United States, and international peace and security;

(3) for more than half a century, Pakistan and India have had a dispute involving the Jammu and Kashmir region and tensions remain high;

(4) three times in the past 50 years, the two nations fought wars against each other, two of these wars directly involving Jammu and Kashmir;

(5) it is in the interest of United States security and world peace for Pakistan and India to arrive at a peaceful and just settlement of the dispute through talks between the two nations, which takes into account the wishes of the affected population;

(6) the human rights situation in Jammu and Kashmir continues to deteriorate despite repeated efforts by international human rights groups;

(7) a resolution to the Jammu and Kashmir dispute would foster economic and social development in the region;

(8) the United States has a long and important history with both India and Pakistan, and bears a responsibility as a world leader to help facilitate a peaceful resolution to the Jammu and Kashmir dispute; and

(9) the United States and the United Nations can both play a critical role in helping to resolve the dispute over Jammu and Kashmir and in fostering better relations between Pakistan and India.

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

(1) the United States should make a high priority the promotion of peace and stability in South Asia, as well as normalization of relations between India and Pakistan;

(2) it is critical for the United States and the world community to give a greater priority to resolving the long-standing dispute between India and Pakistan over the Jammu and Kashmir region;

(3) the United States Permanent Representative to the United Nations should propose to the United Nations Security Council a meeting with the representatives to the United Nations from India and Pakistan for the purpose of discussions about the security situation in South Asia, including regional stability, nuclear disarmament and arms control, and trade;

(4) the United States Permanent Representative to the United Nations should raise the issue of the Jammu and Kashmir dispute within the Security Council and promote the establishment of a United Nations-sponsored mediator for the conflict; and

(5) the President should request India to allow United Nations human rights officials, including the Special Rapporteur on Torture, to visit the Jammu and Kashmir region and to have unrestricted access to meeting with people in that region, including those in detention.

HARKIN (AND WELLSTONE) AMENDMENTS NOS. 2890–2891

(Ordered to lie on the table.)

Mr. HARKIN (for himself and Mr. WELLSTONE) submitted two amendments intended to be proposed by them to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2890

At the end of subtitle A of title X, add the following:

SEC. . TRANSFER TO DEPARTMENT OF VETERANS AFFAIRS.

(a) TRANSFER REQUIRED.—The Secretary of Defense shall transfer to the Department of Veterans Affairs $329,000,000 of the amounts appropriated for the Department of Defense pursuant to the authorizations of appropriations in this Act. The Secretary shall select the funds for transfer, and shall transfer the funds, in a manner that causes the least significant harm to the readiness of the Armed Forces and the quality of life of military personnel and their families.

(b) USE OF TRANSFERRED FUNDS.—Funds transferred pursuant to subsection (a) shall be available for health care programs of the Department of Veterans Affairs.

AMENDMENT NO. 2891

At the end of subtitle A of title X, add the following:

SEC. . TRANSFER TO DEPARTMENT OF VETERANS AFFAIRS.

(a) TRANSFER REQUIRED.—The Secretary of Defense shall transfer to the Department of Veterans Affairs $329,000,000 of the amounts appropriated for the Department of Defense pursuant to the authorizations of appropriations in this Act. The Secretary shall select the funds for transfer, and shall transfer the funds, in a manner that causes the least significant harm to the readiness of the Armed Forces and the quality of life of military personnel and their families.

(b) USE OF TRANSFERRED FUNDS.—Funds transferred pursuant to subsection (a) shall be available for health care programs of the Department of Veterans Affairs.

KEMPTHORNE AMENDMENTS NOS. 2892–2893

(Ordered to lie on the table.)

Mr. KEMPTHORNE submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2892

On page 348, strike out line 1 and all that follows through page 366, line 13, and insert in lieu thereof the following:

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 land 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;

(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 ——, 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 No. 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 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 above ground 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 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, 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 two 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.

AMENDMENT NO. 2893

On page 348, strike out line 1 and all that follows through page 366, line 13, and insert in lieu thereof the following:

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 land 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;

(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. 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. 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 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 above ground 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 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, 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 two 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.

WELLSTONE AMENDMENT NO. 2894

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the appropriate place, add the following:

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.

TORRICELLI (AND LAUTENBERG) AMENDMENT NO. 2895

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the end of subtitle E of title III, add the following:

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 proposed personnel reductions in the Army Materiel Command will have on workload and readiness if implemented; and

(2) the likelihood that the cost savings projected to occur from such reductions will actually be achieved.

ROBB AMENDMENT NO. 2896

(Ordered to lie on the table.)

Mr. ROBB submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. STANDARDIZATION OF AREAS OF RESPONSIBILITY FOR DEPARTMENTS AND AGENCIES HAVING MISSIONS ABROAD.

(a) STANDARDIZATION.—(1) The President shall submit to Congress a proposal for standardizing the geographic areas of responsibility of the departments and agencies of the Federal Government with respect to the responsibilities, if any, of those departments and agencies for matters abroad that involve the national security interests of the United States.

(2) The standardization of areas of responsibility of the departments and agencies under paragraph (1) shall conform the areas of responsibility of such departments and agencies to the geographic areas of responsibility assigned to the unified combatant commands.

(b) CONSULTATION.—In preparing the standardization of areas of responsibility under subsection (a), the President should consult with the Secretary of Defense, the Secretary of State, the Director of Central Intelligence, the National Security Advisor, the heads of the other departments and agencies to be covered by the standardization rules, and such other Federal officials as the President considers appropriate.

ROBB (AND COATS) AMENDMENT NO. 2897

(Ordered to lie on the table.)

Mr. ROBB (for himself, and Mr. COATS) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

On page 196, between lines 18 and 19, insert the following:

SEC. 908. PANEL ON INFRASTRUCTURE REFORM.

(a) ESTABLISHMENT.—Not later than December 1, 1998, the Secretary of Defense shall establish a nonpartisan, independent panel to be known as the Panel on Infrastructure Reform (in this section referred to as the ''Panel''). The Panel shall have the duties set forth in this section.

(b) MEMBERSHIP.—The Panel shall be composed of a chairman and six 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 defense and civilian infrastructure in the United States.

(c) DUTIES.—(1) The Panel shall—

(A) carry out an assessment of the current infrastructure and the projected infrastructure of the Department of Defense in order to identify the infrastructure required to sustain the proposed force structure of the Armed Forces through 2015;

(B) identify the infrastructure that is or will be excess to the infrastructure identified under paragraph (1); and

(C) develop a plan for restructuring the infrastructure in order to reduce unnecessary costs and inefficiencies associated with the infrastructure and to improve the effectiveness of the infrastructure in supporting the warfighting missions of the Armed Forces.

(2) In carrying out its duties under this subsection, the Panel shall, to the maximum extent practicable take into account the results and findings of the following:

(A) The Report of the Department of Defense on Base Realignment and Closure, dated April 1998.

(B) The Report of the National Defense Panel, dated December 1997.

(C) The Defense Reform Initiative, dated November 1997.

(D) The Report of the Quadrennial Defense Review, dated May 1997.

(E) The Report of the Commission on Roles and Missions of the Armed Forces, dated May 1995.

(d) REPORT.—(1) Not later than October 31, 1999, the Panel shall submit to the Secretary a report on its activities under subsection (c). The report shall—

(A) review the concept for future warfighting described in the document entitled ''Joint Vision 2010'' and assess how the infrastructure of the Department of Defense can be restructured to better support the operational concepts outlined in that document;

(B) assume the authorization of a base closure round in 2001;

(C) assess other restructuring options for the infrastructure that may be required to sustain the proposed force structure of the Armed Forces through 2015;

(D) assess the benefits, risks, and feasibility of new concepts for the infrastructure, including joint bases and facilities, so-called ''superbases'', offshore bases, and the cocalled ''new base concept'' outlined in the report of the National Defense Panel;

(E) assess opportunities for further regionalization of administrative and other functions shared across many installations;

(F) assess the need for excess installation capacity in light of future remobilization requirements and prospects for further reductions in overseas basing options;

(G) assess the need for construction of new installations in the United States;

(H) assess the future role of overseas installations in supporting the proposed force structure of the Armed Forces;

(I) compare the infrastructure design of the United States with the defense infrastructure designs of other nations;

(J) recommend such modifications in the 1990 base closure law as the Panel considers appropriate to improve the efficiency and objectivity of the base closure process;

(K) compare the merits of requiring one additional round of base closures under that law with the merits of requiring more than one additional round of base closures under that law;

(L) recommend such alternative methods of eliminating excess infrastructure capacity as the Panel considers appropriate;

(M) develop methods and measures to further improve the ability of the Department of Defense to compare categories of infrastructure across the military departments;

(N) to the extent practicable, estimate the funding required to implement the changes proposed by the Panel, as well as the savings to be anticipated from such changes; and

(O) propose any recommendations for legislation that the Panel considers appropriate.

(2) Not later than November 30, 1999, the Secretary shall, after consultation with the Chairman of the Joint Chiefs of Staff, submit to the committees referred to in subsection (b) a copy of the report under paragraph (1), 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, United States Code, for each day (including travel time) during which such 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, United States Code, 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 of not more than four additional individuals, 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, United States Code, 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, 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 30 days after the date on which the Panel submits its report to the Secretary under subsection (d)(1).

(j) DEFINITIONS.—In this section:

(1) The term ''infrastructure'' means the facilities, equipment, personnel, and other programs and activities of the Department of Defense that provide support to combat mission programs of the Department, including programs and activities relating to acquisition, installation support, central command, control, and communications, force management, central logistics, central medical, central personnel, and central training.

(2) The term ''1990 base closure law'' means 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).

BINGAMAN AMENDMENTS NOS. 2898–2901

(Ordered to lie on the table.)

Mr. BINGAMAN submitted four amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2898

On page 16, line 8, strike ''$780,150,000'', and insert in lieu thereof ''$855,150,000''.

On page 14, line 1, strike ''$1,466,508,000'', and insert in lieu thereof ''$1,402,508,000''.

On page 14, line 5, strike ''$1,010,155,000'', and insert in lieu thereof ''$999,150,000''.

AMENDMENT NO. 2899

On page 16, line 8, strike ''$780,150,000'', and insert in lieu thereof ''$855,150,000''.

AMENDMENT NO. 2900

On page 14, line 1, strike ''$1,466,508,000'', and insert in lieu thereof ''$1,402,508,000''.

AMENDMENT NO. 2901

On page 14, line 5, strike ''$1,010,155,000'', and insert in lieu thereof ''$999,150,000''.

WELLSTONE AMENDMENT NO. 2902

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 200, between lines 14 and 15, insert the following:

SEC. 1005. CHILD DEVELOPMENT PROGRAM.

(a) ADDITIONAL FUNDING.—The amount authorized to be appropriated by this Act for the Child Development Program of the Department of Defense is hereby increased by $270,000,000.

(b) OFFSET.—(1) Notwithstanding any other provision of this Act, the total amount authorized to be appropriated by this Act (other than the amount authorized to be appropriated for the Child Development Program) is reduced by $270,000,000.

(2) The Secretary of Defense shall allocate the amount of the reduction made by paragraph (1) equitably across each budget activity, budget activity group, budget subactivity group, program, project, or activity for which funds are authorized to be appropriated by this Act.

(c) USE OF FUNDS.—(1) The amount made available by subsection (a) shall be available for obligation and expenditure as follows:

(A) $41,000,000 shall be available in fiscal year 1999.

(B) $46,000,000 shall be available in fiscal year 2000.

(C) $53,000,000 shall be available in fiscal year 2001.

(D) $61,000,000 shall be available in fiscal year 2002.

(E) $70,000,000 shall be available in fiscal year 2003.

(2) Amounts available under this section shall be available for any programs under the Child Development Program, including programs for school-age care.

KENNEDY AMENDMENT NO. 2903

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 76, between lines 7 and 8, insert the following:

SEC. . JOINT DEPARTMENT OF DEFENSE—DEPARTMENT OF HEALTH AND HUMAN SERVICES PROGRAM TO PROMOTE KEY ELEMENTS OF THE MILITARY CHILDCARE SYSTEM.

(a) $10 million shall be reduced from line 44, Other Procurement Army for the ACUS Modification Program and made available for the program described under paragraph (B).

(b) The Secretary of Defense in cooperation with the Secretary of Health and Human Services shall design and implement a national program of technical assistance to states and communities to promote the key elements of the military child care model (including family child care networks, salary scales, accreditation, and monitoring.) At least 75 percent of funds shall be provided in the form of initiative matching grants to states and local communities interested in demonstrating key elements of the DOD childcare model.

BROWNBACK AMENDMENT NO. 2904

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. ___. 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 in ensuring 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;

(3) make any joint United States-Russian programs funded under the authority of the National Defense Authorization Act for Fiscal Year 1999 contingent upon Russian respect for the national sovereignty of its neighbors; and

(4) use all authorities available to the Department of Defense to provide urgent and immediate assistance to bolster the training of personnel, and the delivery of equipment such as weapons, vehicles, vehicle armor, body armor, secure communications, surveillance and counter surveillance equipment, and bomb detection equipment, to ensure to the maximum extent practicable the personal security of President Shevardnadze.

SESSIONS AMENDMENTS NOS. 2905–2907

(Ordered to lie on the table.)

Mr. SESSIONS submitted three amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2905

On page 398, between lines 9 and 10, insert the following:

SEC. 3144. 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.), the Secretary shall make the selection under subsection (a) from between the following:

(1) The light-water reactor facility (Bellefonte Plant) in Hollywood, Alabama.

(2) Accelerator production of tritium.

AMENDMENT NO. 2906

On page 398, between lines 9 and 10, insert the following:

SEC. 3144. 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.), the Secretary shall make the selection under subsection (a) from between the following:

(1) A United States Government owned and operated commercial light water reactor.

(2) Accelerator production of tritium.

AMENDMENT NO. 2907

On page 398, between lines 9 and 10, insert the following:

SEC. 3144. 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).

BROWNBACK AMENDMENT NO. 2908

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle A of title XXVII, add the following:

SEC. 2705. LIMITATION RELATING TO HOUSING OF RECRUITS DURING BASIC TRAINING.

(a) LIMITATION.—None of the funds authorized to be appropriated by this division may be used for military construction unless the Secretary of the military department having jurisdiction of that armed force—

(1) requires by October 1, 2001 that during basic training, male and female recruits of that armed force be housed in separate barracks or other troop housing facilities; and

(2) If the Secretary of the military department concerned determines that facilities at that installation are insufficient for the purposes of compliance with the requirement for separate housing, the Secretary shall require that male and female recruits not be housed on the same floor of a barracks or other troop housing facility; and

(3) restricts the access by drill sergeants and other training personnel to a barracks floor on which recruits are housed during basic training, after the end of the training day, to drill sergeants and other training personnel who are of the same sex as the recruits housed on that floor, other than in case of an emergency or other exigent circumstance.

(b) SECTION 527 NOT TO TAKE EFFECT.—Section 527 shall not take effect.

STEVENS AMENDMENTS NOS. 2909–2911

(Ordered to lie on the table.)

Mr. STEVENS submitted three amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2909

At the end of subtitle B of title VI, add the following:

SEC. 620. 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 July 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 October 15, 1998, 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.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Defense for fiscal year 1999, in addition amounts authorized under the other provisions of this Act, such amount as may be necessary to carry out this section.

AMENDMENT NO. 2910

On page 199 of the bill, delete Subsection (c) of Sec. 1002.

AMENDMENT NO. 2911

In lieu of subsection (c) of Sec. 1002 in the bill insert the following:

''Senate Resolution 209, as agreed to by the Senate on April 2, 1998, is modified by striking the following text:

(1) $266,635,000,000 in total budget outlays, and

(2) $271,570,000,000 in total new budget authority; and inserting in lieu thereof the following:

(1) $268,169,000,000 in total budget outlays, and

(2) $273,428,600,000 in total new budget authority;''

SMITH AMENDMENT NO. 2912

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1064. POLICY ON DEPLOYMENT OF UNITED STATES FORCES IN BOSNIA AND HERZEGOVINA.

(a) LIMITATION.—None of the funds authorized to be appropriated under this Act may be expended after March 31, 1999, to support the continued deployment of ground combat forces of the Armed Forces of the United States in Bosnia and Herzegovina unless, on or before such date, each House of Congress votes on passage of legislation that, if adopted, would specifically authorize the continued deployment of ground combat forces of the Armed Forces of the United States in Bosnia and Herzegovina.

(b) PLAN FOR WITHDRAWAL OF FORCES.—If legislation referred to in subsection (a) is not presented to the President on or before March 31, 1999, the President shall submit to Congress, not later than September 30, 1999, a plan that provides for the ground combat forces of the Armed Forces of the United States in Bosnia and Herzegovina to be withdrawn from Bosnia and Herzegovina in an orderly and safe manner.

(c) PROHIBITION.—

(1) USE OF FUNDS AFTER MARCH 31, 1999.—After March 31, 1999, none of the funds authorized to be appropriated by this or any other Act may be obligated or expended to support the continued deployment of United States ground combat forces in Bosnia and Herzegovina, except for the purpose of implementing the withdrawal plan.

(2) CONDITION.—The prohibition on use of funds in paragraph (1) shall not take effect if a joint resolution described in subsection (d)(1) is enacted on or before March 31, 1999.

(d) PROCEDURES FOR JOINT RESOLUTION OF APPROVAL.—

(1) CONTENT OF JOINT RESOLUTION.—For the purposes of subsection (c)(2), ''joint resolution'' means only a joint resolution that sets forth as the matter after the resolving clause only the following: ''That the continued deployment of ground combat forces of the Armed Forces of the United States in Bosnia and Herzegovina is authorized.''.

(2) REFERRAL TO COMMITTEE.—A resolution described in paragraph (1) that is introduced in the Senate shall be referred to the Committee on Armed Services of the Senate. A resolution described in paragraph (1) that is introduced in the House of Representatives shall be referred to the Committee on National Security of the House of Representatives.

(3) DISCHARGE OF COMMITTEE.—If the committee to which is referred a resolution described in paragraph (1) has not reported such resolution (or an identical resolution) at the end of 7 calendar days after its introduction, the committee shall be deemed to be discharged from further consideration of the resolution and the resolution shall be placed on the appropriate calendar of the House involved.

(4) FLOOR CONSIDERATION.—

(A) IN GENERAL.—When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (3)) from further consideration of, a resolution described in paragraph (1), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(B) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(C) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in paragraph (1), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (1) shall be decided without debate.

(5) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of a resolution of that House described in paragraph (1), that House receives from the other House a resolution described in paragraph (1), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee.

(B) With respect to a resolution described in paragraph (1) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(6) CONSIDERATION OF VETO.—

(A) ACTION UPON RECEIPT OF MESSAGE.—Upon receipt of a message from the President returning the joint resolution unsigned to the House of origin and setting forth his objections to the joint resolution, the House receiving the message shall immediately enter the objections at large on the journal of that House and the House shall proceed to the immediate reconsideration of the joint resolution the objections of the President to the contrary notwithstanding or of a motion to proceed to the immediate reconsideration of the joint resolution, or the joint resolution and objections shall lie on the table. Upon receipt of a message of a House transmitting the joint resolution and the objections of the President, the House receiving the message shall proceed to the immediate reconsideration of the joint resolution the objections of the President to the contrary notwithstanding or of a motion to proceed to the immediate reconsideration of the joint resolution, or the joint resolution and objections shall lie on the table. A motion to refer the joint resolution to a committee shall not be in order in either House.

(B) MOTION TO PROCEED.—After the receipt of a message by a House as described in subparagraph (A), it is at any time in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the reconsideration of the joint resolution the objections of the President to the contrary notwithstanding. The motion is highly privileged in the House of Representatives and is a question of highest privilege in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the reconsideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(C) DEBATE.—Debate on reconsideration of the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business is not in order. A motion to reconsider the vote by which the joint resolution is agreed to notwithstanding the objections of the President or disagreed to is not in order.

(D) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on reconsideration of the resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on the question of passage, the objections of the President to the contrary notwithstanding, shall occur.

(7) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

DOMENICI (AND BINGAMAN) AMENDMENT NO. 2913

(Ordered to lie on the table.)

Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 397, between lines 6 and 7, insert the following:

SEC. 3137. 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 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 shall 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 and the contractor concerned 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 shall 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 shall 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.

● Mr. DOMENICI. Mr. President, partnerships among our federal laboratories, universities, and industry provide important benefits to our nation. They help to create innovative new products and services that drive our economy and improve our quality of life. Today I submit the DOE Partnership Amendment to the National Defense Authorization Bill for Fiscal Year 1999. This Amendment improves the capabilities at the DOE sites for effective partnerships and interactions with other federal agencies, with the private sector, and with universities.

I have personally observed the positive impacts of well crafted partnerships. These partnerships enhance the ability of the laboratories and other contractor-operated facilities of the Department of Energy to accomplish their federal missions at the same time that the companies benefit though enhanced competitiveness from the technical resources available at these sites.

I have also seen important successes achieved by other federal agencies and companies that utilized the resources of the national laboratories and other

Department sites through contract research mechanisms. Contract research enables these sites to contribute their technical expertise in cases where the private sector can not supply a customer's needs. Partnerships and other interactions enable companies and other agencies to accomplish their own missions better, faster, and cheaper.

I've seen spectacular examples where small businesses have been created around breakthrough technologies from the national laboratories and other contractor-operated sites of the DOE. But, at present, only the Department's Defense Programs has a specific program for small business partnerships and assistance.

All programs of the Department have expertise that can be driving small business successes. Historically, in the United States, small businesses have often been the most innovative and the fastest to exploit new technical opportunities—all of the Department's programs should be open to the small business interactions that Defense Programs has so effectively utilized.

I have been concerned that barriers to these partnerships and interactions continue to exist within the Department of Energy. In addition, the Department's laboratories and other sites need continuing encouragement to be fully receptive to partnership opportunities that meet both their own mission objectives and industry's goals. And finally, small business interactions should be encouraged across the Department of Energy, not only in Defense Programs.

For these reasons, I introduced S. 1874 on March 27, 1998, the Department of Energy Small Business and Industry Partnership Enhancement Act of 1998, which was co-sponsored by Senators Thompson, Craig, Kempthorne, Bingaman, Reid, and Lieberman. The National Coalition for Advanced Manufacturing, or NACFAM, endorsed our actions with S. 1874, describing it as ''a crucial step in reducing barriers to cooperation between the national laboratories and private industry, higher education institutions, non-profit entities, and state and local governments.'' NACFAM also noted that this ''bill supports our shared conviction that collaborative R&D will further strengthen America's productivity growth and national security.''

Today I submit, with Senator BINGAMAN as a co-sponsor, language for amendment of the National Defense Authorization Bill for Fiscal Year 1999 that accomplishes almost the same goals as S. 1874. This Amendment was developed through consultation with several of the co-sponsors, the Senate Energy and Natural Resources Committee, the Senate Committee on Armed Services, and the Department of Energy.

This Amendment removes barriers to more effective utilization of all of the Department's contractor-operated facilities by industry, other federal agencies, and universities. The Amendment covers all the Department's contractor-operated facilities—national laboratories and their other sites like Kansas City, Pantex, Hanford, Savannah River, or the Nevada Test Site.

This Amendment also provides important encouragement to the contractor-operated sites to increase their partnerships and other interactions with universities and companies. And finally, it creates opportunities for small businesses to benefit from the technical resources available at all of the Department's contractor-operated facilities.

This Amendment supplements the authority of the Atomic Energy Act, which limited the areas wherein the Department's facilities could provide research and other services, not in competition with the private sector, to only those mission areas undertaken in the earliest days of the AEC. My Amendment recognizes that the Department's responsibilities are far broader than the original AEC, and that all parts of the Department should be available to help on a contract basis wherever capabilities are not available from private industry.

One barrier at the Department to contract research involves charges added by the Department to the cost of work accomplished by a site. At some laboratories, these charges now range up to 25%. This Amendment requires that charges to customers for research and other services at these facilities be fully recovered, and sharply limits addition of extra charges by the Department to only 3%. The Amendment further requires waiver of these extra charges for small business and non-profit entities and provides a process for the Secretary of Energy to continue any pre-existing waivers.

The Amendment creates a five-year pilot program for external customers that enables facilities to examine their overhead rates and determine if an alternative lower rate serves to cover services actually used by these customers. For example, where companies or universities do not require secure facilities or do not utilize the extensive special nuclear material capabilities of the laboratories, then the customer will be charged an overhead rate that excludes security costs and environmental legacy costs. This pilot program will enable the Department and facilities to evaluate the impact of these lower overhead rates for one important class of external customers. The Department is required to report in 2003 on the interim results of this Pilot and to provide recommendations on possibly continuing this Pilot and even extending it to include other federal customers.

The Amendment provides direct encouragement for expansion of partnerships and interactions with companies and universities by requiring that each facility be annually judged for success in expanding these interactions in ways that support each facility's missions. The Amendment requires that the external partnership and interaction program be considered in evaluating the annual contract performance at each site.

And finally, the Amendment sets up a new Small Business Partnership Program in which all of the Department sites participate. This action will enable small businesses across the United States to better access and partner with any of the Department's contractor-owned facilities. A fund for such interactions up to 0.25 percent of the total site budget is available for these small business interactions.

With these changes, Mr. President, the Department of Energy facilities will be better able to meet their critical national missions, while at the same time assisting other federal agencies, large and small businesses, and universities in better meeting their goals and missions.●

THURMOND (AND DOMENICI) AMENDMENT NO. 2914

(Ordered to lie on the table.)

Mr. THURMOND (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the appropriate place add the following:

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. 2. Section 8331 of Title 5, United States Code, is amended as follows:

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. 3 (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.

6: July 1, 1948 to October 31, 1956.

6½: November 1, 1956 to December 31, 1969.

7: January 1, 1970 to December 31, 1974.

7½: After December 31, 1974.''.

SEC. 4. 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. 5. Section 8401 of title 5, United States Code, is amended as follows:

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. 6. 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. 7. 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. 8. 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. 9. 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. 10. 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. 11. These amendments are effective at the beginning of the first pay period after the date of enactment of this Act.

CONRAD (AND OTHERS) AMENDMENT NO. 2915

(Ordered to lie on the table.)

Mr. CONRAD (for himself, Mr. KEMPTHORNE, Mr. KENNEDY, and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, S. 2057, supra; as follows:

At the appropriate place in subtitle D of title X, insert the following:

SEC. RUSSIAN NON-STRATEGIC NUCLEAR WEAPONS.

(a) SENSE OF THE SENATE.—It is the Sense of the Senate that

(1) the 7,000 to 12,000 or more non-strategic (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 warheads by nearly ninety 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;

(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, and pledge continued cooperation from the United States in reducing Russia's tactical nuclear stockpile; and

(5) it is a top foreign policy priority of the United States to work aggressively to reduce the threats from the non-strategic nuclear arsenal of the Russian Federation, through continued cooperation on accounting for, security, and reducing Russia's stockpile of tactical nuclear warheads and associated fissile material.

(b) REPORT.—Not later than March 15, 1999, the Secretary of Defense shall submit to the Congress a report on Russia's non-strategic 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 non-strategic 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;

(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; and

(5) options for additional threat reduction initiatives concerning Russia's tactical nuclear stockpile.

This report shall include the views of the Director of Central Intelligence and the Commander in Chief of the United States Strategic Command.

Strike out section 527, and insert in lieu thereof the following:

SEC. 527. REQUIREMENTS RELATING TO RECRUIT BASIC TRAINING.

(a) ARMY.—(1) Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 4319. Recruit basic training: separate platoons and separate housing for male and female recruits

''(a) SEPARATE PLATOONS.—The Secretary of the Army shall require that during basic training—

''(1) male recruits shall be assigned to platoons consisting only of male recruits; and

''(2) female recruits shall be assigned to platoons consisting only of female recruits.

''(b) SEPARATE HOUSING FACILITIES.—The Secretary of the Army shall require that during basic training male and female recruits be housed in separate barracks or other troop housing facilities.

''(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Army determines that it is not feasible, during some or all of the period beginning on April 15, 1999, and ending on October 1, 2001, to comply with subsection (b) at any particular installation at which basic training is conducted because facilities at that installation are insufficient for such purpose, the Secretary may grant a waiver of subsection (b) with respect to that installation. Any such waiver may not be in effect after October 1, 2001, and may only be in effect while the facilities at that installation are insufficient for the purposes of compliance with subsection (b).

''(2) If the Secretary grants a waiver under paragraph (1) with respect to an installation, the Secretary shall require that male and female recruits in basic training at that installation during any period that the waiver is in effect not be housed on the same floor of a barracks or other troop housing facility.

''(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training program of the Army that constitutes the basic training of new recruits.''.

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

''4319. Recruit basic training: separate platoons and separate housing for male and female recruits.''.

(3) The Secretary of the Army shall implement section 4319 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 15, 1999.

(b) NAVY AND MARINE CORPS.—(1) Part III of subtitle C of title 10, United States Code, is amended by inserting after chapter 601 the following new chapter:

''CHAPTER 602—TRAINING GENERALLY

''Sec.

''6931. Recruit basic training: separate small units and separate housing for male and female recruits.

''§ 6931. Recruit basic training: separate small units and separate housing for male and female recruits

''(a) SEPARATE SMALL UNIT ORGANIZATION.—The Secretary of the Navy shall require that during basic training—

''(1) male recruits in the Navy shall be assigned to divisions, and male recruits in the Marine Corps shall be assigned to platoons, consisting only of male recruits; and

''(2) female recruits in the Navy shall be assigned to divisions, and female recruits in the Marine Corps shall be assigned to platoons, consisting only of female recruits.

''(b) SEPARATE HOUSING.—The Secretary of the Navy shall require that during basic training male and female recruits be housed in separate barracks or other troop housing facilities.

''(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Navy determines that it is not feasible, during some or all of the period beginning on April 15, 1999, and ending on October 1, 2001, to comply with subsection (b) at any particular installation at which basic training is conducted because facilities at that installation are insufficient for that purpose, the Secretary may grant a waiver of subsection (b) with respect to that installation. Any such waiver may not be in effect after October 1, 2001, and may only be in effect while the facilities at that installation are insufficient for the purposes of compliance with subsection (b).

''(2) If the Secretary grants a waiver under paragraph (1) with respect to an installation, the Secretary shall require that male and female recruits in basic training at that installation during any period that the waiver is in effect not be housed on the same floor of a barracks or other troop housing facility.

''(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training programs of the Navy and Marine Corps that constitute the basic training of new recruits.''.

(2) The tables of chapters at the beginning of subtitle C, and at the beginning of part III of subtitle C, of such title are amended by inserting after the item relating to chapter 601 the following new item:

''602. Training Generally ..... 6931''.

(3) The Secretary of the Navy shall implement section 6931 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit

basic training classes beginning not later than the first such class that enters basic training on or after April 15, 1999.

(c) AIR FORCE.—(1) Chapter 901 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9319. Recruit basic training: separate flights and separate housing for male and female recruits

''(a) SEPARATE FLIGHTS.—The Secretary of the Air Force shall require that during basic training—

''(1) male recruits shall be assigned to flights consisting only of male recruits; and

''(2) female recruits shall be assigned to flights consisting only of female recruits.

''(b) SEPARATE HOUSING.—The Secretary of the Air Force shall require that during basic training male and female recruits be housed in separate dormitories or other troop housing facilities.

''(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Air Force determines that it is not feasible, during some or all of the period beginning on April 15, 1999, and ending on October 1, 2001, to comply with subsection (b) at any particular installation at which basic training is conducted because facilities at that installation are insufficient for such purpose, the Secretary may grant a waiver of subsection (b) with respect to that installation. Any such waiver may not be in effect after October 1, 2001, and may only be in effect while the facilities at that installation are insufficient for the purposes of compliance with subsection (b).

''(2) If the Secretary grants a waiver under paragraph (1) with respect to an installation, the Secretary shall require that male and female recruits in basic training at that installation during any period that the waiver is in effect not be housed on the same floor of a dormitory or other troop housing facility.

''(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training program of the Air Force that constitutes the basic training of new recruits.''.

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

''9319. Recruit basic training: separate flights and separate housing for male and female recruits.''.

(3) The Secretary of the Air Force shall implement section 9319 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 15, 1999.

SANTORUM AMENDMENTS NOS. 2917–2918

(Ordered to lie on the table.)

Mr. SANTORUM submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2917

On page 157, between lines 13 and 14, insert the following:

(i) REQUIREMENT RELATING TO PHARMACY BENEFIT.—In carrying out the demonstration projects under this section, the Secretary shall ensure that the copayments, deductibles, or other financial incentives or disincentives applicable to participating eligible individuals with respect to prescription drugs apply uniformly regardless of the delivery method of the prescription drugs concerned.

AMENDMENT NO. 2918

At the appropriate place, insert the following new section:

SEC. . The Committee directs the Secretary of Defense to complete a review of the Defense Automated Printing Service (DAPS), utilizing a private sector source, and provide a report by March 31, 1999. The report shall include:

(1) A list of each inherently national security-oriented and non-inherently national security-oriented functions performed by DAPS;

(2) A description of the management structure of DAPS, including the location of all DAPS sites;

(3) The total number of personnel employed by DAPS and their location;

(4) A description of the functions performed by DAPS and the number of DAPS employees performing each of the DAPS functions;

(5) A site assessment of the type of equipment at each DAPS site;

(6) The type and explanation of the networking and technology integration linking all DAPS sites;

(7) Identify current and future customer requirements;

(8) Assess the effectiveness of DAPS current structure in supporting current and future customer needs and plans to address any shortcomings;

(9) Identify and discuss best business practices that are utilized by DAPS, and such practices that could be utilized by DAPS; and

(10) Provide options on maximizing the DAPS structure and services to provide the most cost effective service to its customers.

BAUCUS AMENDMENT NO. 2919

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the appropriate place add the following:

In Title III—Operation and Maintenance, Sec. 301. Operation and Maintenance Finding, (17) Environmental Restoration Defense-wide, there is authorized to be appropriated under this heading, $10,500,000 for a curatorial collections and processing facility at the Museum of the Rockies, a division of Montana State University-Bozeman.

D'AMATO AMENDMENT NO. 2920

(Ordered to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

CHAPTER 45. THE UNIFORM

SEC. 772. WHEN WEARING BY PERSONS NOT ON ACTIVE DUTY AUTHORIZED.

''Chapter 45 of title 10, United States Code, is amended by adding at the end of section 772, the following new subsection:

''(k) A member of a state militia force (other than the Army National Guard or the Air National Guard) or a state defense force that is authorized and administered pursuant to state law may wear the uniform prescribed for that state militia force or that state defense force by competent state authority.''

KYL AMENDMENT NO. 2921

(Ordered to lie on the table)

Mr. KYL submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

Section 3155 of 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 of older prior to declassification to ascertain that they contain no pages with Restricted Data or Formerly Restricted Data (FRD) markings (as defined by the Atomic Energy Act or 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.''

BAUCUS AMENDMENT NO. 2922

(Ordered to lie on the table)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

Strike page 51, line 3—page 52 line 9 and replace with the following:

''(a) AUTHORITY TO TRANSPORT.—(1) Subject to paragraphs (2) and (3), 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: (A) the transportation and disposal, treatment or storage will not result in an unreasonable risk of injury to health or the environment; and (B) there is no reasonably available alternative location for disposition in an environmentally sound manner.

''(3) Not later than 60 days after enactment of this Act, the Department shall submit to the Administrator of EPA a plan that provides for the transportation and disposition of foreign manufactured PCBs that the Department seeks to transport to the United States from abroad. The plan shall include information that specifies the type, volume, concentration and source of all PCBs that the Department seeks to transport to the United States, the identification of the receiving facility, and information required under subparagraph (2)(B). If, after public notice and comment, the Administrator of EPA determines that the plan meets the criteria under paragraph (2), the Department may transport PCBs in accordance with the plan.

''(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)(8) of title 40. Code of Federal Regulations, as in effect on the date that was one year before the date of enactment of the 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.''.

''(d) The Department shall submit to Congress an annual report on the transport and disposal of PCBs under this section.

DURBIN AMENDMENT NO. 2923

(Ordered to lie on the table.)

Mr. DURBIN submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the appropriate place add the following:

SEC. 708. AVAILABILITY OF REHABILITATIVE SERVICES UNDER TRICARE FOR HEAD INJURIES.

The Assistant Secretary of Defense for Health Affairs 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.

The Assistant Secretary of Defense for Health Affairs shall review whether each regional TRICARE PRIME health plan has a sufficient number, distribution, and variety of qualified participating health care providers to ensure that all covered health care services, including specialty services, will be available and accessible in a timely manner to all participants, beneficiaries, and enrollees under the plan or coverage.

If a plan does not have an adequate network of providers in proximity to the location where the enrollee or their family is stationed, then the plan will refer the individual to another appropriate health care provider, specialist, facility, or center, at no additional cost to the individual beyond what the individual would otherwise pay for services received by such a specialist or facility that is a participating provider.

DODD AMENDMENTS NOS. 2924–2925

(Ordered to lie on the table.)

Mr. DODD submitted two amendments intended to be proposed by him to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2924

At the appropriate place, insert the following:

SEC. 634. ARMY PENSION PROGRAM.

(a) $750,000 will be authorized to be appropriated from existing Department of the Army funds to alleviate the backlog of pension packages for Army, Army Reserve and National Guard retirees.

(b) The Secretary of the Army shall alleviate such backlog by December 31, 1998 and report to Congress no later than January 31, 1999 regarding the current status of the backlog and what, if any, additional measures are needed to ensure that pension packages are processed in a timely fashion.

AMENDMENT NO. 2925

At the appropriate place, insert the following:

SEC. 634. ARMY PENSION PROGRAM.

(a) $750,000 will be authorized to be appropriated from existing Department of the Army funds to alleviate the backlog of pension packages for Army, Army Reserve and National Guard retirees.

(b) The Secretary of the Army shall alleviate such backlog by December 31, 1998 and report to Congress no later than January 31, 1999 regarding the current status of the backlog and what, if any, additional measures are needed to ensure that pension packages are processed in a timely fashion.

LEAHY AMENDMENT NO. 2926

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 42, between lines 9 and 10, insert the following:

SEC. 232. 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.

GRAMM AMENDMENTS NOS. 2927–2928

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments intended to be proposed by him to the bill, S. 2047, supra; as follows:

AMENDMENT NO. 2927

At the appropriate place, add the following:

SEC. . INCREASED NUMBER OF NAVAL RESERVE OFFICERS' TRAINING CORPS SCHOLARSHIPS AUTHORIZED AT EACH SENIOR MILITARY COLLEGE.

Section 2107(h) of title 10, United States Code, is amended by adding at the end the following:

''(3)(A) Subject to subparagraph (B), up to 40 entering freshmen midshipmen of the Naval Reserve Officers' Training Corps at each senior military college shall receive financial assistance under this section. Midshipmen must be qualified by the Navy and must choose to attend the senior military college.

''(B) In the case of a senior military college with more than 1,000 members of its total Corps of Cadets at the college, the number under subparagraph (A) shall be increased by one for each 100 members of its total Corps of Cadets at such college in excess of 1,000 members. The Corps of Cadets' size shall be based on the enrollment at the beginning of the academic year.

''(C) In this paragraph, the term 'senior military college' means an institution of higher education listed in section 2111a(d) of this title.''.

''(D) Nothing in this section shall prevent the Navy from allowing a larger number of midshipmen to attend a given senior military college.

AMENDMENT NO. 2928

SEC. 644. INCREASED NUMBER OF NAVAL RESERVE OFFICERS' TRAINING CORPS SCHOLARSHIPS AUTHORIZED AT EACH SENIOR MILITARY COLLEGE.

Section 2107(h) of title 10, United States Code, is amended by adding at the end the following:

''(3)(A) Subject to subparagraph (B), up to 40 entering freshmen midshipmen of the Naval Reserve Officers' Training Corps at each senior military college shall received financial assistance under this section. Midshipmen must be qualified by the Navy and must choose to attend the senior military college.

''(B) In the case of a senior military college with more than 1,000 members of its total Corps of Cadets at the college, the number under subparagraph (A) shall be increased by one for each 100 members of its total Corps of Cadets at such college in excess of 1,000 members. The Corps of Cadets' size shall be based on the enrollment at the beginning of the academic year.

''(C) In this paragraph, the term 'senior military college' means an institution of higher education listed in section 2111a(d) of this title.''.

''(D) Nothing in this section shall prevent the Navy from allowing a larger number of midshipmen to attend a given senior military college.

KENNEDY AMENDMENT NO. 2929

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

At the appropriate place add the following:

Subtitle E—Other Programs

SEC. 141. ASSISTANCE AND GRANTS TO STATE AND LOCAL GOVERNMENTS FOR IMPLEMENTATION OF KEY ELEMENTS OF THE MILITARY CHILD CARE MODEL.

(a) PROGRAM.—The Secretary of Defense shall, in consultation with the Secretary of Health and Human Services, develop and implement a program of assistance to State and local governments nationwide in order to promote the implementation by such governments of the key elements of the military child care model (including family child care networks, salary scales, accreditation, and monitoring, and other programs and requirements associated with that model).

(b) PROGRAM ELEMENTS.—(1) Under the program, the Secretary shall—

(A) provide technical assistance to State and local governments nationwide in the implementation of the key elements of the military child care model; and

(B) make grants to States interested in demonstrating key elements of the model for purposes of the implementation of such elements by such States and localities within such States.

(2) The Secretary may make a grant to a State under paragraph (1)(B) only if the State commits an amount equal to the amount of the grant for purposes of the implementation by the State and localities within the State of the key elements of the military child care model.

(c) USES OF FUNDS.—Of the amounts available under subsection (d) for the program under this section—

(1) not less than 75 percent shall be available for grants under subparagraph (B) of subsection (b)(1); and

(2) the remainder shall be available for the provision of technical assistance under subparagraph (A) of subsection (b)(1).

(d) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 101(5), $10,000,000 shall be available for purposes of the program under this section.

WARNER AMENDMENT NO. 2930

(Ordered to lie on the table.)

Mr. WARNER submitted an amendment intended to be proposed by him to amendment No. 2791 submitted by Ms. MIKULSKI to the bill, S. 2057, supra; as follows:

Beginning on page 2, strike out line 12 and all that follows through page 4, line 5.

WARNER AMENDMENT NO. 2931

(Ordered to lie on the table.)

Mr. WARNER submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

Beginning on page 2, strike out line 12 and all that follows through page 4, line 5.

NOTICE OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a Executive Session of the Senate Committee on Labor and Human Resources, will be held on Wednesday, June 24, 1998, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The Committee will consider Human Services Reauthorization Amendments of 1998.

For further information, please call the committee 202/224–5375.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, June 24, 1998 at 2:30 p.m. to conduct a business meeting to markup S. 1925, to make technical corrections to laws relating to Native Americans and; S. 1998, to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, to be followed immediately by a joint hearing with the Subcommittee on Water and Power of the Committee on Energy and Natural Resources on S. 1771, to amend the Colorado Ute Indian Water Rights Settlement Act and S. 1899, the Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reservation Water Rights Settlement Act of 1998. The meeting/hearing will be held in room 628 of the Dirksen Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 202/24–2251.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Thursday, June 25, 1998, 10:00 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is ''Health Insurance and Older Workers.'' For further information, please call the committee, 202/224–5375.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Committee on Energy and Natural Resources of the Senate.

The hearing will take place in Kenai, Alaska at the Kenai Visitor and Convention Bureau on Friday, August 21, 1998, at 9:00 a.m. The Kenai visitor and Convention Bureau is located at 11471 Kenai Spur Highway, Kenai, Alaska.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Amie Brown or Mark Rey at (202) 224–6170.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent on behalf of the Government Affairs Committee to meet on Monday, June 22, 1998, at 2:00 p.m. for a hearing on the nomination of Jacob J. Lew to be Director of the Office of Management and Budget

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

CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Caucus on International Narcotics Control be authorized to meet in Miami, Florida, during the session of the Senate on Monday, June 22 at 9:00 a.m. to receive testimony on drug trafficking and the flow of illegal drugs into Florida.

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

ADDITIONAL STATEMENTS

NOMINATION OF LOUIS CALDERA TO BE SECRETARY OF THE ARMY

● Mr. WARNER. Mr. President, in considering the nomination of Louis Caldera before the Senate Armed Services Committee to be the Secretary of the Army, I raised the issue of the Washington Aqueduct—the public water system for the Metropolitan Washington area that is owned by the Federal government and administered by the Corps of Engineers.

As my colleagues may recall, the conditions at the Washington Aqueduct gained national attention when the Environmental Protection Agency issued a ''boil-water'' order in December, 1993 for the metropolitan Washington region. There was significant concern that the water supply for the nation's capital was contaminated. This incident brought to light the significant capital improvements that are needed at the facility to meet current federal drinking water standards.

In order to address the tremendous water quality issues that are facing the District, Arlington County, and the city of Falls Church, I included in the Safe Drinking Water Act Amendments of 1996, Section 306 entitled the Washington Aqueduct. I wrote this section so that the customers of the Washington Aqueduct would have a reliable and safe source of drinkable water. The Aqueduct is in need of many capital improvements to insure that the water remains safe and drinkable. Improvements to the Aqueduct are self-financed by the users. It is estimated that significant costs remain, between $250 and $400 million.

To allow for these crucial improvements, Section 306 directs the Army Corps of Engineers to transfer the Washington Aqueduct, with the consent of a majority of the three customers, to a non-federal, public or private entity. Since this effort would be a significant undertaking, the Safe Drinking Water Act gave the customers and the Corps three years, until August 6, 1999, to gain consensus. Congress authorized the Corps to borrow funds from the Treasury during an interim three year period to begin the necessary infrastructure improvements. This borrowing authority totaled $75 million and would be repaid by the ratepayers.

Recently, I learned that the Corps has signed a Memorandum of Understanding with the three customers for the Corps to retain ownership of the Aqueduct.

There are problems with the Corps remaining the owner of the Washington Aqueduct, besides that this seems inconsistent with existing law. First and foremost, the Corps does not have the means to finance the capital improvements that are needed. Once the three year borrowing expires, the Corps only has means to finance daily operations at the Corps. Given the current condition at the Aqueduct, this is hardly the way to insure that the ratepayers have drinkable water. In addition, in the event of another boil water scare, the Corps would have no means to address the immediate problem. If the Corps does not have funding to perform needed upgrades to the Aqueduct nor have the financing to address an emergency

situation, it seems to me that, consistent with current law, they should not retain ownership of the Corps.

In questioning Mr. Caldera about this situation, I have received assurances that the Army will fully implement the provisions of the Safe Drinking Water Act. This Wednesday a meeting will be held with all the relevant parties to develop a course of action on this matter. I am encouraged by Mr. Caldera's attention to this important regional issue. He has pledged to work with me to resolve this impasse so that the region can afford to proceed with the necessary modernization plan for the Aqueduct. Without proceeding with privatization or the development of a new regional entity, I remain concerned that the schedule for improvements will be delayed or that the citizens of this region will experience severe water rate hikes.●

TRIBUTE TO HUGH MCINTOSH

● Mr. HOLLINGS. Mr. President, today I call this body's attention to Hugh M. McIntosh's special contribution to the performing arts in the nation's Capital. Hugh has worked long and hard to foster the growth and appreciation of the arts, particularly through his service as a Trustee of the Ford's Theatre Society.

The Society is the not-for-profit organization that brings new musicals, American classics, and other live entertainment to that historic stage. After the assassination of President Lincoln, Ford's Theatre was used as an office and warehouse until an act of Congress initiated the Theatre's restoration, which was completed in 1968. This year's Gala for the President celebrated these 30 years of memorable performances illuminating the character and vibrancy of American life.

As a partner in the law firm of Vinson & Elkins, L.L.P., Hugh McIntosh has guided Ford's governing board and staff through legal thickets, including contract negotiations with playwrights and agents, strategic planning, development of ethical guidelines, and day-to-day legal questions. Hugh has worked closely with Frankie Hewitt, the Ford Theatre Society's founder and producing artistic director, and with the National Park Service, which administers the Theatre as a public museum.

Hugh is a discerning theater-goer, and his love of ''a good show'' has fueled his enthusiasm for contributing backstage at Ford's. He is a strong supporter of education and outreach programs that invites a diverse audience to Ford's and aim to foster a greater appreciation of the performing arts in the Washington area.

But as valuable as Hugh's legal expertise has been to Ford's Theatre, his greatest contribution has been to bring wisdom, a sense of perspective, and quiet humor to the complex issues facing the Theatre's performing artists and playwrights.

It is these special qualities, in fact, which will assure Hugh's success in the new direction his life is about to take. This fall, Hugh will begin studying theology at the Harvard School of Divinity. If Hugh is called to pastoral service, he may find many friends from Ford's Theatre in his pews.

At its June meeting, the Ford Theatre Society's Board of Trustees honored Hugh McIntosh with a resolution thanking him for his invaluable service to the Theatre. Mr. President, I ask that the text of this resolution be printed in the RECORD.

The text of the resolution follows:

A RESOLUTION OF THE FORD'S THEATRE SOCIETY

Whereas Hugh M. McIntosh, Esq. has faithfully pursued the interests of the Ford's Theatre Society as a Trustee; and

Whereas Mr. McIntosh has diligently rendered complex issues comprehensible to the Board of Trustees and its Executive Committee; and

Whereas Mr. McIntosh's gentle humor and patience have been invaluable in many situations and occasions; and

Whereas Mr. McIntosh has energetically marshaled the resources of many talented colleagues in serving Ford's Theatre; and

Whereas Mr. McIntosh has determined that he must now pursue another field of study, work and service;

Therefore be it Resolved, that the Trustees of the Ford's Theatre Society offer Mr. McIntosh their profound appreciation for his work; and

The Trustees express their gratitude to the firm of Vinson & Elkins, L.L.P., for its dedication to the interests of Ford's Theatre, and furthermore

The Trustees wish Mr. McIntosh all success in his new endeavors.

(signed)

SAMUEL D. CHILCOTE, JR.,
Chairman of the Board of Trustees.
MRS. FRITZ HOLLINGS,
Vice Chairman.
MRS. PAUL LAXALT,
Secretary.
RONALD H. WALKER,
Treasurer.
FRANKIE HEWITT,
Executive Producer.

June 16, 1998.●

MONTANA TECH FOUNDATION 1998 DISTINGUISHED LEADERSHIP AWARD—MR. DON PEOPLES, SR.

● Mr. BURNS. Mr. President, it is my great pleasure to congratulate Mr. Don Peoples, Sr. of Butte, Montana for being recognized as the 1998 recipient of the Distinguished Leadership Award by the Montana Tech Foundation.

I have known Don for many years and his commitment to the city of Butte is certainly a reflection of his love for the All-America City! While serving as Butte's Chief Executive, Don lead a team of dedicated folks that revived Butte's economy after the loss of a major mining company in 1982.

After serving ten years in that role, Don left local government to become a leading voice for the private sector. Today, he is President and Chief Executive Officer of MSE, Inc. MSE is now one of Butte's top employers.

His company is currently working with the National Aeronautics and Space Administration (NASA) on a variety of projects that will help launch the next generation space shuttle and other research projects. The United States Defense Department is also working with MSE to develop technologies for use in pollution control and cleanup. The company is also researching new methods for heavy metal and mine waste remediation projects.

I believe that because of Don's tenacity, this kind of cutting edge technology is being tested in Butte, Montana.

I also applaud Don's commitment to many other organizations and committees in the mining city. He continues to make a difference through his affiliations with the United Way, Carroll College, St. James Community Hospital, Butte Central Schools, and so many other worthwhile causes.

I must also acknowledge Don's wife Cathy and their four grown children—Don, Jr., Tracey, Doug, and Kevin—as they celebrate this honor. I am convinced that their love and support have helped Don achieve so many goals throughout the years.

I always say Montanans have very special qualities. Mr. Don Peoples, Sr. is truly a special Montanan and for that I congratulate him.●

COMMEMORATION OF THE NATIONAL MUSEUM OF CIVIL WAR MEDICINE

● Mr. KEMPTHORNE. Mr. President, I would to take a moment to speak about the National Museum of Civil War Medicine, in Frederick, Maryland, which I recently had the great honor of once again visiting.

On September 17, 1862, the Union and Confederacy engaged in a massive engagement at Sharpsburg, Maryland, which was also known as the Battle of Antietam, so named after the small creek around which Union troops were consolidated. Confederate General Robert E. Lee and his 40,000 Southern troops were pitted against Federal General George B. McClellan and 87,000 Union soldiers. Quotations researched by the Antietam National Battlefield staff and volunteers help us visualize the battle and its toll.

On the forenoon of the 15th, the blue uniforms of the Federals appeared among the trees that crowned the heights on the eastern bank of the Antietam. The number increased, and larger and larger grew the field of the blue until it seemed to stretch as the eye could see, and from the tops of the mountains down to the edges of the stream gathered the great army of McClellan.—Lt. Gen. James Longstreet, CSA, Commander, Longstreet's Corps, Army of Northern Virginia.

We were massed 'in column by company' in a cornfield; the night was close, air heavy . . . some rainfall . . . The air was perfumed with a mixture of crushed green corn stalks, ragweed, and clover. We made our beds between rows of corn and would not remove our accouterments.—Private Miles C. Huyette, Company B, 125th Pennsylvania Infantry.

Suddenly a stir beginning far up on the right, and running like a wave along the

line, brought the regiment to its feet. A silence fell on everyone at once, for each felt that the momentous 'now' had come.—Pvt. David L. Thompson, Company G, 9th New York Volunteers.

In the time that I am writing every stalk of corn in the northern and greater part of the field was cut as closely as could have been done with a knife, and the slain lay in rows precisely as they had stood in their ranks a few moments before. It was never my fortune to witness a more bloody, dismal battlefield.—Maj. General Joseph Hooker, USA, Commander, I Corps, Army of the Potomac.

Antietam became the bloodiest day in American history. At the close of the day, more men were wounded or killed at Antietam than on any other single day of the Civil War: 12,410 Union troops, and 10,700 Confederates.

Whether Union or Confederate, when a soldier fell on the battlefield, he was an American. Frederick, Maryland, was the recipient of the thousands of fallen soldiers.

The National Museum of Civil War Medicine, in Frederick, seeks to highlight the sacrifice made by countless American soldiers in their quest to advance the values of this great nation that was, as Abraham Lincoln explained, ''conceived in liberty.'' In fact, those slain on the battlefield at Antietam were prepared for burial in the very building that now houses the National Museum of Civil War Medicine.

The force of a mini ball or piece of shell striking any solid portion of a person is astonishing; it comes like a blow from a sledge hammer, and the recipient finds himself sprawling on the ground before he is conscious of being hit; then he feels about for the wound, the benumbing blow deadening sensation for a few moments. Unless struck in the head or about the heart, men mortally wounded live some time, often in great pain, and toss about upon the ground.—History of the 35th Massachusetts Volunteers.

Under the dark shade of a towering oak near the Dunker Church lay the lifeless form of a drummer boy, apparently not more than seventeen years of age, flaxen hair and eyes of blue and form of delicate mould. As I approached him I stooped down and as I did so I perceived a bloody mark upon his forehead . . . It showed where the leaden messenger of death had produced the wound that caused his death. His lips were compressed, his eyes half open, a bright smile played upon his countenance. By his side lay his tenor drum, never to be tapped again.—Pvt. J.D. Hicks, Company K, 125th Pennsylvania Volunteers.

''It is well war is so frightful,'' General Lee wrote, ''otherwise we should become too fond of it.'' Indeed, this museum allows the visitor to get a feel for the ravages of war. Located in the museum are numerous exhibits detailing how Civil War-era doctors and nurses dealt with the wounded and near-dead who were brought off the battlefield to be cared for.

Comrades with wounds of all conceivable shapes were brought in and placed side by side as thick as they could lay, and the bloody work of amputation commenced.—George Allen, Company A, 6th New York Volunteers.

The former Surgeon General of the United States, C. Everett Koop, has remarked that the Civil War represented a ''watershed in American medical history.'' The visitor to this museum becomes keenly aware of this, and learns of Civil War-era medical advances in the fields of anesthesia, surgery, sanitation, and the introduction of mobile medical corps to the armed forces.

Mr. President, I find that I have a personal bond to the town of Frederick, this museum, and what it represents. My great-grandfather, Charles Kempthorne, was a member of Company Three of the Third Regiment of the Wisconsin Infantry Volunteers. He, like many other brave soldiers, was wounded on September 17, 1862, at the Battle of Antietam. It was in the town of Frederick that his wounds were treated and he began his convalescence. In time he was transferred to Washington, D.C., where he served until he was honorably discharged on June 29, 1864.

Commemoration is indeed an important duty, not only to honor the dead, but also to keep alive the ideals that they died for. Mr. President, I am pleased to see that the National Museum for Civil War Medicine has undertaken the important task of remembering a crucial component of Civil War history.

I would like to commend those people who have made the National Museum of Civil War Medicine a reality. Dr. Gordon E. Dammann, Dr. F. Terry Hambrecht, JaNeen Smith, Debbie Moone, and volunteers Dianne Marvinney, Rebecca Coffey, Bill Witt, among many others, are doing an excellent job with the museum.

On behalf of my great-grandfather, Charles Kempthorne, I say thank you to the community of Frederick for its compassion so many years ago, and as a citizen I commend the National Museum of Civil War Medicine for helping those of us today realize that the cost of freedom did not come easy, but was often achieved with the loss of blood and life by brave Americans on both sides.

Both before and after a battle, sad and solemn thoughts come to the soldier. Before the conflict they were of apprehension; after the strife there is a sense of relief; but the thinned ranks, the knowledge that the comrade who stood by your side in the morning never will stand there again, bring inexpressible sadness—Charles Carleton Coffin, Army Correspondent, Boston Journal.●

REMEMBERING RICK JAMESON

● Mr. ABRAHAM. Mr. President, I rise today to recognize the passing of one of the great leaders of Michigan's conservation community. On Saturday, my friend Richard Jameson, the executive director of the Michigan United Conservation Clubs, succumbed to liver cancer. Rick was 48 years old.

Rick was an environmentalist and an avid outdoorsman whose roots extended beyond our state. A native of Oklahoma, he received his bachelor's and master's degrees in natural resources management from Michigan State University and began working for the Michigan United Conservation Clubs in 1976. Rick's expertise and hard work were quickly recognized and in 1980 he headed back to his home state to serve as executive director of the Oklahoma Wildlife Federation. He continued in that capacity for eight years until 1988, when MUCC was fortunate enough to lure him back to serve as assistant executive director.

Rick was a strong and dedicated environmentalist. Among his accomplishments was the passage of Michigan's beverage container deposit law; a law which has been widely acknowledged as greatly reducing litter in our state. Rick also played a vital role in providing Michigan voters the opportunity to pass a constitutional amendment that will ensure a constant source of funds for Michigan's state parks.

Rick was also an avid outdoorsman. Here, too, he achieved important successes. He was instrumental in securing the overwhelming approval of a campaign which will guarantee that Michigan game animals are managed on the basis of sound biological science. He also helped defeat another initiative which would have virtually eliminated bear hunting in the state of Michigan.

In short, Mr. President, I believe that Rick Jameson was one of the few individuals who truly understood the importance of both conservation and sportsman's rights. He spent his life's work protecting both as few others could.

And Rick was a fighter. Despite suffering the effects of both his illness and the chemotherapy he was undergoing, Rick continued to work as long as possible. My office consulted with him as recently as last month, soliciting his input on legislation I have drafted and on other bills pending in the Senate. When it came to conservation, hunting and fishing, there was no one in the state whose opinion I trusted more than Rick's.

Rick is survived by his wife of 18 years, Robbie, his daughter, Christine, and two brothers. My thoughts and prayers go out to them.●

TRIBUTE TO ROBERT V. OGLE

● Mr. WARNER. Mr. President, I rise today to pay special tribute to the retirement of Robert V. Ogle, an extraordinary individual who has rendered thirty-five years of federal service not only to the Commonwealth of Virginia, but also to the nation.

Mr. Ogle, who resides in Virginia Beach, Virginia, will soon enter into retirement after a lifetime of service in the Norfolk District of the United States Army Corps of Engineers. With the exception of a year of study in Washington and six months in the Naval Air Reserve, his entire career has been spent in the Planning Division of the Norfolk District Corps of Engineers.

During his time in the Norfolk District, Mr. Ogle's expertise and professionalism facilitated his ascendance to

the Chief of the Planning Division. His responsibilities included Reconnaissance Studies, Feasibility Studies, Limited Reevaluation Reports, and General Reevaluation Reports associated with the General Investigation Program. In addition to these responsibilities, Mr. Ogle's innovation was illustrated by his incorporation and development of a Technical Review process that serves to ensure sound decision-making practices. Preceding his duties as the Chief of the Planning Division, Mr. Ogle served within the Norfolk District as the Chief of the Plan Formulation Branch, the Director of Planning, and the Chief of the Hydraulics and Hydrology branch.

Throughout his thirty-five year career as a professional engineer, Mr. Ogle has received numerous awards and distinctions in recognition of his exceptional career. Among them, Mr. Ogle has twice received the Commander's Award for excellent work within the Norfolk District. Mr. Ogle is also a member of the Virginia Society of Professional Engineers and the American Society of Civil Engineers. In addition, he has received the Exceptional Performance Rating eight times during his career, a distinction that exemplifies his commitment and service to our nation.

Mr. President, Mr. Ogle's thirty-five years of federal service and his exceptional performance ratings serve as a testament of his dedication to the environmental improvement of the Commonwealth of Virginia and our country. I urge my colleagues to stand and join me in paying tribute to Robert V. Ogle, and in wishing him happiness and contentment in his well-deserved retirement.●

PRINTED CIRCUIT INVESTMENT ACT

● Mr. ABRAHAM. Mr. President, I rise to join my colleagues, Senator MACK and Senator GRAMS, in sponsoring the ''Printed Circuit Investment Act.'' This legislation will remove a significant barrier to technological investment and innovation in this country by updating the tax code's treatment of the electronic interconnection industry.

Mr. President, manufacturers of printed wiring boards and printed wiring assemblies currently must depreciate their production equipment over a 5 years period. Given the speed with which technological advances continue to come in our high-tech industry, 5 years is an unreasonable amount of time for depreciation. In effect, the tax code is penalizing these companies for keeping up with their competition in the global marketplace. This not fair, nor is it in accordance with our national interests. In the fast-paced information age in which we live, we cannot afford to hobble our high-tech companies with outdated tax policies.

This is why I am pleased to support legislation reducing to 3 years the time over which companies in the electronic interconnection industry must depreciate their production equipment. Through this measure we can encourage greater investment among electronic interconnection manufacturers and keep our high-tech industry competitive in the global marketplace.

I urge my colleagues to join in supporting this legislation.●

ORDERS FOR TUESDAY, JUNE 23, 1998

Mr. CAMPBELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Tuesday, June 23. I further ask that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted and that the Senate then resume consideration of S. 2057, the Department of Defense authorization bill.

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

Mr. CAMPBELL. I further ask unanimous consent that the Senate stand in recess from 12:30 until 2:15 p.m. to allow the weekly party caucuses to meet; further, that following the party caucuses, at 2:15 p.m., the Senate proceed to vote on the motion to invoke cloture on S. 2057, the Department of Defense authorization bill.

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

Mr. CAMPBELL. I further ask unanimous consent that, following the cloture vote, Senator HATCH be recognized to speak for up to 20 minutes, followed by Senator FEINSTEIN for up to 20 minutes, as if in morning business.

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

PROGRAM

Mr. CAMPBELL. Madam President, for the information of all Senators, the Senate will reconvene on Tuesday, at 9:30 a.m., and resume consideration of the defense authorization bill. It is hoped that Members will come to the floor to offer and debate amendments to the defense bill under short time agreements. It is expected that a motion to table the pending Hutchinson amendment will be made at approximately 10:15 a.m. Therefore, Members should expect the first rollcall vote of Tuesday's session at approximately 10:15 a.m. Further votes may occur Tuesday morning with respect to the Department of Defense bill prior to the weekly party luncheon recess. When the Senate reconvenes at 2:15 p.m. following the party luncheons, the Senate will immediately vote on cloture on the defense bill.

The majority leader would like to remind Members that the Independence Day recess is fast approaching. The cooperation of all Members is requested for the Senate to complete action on many important bills, including appropriations bills, the Higher Education Act, the Department of Defense authorization bill, conference reports on the Coverdell education bill, the IRS reform bill, and any other legislative or executive items that may be cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CAMPBELL. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:21 p.m., adjourned until Tuesday, June 23, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 22, 1998:

The Judiciary

LYNN JEANNE BUSH, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE WILKES C. ROBINSON, RETIRED.

CONFIRMATION

Executive Nomination Confirmed by the Senate June 22, 1998:

The Judiciary

SUSAN OKI MOLLWAY, OF HAWAII, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII.