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House of Representatives

The House met at 9 a.m.

Commissioner John Busby, National Commander, Salvation Army, Alexandria, Virginia, offered the following prayer:

Almighty God, Creator, Preserver and Governor of all things, we humbly bow before You on behalf of those gathered here; individuals who find pleasure in serving the people of this great country.

With thankful hearts for Your goodness to each of them, we earnestly pray that You will take their minds and give them a new measure of wisdom, take their hearts and fill them with Your love for others, and take their wills and make them more obedient to Your will.

May Your servants here proceed step by step, hour by hour to meet the challenges You have given them so that in the end, the purpose that You have set out for this House of Representatives may be accomplished for the enrichment of people across this land and to Your honor and glory.

This we pray in Your holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia (Mr. DEAL) come forward and lead the House in the Pledge of Allegiance.

Mr. DEAL of Georgia led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, May 11, 2000, the House will stand in recess subject to the call of the Chair to receive the former Members of Congress.

Accordingly (at 9 o'clock and 5 minutes a.m.) the House stood in recess subject to the call of the Chair.

RECEPTION OF FORMER MEMBERS OF CONGRESS

The SPEAKER of the House presided.

The SPEAKER. Good morning. On behalf of the House of Representatives, it gives me great pleasure to welcome to the Chamber today the former Members of Congress. This is your annual meeting. And, of course, many of you are personal friends from both sides of the aisle, and it is important that you are here certainly to renew those friendships.

As a report from the President will indicate, you honor this House and the Nation by your continuing efforts to export the concept of representative democracy to countries all over the world and to college campuses around this country. I endorse those efforts and hope you will pursue that and continue it.

I also endorse your wise choice of Chaplain Emeritus James D. Ford as the recipient of the Distinguished Service Award. Chaplain Ford will finally have his opportunity, which he has long sought, to speak from the floor of the House, a privileged reserved only to Members. I would remind him, however, that the proceedings are technically held within the House in recess, just to place things in perspective.

At this time, I would request that my friend, the gentleman from Illinois, Mr. Erlenborn, Vice President of the Former Members Association, take the Chair.

Mr. ERLENBORN (presiding). The Clerk will call the roll of former Members of the House and Senate who are present today.

The Clerk called the roll of the former Members of Congress, and the following former Members answered to their names:

ROLLCALL OF FORMER MEMBERS OF CONGRESS ATTENDING 30TH ANNUAL SPRING MEETING

THE UNITED STATES ASSOCIATION OF FORMER MEMBERS OF CONGRESS

William V. (Bill) Alexander (Arkansas)
J. Glenn Beall, Jr. (Maryland)
Tom Bevill (Alabama)
Daniel B. Brewster (Maryland)
Donald G. Brotzman (Colorado)
Clarence J. Brown, Jr. (Ohio)
James T. Broyhill (North Carolina)
John H. Buchanan (Alabama)
Jack Buechner (Missouri)
Albert G. Bustamante (Texas)
Beverly B. Byron (Maryland)
Elford A. Cederberg (Michigan)
Charles E. Chamberlain (Michigan)
Rod Chandler (Washington)
William F. Clinger (Pennsylvania)
R. Lawrence Coughlin (Pennsylvania)
James K. Coyne (Pennsylvania)
E (Kika) de la Garza (Texas)
Ben L. Erdreich (Alabama)
John N. Erlenborn (Illinois)
Don Fuqua (Florida)
Robert Garcia (New York)
Robert N. Giaimo (Connecticut)
Gilbert Gude (Maryland)
Robert P. Hanrahan (Illinois)
William D. Hathaway (Maine)
Dennis M. Hertel (Michigan)
George J. Hochbrueckner (New York)
William J. Hughes (New Jersey)
Hastings Keith (Massachusetts)
David S. King (Utah)
Ernest Konnyu (California)
Lawrence P. (Larry) LaRocco (Idaho)
Claude (Buddy) Leach (Louisiana)
Marilyn Lloyd (Tennessee)
Cathy Long (Louisiana)
Andrew Maguire (New Jersey)
Romano L. Mazzoli (Kentucky)
Matthew F. McHugh (New York)
Jan Meyers (Kansas)

Printed on recycled paper.

Robert H. Michel (Illinois)
Abner J. Mikva (Illinois)
Clarence E. Miller (Ohio)
John S. Monagan (Connecticut)
G.V. (Sonny) Montgomery (Mississippi)
Shirley N. Pettis (California)
William R. Ratchford (Connecticut)
Marty Russo (Illinois)
George E. Sangmeister (Illinois)
Ronald A. Sarasin (Connecticut)
Patricia Schroeder (Colorado)
Richard T. Schulze (Pennsylvania)
Dennis A. Smith (Oregon)
Neal E. Smith (Iowa)
Gerald B.H. Solomon (New York)
James V. Stanton (Ohio)
James W. Symington (Missouri)
Steve Symms (Idaho)
Robert S. Walker (Pennsylvania)
Charles W. Whalen, Jr. (Ohio)
James C. Wright, Jr. (Texas)
Roger H. Zion (Indiana)

Mr. ERLENBORN (presiding). The Chair now recognized the distinguished minority whip, the gentleman from Michigan (Mr. BONIOR) for such remarks as he may make.

Mr. BONIOR. Mr. Speaker, it is good to be with you again. We welcome you back to the Capitol. I want to echo the comments of the gentleman from Illinois (Mr. HASTERT), my dear friend and our Speaker, when I say to you this morning that it is good to see so many familiar faces and to comment how comfortable you look in your seats.

I am sure, as some of you know, I look forward some day of joining you all in your present capacity, but not too soon. The great American historian and diplomat, John Kenneth Galbraith, once said that nothing is so admirable in politics as a short memory. But when I look out at those of you who are sitting here this morning, think that is really not true at all, because what we really need more than anything in this institution today is to depend upon your institutional memory to recapture the great, not only concepts and principles, but traditions of this body, which I think we are slowly putting back together after a very difficult period of time that we have gone through in the last decade.

So I want to welcome all of you back on behalf of DICK GEPHARDT and our leadership. I wish you a good day today. Thank you for honoring Jim Ford, who I know many of you have served with while you were in the House of Representatives. He is a very special and a very dear man.

I remember one instance when I was in the hospital with Jim, we were at, I think it was Walter Reed, we both were pretty ill and we were going down for an operation together. They wheeled us just coincidentally out of our ward together. We got out of the elevator together. We went down the elevator together and we separated. And just before we separated to go on our respective surgical rooms he said to me, ''BONIOR, I want you to remember, this is what I call real chaplainship.'' He was there for me in my hour of need right into the operating room.

I also want to say that I look forward to, I do not know how many of you going to go to the event on China today, but I am on the panel discussion. So I look forward to a vigorous debate and discussion of that issue as well.

So welcome. I look forward to visiting with you today, and I hope you have a wonderful experience back in your House. Thank you.

The SPEAKER pro tempore. The Chair announces that 49 former Members of Congress have responded to their names. A quorum is present.

The Chair will now recognize the gentleman from New York, the Honorable Matthew McHugh, President of our association, for such time as he may consume, and to yield for appropriate remarks to other Members.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Mr. Speaker, my thanks to our Speaker pro tempore and to all of my colleagues for being with us this morning. We are, of course, especially grateful to the Speaker, DENNIS HASTERT, for taking time from his very busy schedule to be with us, and to the gentleman from Michigan (Mr. BONIOR) for his warm welcome as well.

It is always a privilege for us to return to this great institution which we revere and where we shared so many memorable experiences. Service in Congress, as we know, is both a joy and a heavy responsibility, and whatever our party affiliation, we have great admiration for those who continue to serve in this place for the country.

We thank them all once again for giving us this opportunity to report on the activities of our Association of Former Members of Congress.

This is our 30th annual report to Congress. Our association is nonpartisan, or bipartisan. It has been chartered but not funded by the Congress. We have a wide variety of domestic and international programs which I and others this morning will briefly summarize in our report.

Our membership now is approximately 600 men and women, the purpose of which is to continue in some small measure the service to the country that we began during our terms of service here in the House or in the Senate.

I think our most significant domestic activities are our Congress to Campus program. As most know, this is a bipartisan effort to share with college students throughout the country our insights on the work of Congress and on the political process more generally.

A team of former Members, one Democrat and one Republican, spend up to 2½ days on college campuses throughout the United States meeting formally and informally with students, but also with Members of the faculty and the local communities.

It is a great experience for all Members, and those who have participated have always enjoyed it. But our primary goal is to generate a deeper appreciation for our democratic form of government and the need for young people in particular to participate actively in the political process.

Since the program's inception in 1976, 119 former Members of Congress have reached more than 150,000 students through 267 visits to 183 campuses in 49 States and the District of Columbia.

In recent years we have conducted the program jointly with the Stennis Center for Public Service at Mississippi State University. The former Members donate their time to the program, the Stennis Center pays transportation costs, and the host institution provides room and board.

At this point, Mr. Speaker, I would like to yield to Rod Chandler, the gentleman from the State of Washington, to discuss his participation in this Congress to Campus program.

Mr. CHANDLER. Mr. Speaker, it has been my privilege to visit five campuses under the Congress to Campus program of the United States Former Members of Congress Association. I am an enthusiastic supporter of this program, and I believe that we are making an important contribution toward the understanding of and respect for our Nation's policy-making institution itself, particularly the Congress of the United States.

In March, my former colleague from Michigan, Dennis Hertel, and I were guests at Meridian Community College in Meridian, Mississippi. Diann Sollie, Chair of the Social Science Division of the school, was the faculty in charge of our visit. In 2 days, we spoke to eight separate classrooms, met with talented and gifted high school students from the Meridian area, and visited informally with Meridian Community College students.

Dennis Hertel and I are good friends and we present a compatible team. We do differ on major subjects, however, and the students appeared to enjoy and appreciate our frank discussion of these policy questions. We also spoke with students of our personal political careers and provided advice to those who expressed an interest in developing political careers of their own.

Mr. Speaker, thousands of young men and women in this country are fascinated by what takes place here in this Chamber and in the Senate. They would like to contribute to their country and play a role in the world's greatest democracy. I believe the Former Members of Congress Association provides a valuable contrast to the often misleading news coverage of Congress.

I would like to thank the Stennis Center for its support of Congress to Campus, and the fine staff of the former Members of Congress association, ably led by Linda Reed, for the

coordinating role that they play. My hope is that we former Members will continue to demonstrate for America's young people the treasure we have in the form of a country where every citizen, if they choose to, has a say in public policy.

Mr. MCHUGH. Thank you very much, Rod. One outgrowth of the Congress to Campus program was an interest in producing a book that would take an inside look at Congress from differing viewpoints. There are many fine books written by individual Members of Congress, but to our knowledge, there was no compendium that goes behind the scenes in a very personal way.

So, our immediate past president, Lou Frey, recruited more than 30 Members of Congress, former Members, and their spouses to write chapters for a book on Congress. It is being coedited by Lou and by the head of the political science department at Colgate University, Professor Michael Hayes. The book is scheduled to go to press later this year, and we hope that all of you will find it interesting reading.

Mr. Speaker, as you know, although many of our former Members live in the Washington area, there are quite a few who reside in other parts of the country. Therefore, in an effort to broaden participation in the association's work, we have had some meetings outside of Washington. In recent years, for example, we have held meetings in the western region, and California in particular.

In November of last year, the meeting was in San Diego. In addition to enjoying many of the attractions of that beautiful area, our Members met with students and faculty at San Diego State University as well as the University of California at San Diego. Also former Members Lynn Schenk and Paul Rogers, who serve on the board of directors of Scripps Research Institute, arranged a briefing and a reception for us at the institute.

This year the regional meeting will be held in Austin, Texas, from October 21 to 25. Our former colleagues, Jake Pickle and Jack Hightower, are planning an interesting schedule that will include visits to the LBJ Library and ranch, tours of the State Capitol building and other local attractions, as well as meetings with students at the University of Texas. Joel Wyatt last night also volunteered to help with our program in Austin as well.

We certainly hope that many of you will be able to join us for what promises to be a very worthwhile and enjoyable time.

After the November elections, the association will again sponsor what we have called the Life After Congress Seminar, a program we have traditionally organized for the benefit of Members who are leaving the Congress. During the seminar, former Members now working in the public and private sectors will share insights with retiring Members about career opportunities and the personal adjustments involved in this transition.

In addition, congressional support staff will outline the services available to former Members of Congress. As in the past, the seminar will be followed by a reception sponsored by the auxiliary to the association which will afford more time for informal exchanges.

Mr. Speaker, beyond the events we organize here, the association is very active in sponsoring programs that are international in scope. Over the years, we have gained experience in fostering interaction between the leaders of other nations and the United States. We have arranged 410 special events at the U.S. Capitol for international delegations from 85 countries and the European Parliament, programmed short-term visits for individual Members of parliaments, and long-term visits for parliamentary staff.

We have hosted 46 foreign policy seminars in nine countries involving more than 1,500 former and current parliamentarians, and we have conducted 18 study tours abroad for Members of Congress.

The association also serves as a secretariat for the Congressional Study Group on Germany. As many know, this is the largest and most active exchange program between the U.S. Congress and the parliament of another country. Founded in 1987 in the House and 1988 in the Senate, it is a bipartisan group of 171 representatives and senators. They are afforded the opportunity to meet with their counterparts in the German Bundestag to enhance understanding and greater cooperation. Ongoing Study Group activities include conducting a distinguished visitors program at the U.S. Capitol for guests from Germany, sponsoring annual seminars involving Members of Congress and the Bundestag, providing information about participants in the Congress-Bundestag Youth Exchange Program to appropriate Members of Congress, and arranging for Members of the Bundestag to visit congressional districts with Members of Congress. New activities are being explored to enhance these opportunities.

The Congressional Study Group on Germany is funded primarily by the German Marshall Fund of the United States. Additional funding, with the help of Tom Coleman, our former colleague, has also been obtained from eight corporations and they are represented now on the Business Advisory Council to the Study Group.

I would like at this point to yield to our friend and colleague from Missouri, Jack Buechner, to report on the 17th annual Congress-Bundestag Seminar, which was held recently in Niagara Falls, and other activities.

Mr. BUECHNER. Mr. Speaker, I thank the gentleman for yielding. I think everyone who has served in the Congress since 1987 will be aware of the fact that the Congressional Study Group between the United States Congress and the Bundestag is the largest of any of the cooperative relationships with other parliaments. Currently, over 160 Members of the sitting Congress participate in the Study Group, and the activities are certainly ones to be proud of and to certainly serve as a model for any other bicameral relationship.

Both parties are represented in the Study Group, and they come from all regions of the country. Currently, the two Senate leaders are TIM JOHNSON and BILL ROTH, and on the House side, the current chairman of our group is JOHN LAFALCE of New York, and he is joined by JOEL HEFLEY of Colorado as the vice chairman.

The support, although it is under the aegis of the Congress, the financial support actually comes from the German Marshal Fund and from generous donations from German-American business groups.

Since the last meeting of the former Members, the Congressional Study Group on Germany has conducted 17 events as part of the Distinguished Visitors Program, and that brings German dignitaries to the United States Congress to meet with Members of the Study Group. Just as an example, some of the visiting dignitaries last year were Anke Fuchs, the vice president of the Bundestag; Peter Struck, the majority floor leader in the Bundestag; Hans-Ulrich Klose, the chairman of the Bundestag's Foreign Affairs Committee; and recently Joschka Fischer, Germany's vice chancellor and foreign minister.

When these dignitaries come in, the meetings are, of course, both formal and informal. They make themselves available for press briefings and for public dialogue. Following that, there is memoranda that are circulated from both the Bundestag and the Congress. They are made available to various committees and certainly to the 160 Members of the Study Group who currently serve. These issues, I believe, are of international trade, defense, and the types of issues that, of course, our Members need very much to hear about.

Last month, right prior to the Easter vacation, the 17th meeting of the Joint Study Group was conducted and held in Niagara Falls, New York. Our House Chairman, JOHN LAFALCE, was the host.

We had Members of the Bundestag, I think we had seven Members of the Bundestag and nine sitting Members of the United States Congress were there. Along with it we had four former Members of Congress, John Erlenborn, Lou Frey, Tom Coleman of Missouri, and myself. And we were joined by business leaders of the German-American business community.

We conducted discussions about everything ranging from WTO to the role of NATO, whether there was going to be a European Army come up, the relationship of the EU, and such things as relationships with China. And it was really a great event, because there was an opportunity for everybody to take off their legislator's hat and put on the

one of really an ambassador of goodwill.

But the discussions became very hot and heavy, especially on topics such as PNTR. We were able to go to Niagara Falls. I do have to say that the weather was a little rainy, a little windy, a little bleak, and there were only a few flowers and trees budding, but it had no effect upon the camaraderie that was established amongst the group.

Barber Conable, our former Member from New York, and also the former head of the World Bank, joined us and we had a very lengthy discussion. This was at the old Fort Niagara, and we really did have a great time there, and I think that it really augurs well for the continuation of the program.

Next year, the meeting for the first time will be held in what was formerly East Germany up around the Baltic, and I would hope that we will have a good attendance from our current Members as well as the former Members. So thank you very much. The growth is one to be admired and the participation of the former Members is certainly a good relationship for us to continue with the sitting Members, and the board looks forward to continuation of the program.

Mr. MCHUGH. Thank you very much, Jack. The association also serves as the secretariat for the Congressional Study Group on Japan. This was founded in 1993 in cooperation with the East-West Center in Hawaii. It is a bipartisan group of 80 Members in the House and Senate with an additional 55 Members who have asked to be kept informed of the Study Group activities.

In addition to providing substantive opportunities for Members of Congress to meet with their counterparts in the Japanese Diet, the Study Group arranges monthly briefings when Congress is in session for Members to hear from American and Japanese experts about various aspects of the U.S.-Japanese relationship.

The Congressional Study Group on Japan is funded primarily by the Japan-U.S. Friendship Commission.

Last year, Mr. Speaker, the association began a parliamentary exchange program with the People's Republic of China. In October, with funding from the U.S. Information Agency, the association hosted a delegate of nine Members of the National People's Congress here in Washington.

This visit marked the inauguration of the U.S.-China Interparliamentary Exchange Group, whose members have been appointed by the Speaker. The association has been asked by the Department of State to submit a proposal to fund a visit to China by members of this exchange group next year. We are also seeking funding to initiate a Congressional Study Group on China, which would hold monthly meetings at the Capitol for current Members to discuss with American and Chinese experts topics of particular concern. Obviously, this would follow the same pattern as these other study groups that we have been coordinating for Germany and Japan.

I would like now, Mr. Speaker, to yield to the gentlewoman from Maryland, Beverly Byron, to discuss the October visit and future plans for the exchange program with China.

Ms. BYRON. Mr. Speaker, I would like to say, first of all, that I think it is interesting to note that the Senate Finance Committee and the House Committee on Ways and Means are taking up today the Most Favored Nation Status for China. And so it is timely and appropriate that we discuss the Chinese exchange program that this body has begun.

In August of 1996, 10 former Members had an opportunity, at the invitation of the Chinese government, to spend, I guess, about 8, 9 days in China, an extremely exciting and interesting trip. And as a return, a delegation of nine members of the National People's Congress, the Standing Committee and the Foreign Affairs group, visited Washington this year from October 11 to 16.

The Chinese government paid the international transportation costs for the delegation and we picked up the costs while they were here.

It marked the inauguration of a U.S.-China Interparliamentary Exchange group whose members were appointed by Speaker Hastert in the late summer. The chair of that group is Representative DONALD MANZULLO of Illinois, and DOUG BEREUTER of Nebraska is vice chair, and TOM LANTOS of California is ranking Democrat.

They had a visit to the Hill with four rounds of meetings between Members of Congress and their Chinese counterparts. In addition to the meetings with the Members, the Chinese delegation held extensive talks with Kurt Campbell of the Department of Defense, Tom Pickering, Department of State, Susan Shirk, Deputy Assistant Secretary for East Asian and Pacific Affairs, and then they went to the General Accounting Office and then Matt took care of them when they went down and visited with the World Bank.

They met with the Office of U.S. Trade Representative, the National Security Council, U.S.-Chinese Business Council and U.S.-Chinese scholars. So we can see they had an extremely broad opportunity to be exposed.

During the meetings with Congress, as well as during the talks with representatives in the administration, many contentious issues came up. Human rights, Taiwan, trade deficit, the U.S. bombing of the embassy, and joining the World Trade Organization. These conversations were sometimes difficult and sometimes there was a meeting of the mind.

It was interesting, one of the members of the delegation was the Chinese Bishop of Beijing who wished to meet with Catholic officials while he was here, or some priests. We were able to set up a meeting at Georgetown University with Father Bill Byron, who was formerly head of CU, and the dialogue, as our new chaplain will be interested to know, was an extremely interesting one.

The delegation also had an interest in seeing something outside of Washington, and so I grabbed on the opportunity and we took them to Annapolis. They were given an opportunity to visit Annapolis for about an hour and a half on their own, at which time they came back with numerous pictures, and we had an extensive visit and dinner at the Naval Academy, but they all wanted their picture taken with their postcard in front of the statue that was at the Naval Academy.

They had dinner in the dining hall with the midshipmen. It was quite a revelation for many of them to realize that there were 4,000 midshipmen that ate in one room, and we had a very interesting discussion because there are four professors at the academy that are of Chinese origin and speak the different dialects. So we did not have to work through interpreters that evening.

They also had an opportunity to visit the Maryland State House. I was interested to note that the Maryland Secretary of State, John Willis, we have an active ongoing program with the Chinese exchange so he was delighted.

As an outgrowth of this, the congressional delegation that they met with have been working and will be looking forward to a return exchange visit, probably a year from now, with some of the same Members that they met with before.

Let me take 2 seconds, because no one can control a Member and no one can control a former Member unless they bang the gavel, but, Rod, you talked about the campus program. I had an opportunity to go visit the University of Utah in Salt Lake City with Barbara Vucanovich, and it was an extremely wonderful 3 days interacting with the students. So for anybody that has not participated in those programs, I cannot urge you enough to try. Thank you.

Mr. MCHUGH. Thank you, Bev. Before we leave the subject of China, let me just remind everybody that immediately after our proceedings here on the floor, we are going to have a panel, very distinguished panel, including DAVE BONIOR who mentioned it when he was here, on the subject of China-U.S. relations and, of course, particularly on this pending issue of trade relations with China. So we encourage all of you to come to that panel presentation immediately after this at about 10:30.

The U.S. Congress and the Congress of Mexico have been conducting annual seminars for about 39 years under the auspices of the Interparliamentary Group; however, there is still little interaction between the legislators from our two countries during the rest of the year. The association hopes to initiate a Congressional Study Group on Mexico with funding from the Tinker Foundation, so that Members of

Congress can meet on a regular basis with visiting Mexican dignitaries and other experts on our mutual relationship.

In the aftermath of the political changes in Europe, the association began a series of programs in 1989 to assist the emerging democracies of Central and Eastern Europe. With funding from the U.S. Information Agency, the association sent bipartisan teams of former Members, accompanied by either a congressional or country expert, to the Czech Republic to, Slovakia, Hungary and Poland for up to 2 weeks. They conducted workshops and provided instruction on legislative issues for new members of parliament in those countries as well as their staffs and other persons involved in the legislative process.

They also made public appearances to discuss the American political process. In addition, the association brought delegations of members of parliament from all of these countries to the U.S. for 2-week visits. Also with funds from this USIA, the association sent a technical advisor to the Hungarian parliament from 1991 to 1993.

With financial support from the Pew Charitable Trust in 1994, the association assigned technical advisors to the Slovak and Ukrainian parliaments. This initial support was supplemented by other grants to enable Congressional Fellows to extend their stays.

Since 1995, with funding from the U.S. Agency for International Development and the Eurasia Foundation, the association has managed a very highly successful program to place outstanding Ukrainian students in internships with committees in the Ukrainian parliament. This program meets not only the parliament's short-term need for having a well-educated motivated and professionally trained staff, but also the longer term need to develop a cadre of trained professionals.

At this point, Mr. Speaker, I would like to yield to the gentleman from Michigan, Dennis Hertel, to report on our program in Ukraine.

Mr. HERTEL. Mr. Speaker, I thank the gentleman from New York. Last year I had the pleasure of advising the Congress about the continued progress of our program in Ukraine. I am now able to report that our goals have been achieved. We will be completing 6 years of assistance to the Ukrainian parliament.

I want to give a special ''thank you'' on behalf of our association to Walt Raymond, Bill Brown, our former parliamentarian, and our colleague, Lucien Nedzi. Our most lasting accomplishment has been to create and sustain for 5 years a robust internship in the parliament.

Five years ago, few, if any new staffers, were hired by the Ukrainian parliament. There was no new blood, no fresh thinking at the staff level. Staff holdovers, appointed by the former communist leaders of the Soviet Union before Ukraine received its independence in 1991, remained in place and served as a retarding influence on any internal effort to modernize the parliament or to pass reform legislation.

During the past 5 years, the intern program supported by this association has included more than 250 young Ukrainian university graduates, drawn especially from law schools or those departments specializing in economics politics and social issues. Interns have served not so much as interns as we know them in our Congress, but really as the staff of the parliament. They have drafted laws, they have provided research, they supported member of parliament needs and provided a bridge to western parliament processes and western analysis.

Few members of parliament speak or read western languages. It has been a requirement that each candidate be conversant in a key western language, particularly English. The activity of the interns has helped bring a greater sense of relevance to committee work and by assisting in raising the quality of work in the parliament, the parliament is in better position to play its role in the emerging Ukrainian democracy.

There is evidence of success. The number of young Ukrainians interested in applying for intern positions continues to soar as does the demand by Ukrainian members of parliament for interns to be assigned to their committees or their offices.

In the parliamentary year ending this summer, 65 interns have been involved in the program. Earlier interns who completed the program have found many excellent job opportunities. Some remain as parliamentary staffers, others have entered the executive branch, while some return to academia and a significant number seek to enter the growing private sector and business there in the Ukraine, the media, or think tanks. The group represents a veritable young leaders cadre, which is essential for the democratic development of Ukraine.

Later this year, our association intends to turn the direction of the program over to the local Ukrainian management to ensure its long-term viability. Two independent Ukrainian groups, one academic and the other, the Association of Ukrainian Deputies, have committed themselves to maintaining the high professional standards and the nonpartisan selection process.

The Ukrainian program has proved to be an excellent pilot and worth replication in other emerging democracies, particularly in the Central/East European and NIS areas. As my colleague, John Erlenborn, has described or will describe today, the Ukrainian model has been successfully replicated in Macedonia by this association.

This program initiative which supports emerging democratic parliaments focuses on personnel, one of the key weaknesses throughout the former communist region, but the key to having a successful developed democratic government. Changes at the top have not been followed by changes throughout the organizational structure in the country, whether in the executive, the legislative, or judicial branches. The idea of intern programs designed to bring new and energetic staffs to the region is an idea that should be followed in other countries. It is a great strength of our democracy and our government really that we have such a wide breadth of experience, and people that are involved in what they call civil society over there, and civic society.

The people have other interests. They bring other people into it. They teach others. And that is what this association has accomplished for the Ukraine. I believe that is what this association can accomplish continually throughout Eastern and Central Europe, where the assistance is needed so much and the involvement of the members of this association is needed so much. The Ukrainian program, this association believes, will be a lasting legacy and an example for what can be done in Eastern and Central Europe.

Mr. MCHUGH. Thank you, Dennis. Because of the success of our internship program in Ukraine, as has been mentioned, the National Democratic Institute for International Affairs, with funding from the Agency for International Development, asked the association to replicate this program in Macedonia. In September of last year, we sent John Hart, who was given leave from his responsibility as press Secretary to Representative TOM COBURN, to Macedonia for 6 months to establish a program for 65 interns to the Macedonian parliament, to initiate a research and analysis program, and to conduct public outreach.

Funds were also included to permit several former Members of Congress to travel to Macedonia to assist with this effort. One of those, as Dennis mentioned, was John Erlenborn. At this point, I would like to yield to the gentleman from Illinois to tell us about his participation in that program.

Mr. ERLENBORN. I thank the gentleman for yielding and request the gentleman assume the Chair during the course of my remarks.

Mr. Speaker, the scope of the activities of our association are not very well-known by the public. One of the important programs we have undertaken is providing help to emerging democracies, especially their parliaments.

In January of this year, I traveled to Skopje, Macedonia, to confer with members of the Macedonian parliament concerning the intern program that we have established for them. This program was patterned after the one that we had established and operated for several years in the Ukraine.

Under a subgrant from the National Democratic Institute, we chose a staffer from the Hill, and Matt has already identified him as John Hart, who worked in Macedonia selecting university students and recent graduates in

that country, training them to provide research and drafting services for the members of parliament who lack such resources.

A young Macedonian lawyer also was engaged to work with John in launching the project, with a view toward grooming her to manage the project when John returned to the United States, which he did about a month ago.

National elections delayed the full implementation of the intern project late last year. The interns were assigned to various party caucuses, but were not able to be fully utilized until after the elections.

By the time I arrived, interns and members have begun to work together, and I interviewed some members to obtain their impressions. As one would expect, members' use of the interns varied. Generally, however, they assigned information-gathering tasks to them so that members would have a better knowledge of the current issues and also be prepared to offer legislative solutions to perceived needs.

Every Member of parliament I spoke with was pleased with the work being done by their interns. Most of them expressed the belief that only with such resources would they be able to become independent of the executive branch which now drafts legislation and prepares the budget. The parliament typically has little time in which to consider these drafts, and thus has little or no input into the finally approved legislation.

The relationship of the executive and legislative branches reflects the reality of their respective roles under the government structure of the past. Little has changed since Macedonia was successful in a peaceful secession from Yugoslavia in 1992. At the present time, membership in the parliament is expected soon to become a full-time occupation. It is believed that then there will be a greater demand from within an independent legislature exercising its collective will in the enactment of legislation.

This transition from the old ways to democratic governments is a basic test of the success of the newly-emerging democracies. Similar problems are being faced by all of them with varying successes. I believe that the intern projects that we have initiated are necessary to help the legislatures transition to independent and meaningful roles if the voice of the people is to be heard, as it must in a democracy.

The U.S. Association of Former Members of Congress is uniquely qualified to provide these resources for the education of the legislators in the emerging democracies. Former Members have experience in State legislatures and the Congress. We cannot expect other countries just to adopt our ways, but we can help them identify the basic elements of a free representative government, sensitive to the traditions of their country.

In talking to some of these parliamentarians and telling them how our legislature operates, I always prefaced it by saying we have been working at this for more than 200 years, and we do not expect, number one, that you are going to be able to achieve the same kind of a legislative process too rapidly; and, secondly, it does not have to be exactly like ours. You choose your own, but it has to have some of the basic elements that any free democratic legislature must have.

I believe that each and every one of us having served our country in the past still have an urge to serve in some capacity. With our experience, we can help other countries move toward responsive, democratic governments. It would be a shame to waste the resource that we represent. I hope that we can have more programs such as those in Ukraine and Macedonia.

Mr. MCHUGH. Mr. Speaker, in December of 1996, the association sent a delegation of current and former Members to Cuba on a study mission to assess the situation there and analyze the effectiveness of U.S. policies toward Cuba. Upon its return, the delegation wrote a report of its findings, which were widely disseminated through the media and were made available to Members of Congress as well as to personnel in the executive branch.

A follow-up to this initial study mission was conducted in January of 1999. Again, the delegation wrote a detailed report of its findings and shared it through media and briefings with congressional leaders and representatives of the executive branch.

A final study mission to Cuba is scheduled to take place from May 29 this year to June 3. A delegation led by John Brademas of Indiana, and including Jack Buechner of Missouri, Larry LaRocco of Idaho and Fred Grandy of Iowa will meet with representatives of the Cuban government, dissidents and others to assess the current State of U.S.-Cuba relations. When they return, they will write a report of their findings and again share their conclusions with Members of the Congress, the media, the executive branch and others. Needless to say, it is a very timely mission with all that is going on these days in that relationship.

The association also organizes study tours for its Members and their spouses who, at their own expense, have participated in educational and cultural experiences in a wide variety of places, including Canada, China, Vietnam, Australia, New Zealand, the former Soviet Union, Western and Eastern Europe, the Middle East and South America. The most recent study tour took place in March of this year when association and auxiliary members, spouses, and friends visited Italy.

As most of my colleagues know, we have three former Members of Congress who now serve as ambassadors in Italy: Tom Foglietta, our Ambassador to Italy, Lindy Boggs, our Ambassador to the Holy See, and George McGovern, our Ambassador to the Food and Agriculture Organization.

The trip, as I understand it, was very successful, and at this point I would like to yield to the gentleman from New York, Gerry Solomon, to tell us about that study tour and the plans for next year.

(Mr. SOLOMON asked and was given permission to revise and extend his remarks.)

Mr. SOLOMON. Thank you, Mr. President and former Members, Chaplain Ford, Speaker Jim Wright sitting over there, and certainly our leader, Bob Michel sitting over here. Let me be brief because we are running out of time reporting on the study tour this past March. And, Mr. Speaker, I hope you would not recognize Bob Walker to object to my request to revise and extend.

The study tour to Italy was a huge success, thanks to the outstanding advance planning and organization by our executive director, Linda Reed, sitting over here. The well-attended meetings with the Vatican, the Vatican think tank of Justice and Peace, and Ambassador Lindy Boggs, our former colleague, as Matt has mentioned, were extremely informative and extremely interesting, as was the meeting with Ambassador George McGovern at the Food and Agriculture Organization, and the meeting in Florence with the U.S. Consul General's office.

The entire Italy tour, made up of 64 members, spouses, friends, including 26 former Members, the largest ever, made visits to the Vatican Museum, St. Peter's Basilica, the Coliseum and the Forum in Rome, and equally interesting stops in Assisi and the romantic and beautiful city of Florence. Everyone enjoyed the entire program.

The discussions held with Ambassador McGovern, who incidentally sends his regards to all of you, as well as with other officials, including Catherine Bertini, which many of you know, were extremely helpful in explaining the work of the Food and Agriculture Organization that many of you on both sides of the aisle have participated in and have helped in a badly needed area.

Finally, several Members stated their desire at the organization to consider a Study Group tour to two of our NATO allies early next year, perhaps, Turkey and Greece. We have that request under consideration. And there have been other requests now coming in, filling in on the reports given by our President Matt McHugh, Ben Erdreich, John Erlenborn and others, concerning the very, very serious need to help these former Soviet bloc countries in the Baltics, in the Caucasus, in Central Asia, in the Balkans. Their very future depends on the success of their parliaments. These countries have never known democracy in their whole history, and in the last 10 years they have struggled.

Much of the help that we have already given is really paying off, as Ben Erdreich has mentioned, and we hope that we may be able to arrange some

study tours there in this part of the world in order to perhaps undertake a ''Peace Corps of Former Members'' who could give their old sage, badly needed advice to many of these parliamentarians, many of whom are very young and have had no experience whatsoever and really need our help.

So these are things we have under consideration. We would certainly appreciate any feedback that you might have, and I thank the President and the Speaker.

Mr. MCHUGH. Thank you, Gerry. Those of us who put this program together sometimes worry that the annual report will be overly long and dry, and we apologize if it is. But I think it is important that get a sense of the wide variety of programs that we run as an association so that you can participate in those and so that others will be aware of what we are trying to do to help.

All of this, of course, requires financial support. And at the present time, we get our financial support primarily from three sources. Our membership dues, and we thank all of you for paying those this year; also from our program grants from foundations and others that support the individual programs that we have described; and from an annual fund-raising dinner that has become a very important part of our financial base.

As many of you know, on February 22 of this year, we held our Third Annual Statesmanship Award Dinner, at which our friend and colleague, Lynn Martin, was honored. We presented Lynn with the Statesmanship Award in recognition of her service as a Member of Congress, as Secretary of Labor, and as a leader in many other community activities.

I want to acknowledge and thank at this point Lou Frey, our friend and colleague from Florida, who, once again, chaired the dinner. He had a great deal of help, but he led the effort and we are grateful to him and we thank him again for agreeing to do that next year as well.

I would also like to recognize at this point Larry LaRocco from Idaho who, among other things, was one of our entertaining and talented auctioneers at the auction which we hold in conjunction this annual dinner.

Mr. LAROCCO. Thank you, Mr. President, I appreciate you yielding to me. I will give you a short report on the dinner. As treasurer, one has to assume many roles and being auctioneer happened to be one of them.

Since 1998, the U.S. Association of Former Members of Congress has instituted an Annual Statesmanship Award Dinner and Auction to honor a former Member of Congress and raise funds to defray the costs of implementing the Congress to Campus program. Each year approximately 400 people, including sitting Members of the House and Senate, attend this outstanding event.

This dinner is a wonderful opportunity to honor a colleague, visit with friends, and raise money for a good purpose. The auction has two components, a silent and live auction of political memorabilia of significant historical value, and Jimmy Hayes has played a major role in collecting this memorabilia for us.

The spirit of this dinner is most important, because it is noted for its blatant display of bipartisanship, comity and commitment to public service by each former Member of Congress. It is an evening filled with mutual respect and gratitude for the opportunity to serve our Nation and its legislative bodies.

One of our colleagues is honored at this dinner for his or her outstanding work in Congress and after leaving public service. And as our President has just described and reported, our good friend and colleague, Lynn Martin, was honored this year.

The association made note of Lynn Martin's achievements and contributions through her commitment to fair workplace standards capped by her service as Secretary of Labor. Our first Statesmanship Award Dinner in 1998 honored Secretary of Agriculture Dan Glickman and the 1999 dinner paid tribute to the work of our distinguished colleague, Lee Hamilton, who now heads the Woodrow Wilson International Center for Scholars.

Our former President and board member, Lou Frey, shared his vision and possessed the skills to organize the first dinner, and has acted as the chairman for each subsequent dinner. He brings an incredible amount of energy and organizational talent into building a successful event for the association.

I encourage each member to support this dinner as you have in the past. As Matt has mentioned, we only have a couple of sources of funding for our programs and this is a major source. And besides the dues that we all pay, this provides the funds for our unrestricted activities, and last year we netted about $70,000 for this dinner and we hope to be on a good glide path to raise even more. I encourage to you come. We have invited each sitting Member of the House and the Senate to join us and we enjoy their participation and their presence at the dinner.

I have never invited anybody to this dinner that has not come back and told me that it is one of the most outstanding evenings that they have ever spent in Washington, D.C., to see former Members come together in the spirit of bipartisanship, enjoying each other's company, regaling each other with stories and smiling and feeling very proud of their service in this legislative body.

Mr. MCHUGH. Thank you very much, Larry. Mr. Speaker, in addition to the financial support which we have referred to, the association benefits tremendously from the effort and leadership of many people. I want to just expressly thank the officers of the association with whom I have had the privilege to serve: John Erlenborn, Larry LaRocco, Jack Buechner, Lou Frey and others, the members of our board of directors and our counselors, for providing the excellent guidance and support necessary to make all of these activities we have described possible.

In addition, we are assisted by the auxiliary of the association which is now led by Nancy Beuchner, Jack's wife. It goes without saying, I am sure, that none of these programs could be effectively run without the staff of our association: Linda Reed, our executive director; Peter Weichlein, our program director, who has special responsibility for the Congressional Study Group on Germany; Katrinka Stringfield, our administrative assistant; Victor Kytasty, who runs our Congressional Fellow program in Ukraine; and Walt Raymond, a senior advisor for our international programs. We are really very grateful to each and every one of them for the help that they give us on a day-to-day basis.

The association also maintains close relations with counterpart associations of former Members of parliament in other countries. And we are very pleased that we have two representatives of those other parliament's former Members associations with us here today. I am pleased to recognize and welcome Barry Turner, the President of the Canadian Association of Former Members of Parliament, and George Ehrnrooth from the Association of Former Members of Parliament in Finland, who are with us today and who have been with us on many occasions in the past as well.

I also want to mention an invitation we have received from the Association of Former Members of Parliament of Australia for our members and their partners to be guests at a reception being held in Sydney on Tuesday, September 26, 2000, which is during the 21st Olympiad, which is being held in Australia this year. Unfortunately, we cannot pay your way to go to that, but if by chance you are going to the Olympics in Australia, I know that you would enjoy the camaraderie of that reception, which is hosted by the Former Members of Parliament in Australia. If you need more details on that, please talk with Linda about that.

Mr. Speaker, it is now my sad obligation to inform the House of those persons who have served in Congress and have passed away since our last report last year. The deceased Members of Congress are the following:

Carl B. Albert of Oklahoma;
Laurie C. Battle of Alabama;
Gary Brown of Michigan;
George E. Brown, Jr. of California;
John H. Chafee of Rhode Island;
Carl Thomas Curtis of Nebraska;
David W. Dennis of Indiana;
Bernard J. Dwyer of New Jersey;
Floyd K. Haskell of Colorado;
Henry Helstoski of New Jersey;
Byron L. Johnson of Colorado;
Ed Jones of Tennessee;

Robert H. Mollohan of West Virginia;
James C. Murray of Illinois;
Richard B. Ray of Georgia;
Hardie Scott of Pennsylvania;
Abner W. Sibal of Connecticut;
Fred Wampler of Indiana;
Charles Wiggens of California;
Bob Wilson of California.

I would respectfully ask all of you at this point to stand for just a moment of silence in memory of our colleagues.

Thank you very much.

Mr. Speaker, as you know, we now reach what I think is one of the real highlights of our festivities during the annual meeting, and that is the presentation of our Distinguished Service Award.

We present this each year to a distinguished and outstanding public servant. The award normally rotates between the two parties, as do the officers of the association. Last year, the award was presented to a Democrat, our distinguished former Speaker, Jim Wright, who as others have mentioned, is here with us again today and we are deeply grateful that he is able to be with us, along with his wife, Betty.

This year, we are being totally nonpartisan and we are extremely pleased to be honoring a man who has been a very special friend and counselor to many of us, former House Chaplain, James David Ford.

Before serving as House chaplain, Jim had a very distinguished career with which many of you are quite familiar. After graduating from Gustavus Adolphus College in Minnesota, receiving a Master of Divinity from Augustana Seminary in Illinois, and attending graduate school at Heidelberg University in Germany, Jim served 1958 from 1961 as pastor of the Lutheran Church in Ivanhoe, Minnesota. From 1961 to 1965, he was the assistant chaplain at the U.S. Military Academy in West Point, New York. And at the tender age of 33, he was appointed by President Johnson as the senior chaplain at the Military Academy, where he was appointed three times more and served in that position from 1965 until 1979, during which he counseled the corps of cadets not only at West Point, but also our active duty personnel in Vietnam.

On January 17, 1979, Jim was elected chaplain of the House of Representatives and was reelected to that post every 2 years until his retirement this year.

As you know, he has received countless awards and honorary degrees in recognition of his outstanding service to this institution.

Jim Ford's devotion, exceptional counseling skills, and marvelous sense of humor have sustained many of us throughout the years. However, in addition to these qualities, Jim has many other talents, some rather unusual and extraordinary. In the spring of 1976, for example, he was captain of a 31-foot sailboat called the Yankee Doodle, which, with two crewmen, sailed from Plymouth, England, to West Point, New York. This Bicentennial adventure lasted 52 days at sea and covered 5,920 miles.

Jim has appeared on the NBC ''Today'' Show, giving exhibitions of trick skiing and ski jumping. He also appeared on the CBS show ''I've Got a Secret,'' and some of us old-timers can remember that show. His secret was: ''Can perform a backwards ski jump.'' Not many of us can do that. Maybe some of you have seen the picture of him actually doing it. Jim also pilots an ultralight airplane in the Virginia foothills and is currently planning to sail across the Atlantic alone. So his talents are numerous.

Jim, why don't you come up, if you would, please. He asked, does he get to talk. He cannot wait.

Jim, there are two gifts that we present to you as a symbolic gesture of our great affection and one of them is a plaque. I do not know how many plaques you have, but this is a very nice attractive one. I hope you like it. Let me read to you what the plaque says, and I quote:

His parishioners were politicians all. His parish was the gilded hall where the soul of freedom dwells. To the Reverend James David Ford, Chaplain of the U.S. House of Representatives, 1979 to 2000. The U.S. Association of Former Members of Congress thanks you for your dedicated pastoral services to the People's House and its men and women. You have provided counsel and comfort to our cadets at West Point, our soldiers in Vietnam, and our Representatives in the United States Congress. You will be missed. Sail on. Washington, D.C., May 17, 2000.

We also have a scrapbook, Jim, of letters from your many friends here, and colleagues, extending congratulations and affection to you for this award and, of course, for your great service. And so we want to present this to you now as well.

And now it is my great privilege to present to you Reverend Jim Ford.

Dr. FORD. Thank you very much for this award. I am honored and delighted to be here. My family are here too.

There are some who say that I get this award as an attempt to keep me quiet and not write my book, which I of course will never do. I follow Martin Luther's remarks in the 16th century when he said, ''There are just too many books being written.''

I would like to introduce my successor over here Chaplain Coughlin. Stand up, Chaplain. The new chaplain.

Matt mentioned the things that I have done. One of the things you probably will not believe is he said I went off a ski jump backwards. In Minnesota, that is what we did. In Minnesota, we had nine months of winter and three months of poor sledding, and many of us were ski jumpers. I did go out one day and they bet me I could not go off. We did single jumps, double jumps, triple jumps. They bet me that I could not go off backwards and I did.

I was on the show, ''I've Got a Secret,'' and that was my secret and they could not guess it. And when it was announced that I had gone off the ski jump backwards, Henry Morgan raised his hand and said, ''Chaplain, I want to ask you a question. Is this when you first began to believe in God?''

And, Chaplain Coughlin, I want you to know something. When you hear that story about the chaplain praying, it is a Senate joke. The Senate Chaplain went out to pray for the Members, took one look at them and decided to pray for America. That is a Senate story, Chaplain, not our side.

You know, I started out in Lake Wobegon country, Minnesota. Garrison Keillor country. A town of 700. I was a country pastor, started out where my father and grandfather had started as pastors, within 50 miles. And I never thought I would inherit the title of chaplain. I went to West Point in 1961, in my 20s, and met General Eisenhower who came to church one Sunday. Omar Bradley, I discussed D-Day with him.

I knew MacArthur. In fact, I was there when MacArthur gave a famous speech. He gave one here, but he gave a more famous one called ''Duty, Honor, Country'' at West Point in the early 1960s. All he had on the podium was a crumpled piece of paper. He said he worked on that speech for 40 years, and his little piece of paper only said the word, ''doorman.'' He began his speech this way. He said, ''As I left the Waldorf this morning, the doorman said to me, 'General, where are you going today?' And MacArthur replied, 'I'm going to West Point.' And the doorman said, 'Nice place. Have you been there before?' ''

But over the years, I got to know these men, Schwarzkopf, whom you know as a general, I remember as a captain and the meanest player in the noontime basketball league. Wes Clark, who just retired as NATO Commander, was one of my cadets. Barry McCaffrey, that you are going to hear at lunch, was one of my cadets. I am particularly proud that Senator JACK REED, used to serve in the House, now in the Senate, was one of my cadets at West Point, Class of 1971. And presently JOHN SHIMKUS from Illinois who serves in this body was also one of my cadets.

I must tell you, even though it is late, of an important dream that I had last night. Of course, a chaplain is ecumenical and bipartisan. But I had a dream last night that Army was playing Navy in Philadelphia in football. And the two teams were going back and forth and neither team could score. And just before the end of the first half, a jet airplane flew over the stadium and let out a sonic boom, which the Army team took to be the gun ending the first half, so the Army team ran off the field. Three plays later, Navy scored. On a field goal.

I came here after that 18 years going through the war as chaplain in 1979. As you know, I always wore the clerical collar. Tip O'Neill called me ''Monsignor.'' He thought I was an Irish priest from South Boston. He had a committee. I mentioned their names,

George Mahon, the Chairman; John Rhodes, the Republican Leader, and Jim Wright, who is with us today on the Democratic side. The committee, we met in that office right over there. Now I know how important it is to have an office right off the floor.

They asked me this question: What do you think about religion and politics? And leaping into my mind was a quote that the Governor of Minnesota had used in a chapel talk many years before, quoting Martin Luther, and I gave in answer to them, I said, ''As Martin Luther said in 1530, quote: Send your good men into the ministry, but send your best into politics. Because in the ministry it all depends on the spirit, but in politics you have shades of gray, ambiguities, and you need the finest people.'' Of course, after that self-serving comment, they hired me on the spot. But I also believe it. I grew up that way, and I believe it.

When I left this place, I wrote a letter to the Members and I said that my feelings about Congress were strong when I came, and they are strengthened now that I leave. Religion points to the goals of life, politics tells us how to get there. We can agree on justice and peace, or faith, hope, and love. Call it what you will. But in politics, we have the give and take of argument and debate as to the how of achieving our goals.

I remember as a young man in the 1950s, I went to the Soviet Union and I visited the legislature and it was quiet. And in the 1960s, I went to the East German legislature and it was quiet. Democracy is noisy. I like the noise. I have been with the noise here for 21 years. It is a part of the gift of democracy.

Concluding, in my 21 years here, I counted up I have been here for about 35 joint meetings. And as you know, it is a joint session when the President comes; it is a joint meeting when the Heads of State come. And during this time, in these 35 speeches that I heard, I do not think one of them has lived under one constitution for 200 years. We are a young Nation with a very old and mature Constitution.

I heard Vaclav Havel speak here from Czechoslovakia. Remember, he got up and said ''I am just a playwright. What do I know? There is no school to be President.'' And we celebrated democracy with him.

Lech Walesa of Poland got up, and he said, ''I am an electrician. If the lights go out tonight, I can fix them. But now I am leading a country.'' Or Nelson Mandela, 27 years in prison who stood up here and spoke about reconciliation.

It has been a pride to serve as your chaplain for these many years, for politics is a noble vocation, a noble opportunity and calling. I have observed your debates. I have listened to your private concerns. I have encouraged you in your service. I have celebrated with you the joys of democracy.

When you think of your service as former Members in this Congress, I say to you stand tall and be proud, because your politics has been a noble vocation. Thank you.

Mr. MCHUGH. On behalf of all of us, Jim, we thank you again for your friendship and your warmth and your great service to this institution and to us.

We also welcome and wish our best to the new chaplain, who I am sure will serve with equal distinction.

Mr. Speaker, the Members of the association were honored and proud to serve in the U.S. Congress and in a way we are continuing our service to the Nation in other ways now, but hopefully ones that are equally as effective. Again, we thank you for letting us make this annual report, and this concludes our session for today, and we again invite all of the Members to the next panel at 10:30 on the China-U.S. relations. Thank you very much.

The SPEAKER pro tempore. The Chair again wishes to thank the former Members of the House for their presence here today. Before terminating these proceedings, the Chair would like to invite those former Members who did not respond when the roll was called to give their names to the reading clerks for inclusion in the roll.

The Chair wishes to thank the former Members of Congress for their response here today. Good luck to all of you.

The Chair announces that the House will reconvene at 10:45 a.m.

Accordingly (at 10 o'clock and 26 minutes a.m.) the House continued in recess.

□ 1045

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOEHNER) at 10 o'clock and 45 minutes a.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

Mr. BOEHNER. The Chair will entertain 15 one-minute requests on each side this morning.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. WATTS of Oklahoma. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the CONGRESSIONAL RECORD and that all Members and former Members who spoke during the recess have the privilege of revising and extending their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GOP WORKING TO MAKE NEEDED PRESCRIPTION DRUGS AVAILABLE AND AFFORDABLE TO ALL

(Mr. WATTS of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATTS of Oklahoma. Mr. Speaker, America is the most prosperous nation on earth, yet some seniors here are forced to choose between putting food on their table and the prescription drugs they need to lead healthy and productive lives. That is just not right.

Republicans are working to make sure that is a choice seniors no longer have to make. While I share the goal of President Clinton and Democrats in Congress, their proposal may endanger existing drug coverage that some seniors already have. It could give the Federal Government too heavy a hand in controlling drug benefits and deny seniors the right to select the coverage that best fits their respective needs.

Republicans have a voluntary plan to make prescription drug coverage affordable and available to America's seniors. Republicans are working to protect seniors from runaway drug costs so that their retirement remains secure and they have greater peace of mind. That is a brighter future for every single American.

VOTE AGAINST PNTR FOR CHINA

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, if you were told that the Yankees scored six runs in a ball game, would you conclude the Yankees won? Of course not. You need to know how many runs the Yankees' opponent scored in the game to know if they won, especially if they played against our Cleveland team.

Whether it is baseball or trade, people need to know the score. In this case, between the U.S. and China, the U.S. has a trade deficit with China of about $70 billion. So we are losing the game with China. The rising trade deficit is unlucky for the United States and our workers. But the bill number for PNTR for China is H.R. 4444, and four is a very unlucky number. Ask the Chinese. And the Chinese workers are unlucky already because some get only three cents an hour pay for their work.

This bill is bad luck for the United States, and it is bad luck for China. Vote against PNTR.

PRESCRIPTION DRUG COVERAGE FOR SENIORS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, not long ago, news anchor Tom Brokaw wrote a book in which he called today's seniors the greatest generation. After all, it was today's seniors who saw this country through the Depression and fought to save the world from Nazi aggression.

Mr. Speaker, no American and no senior, those who have served this country so well for so many years,

should ever have to choose between putting food on the table and taking the medicine their doctor has prescribed. But today's advanced medications are expensive.

The Republicans in the House have a plan to modernize Medicare by adding a prescription drug plan. This plan is fair, sensible and necessary. Under this plan, seniors will be able to choose the coverage that best suits their needs. It will protect seniors from high out-of-pocket costs and be completely voluntary. The President and the minority party in Congress owe it to our seniors to stop the politics of fear and to support this bill.

FOOD OR MEDICINE?

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, after a lifetime of hard work, our senior citizens should be able to enjoy their golden years. But unfortunately, instead of enjoying their retirement, the rising cost of prescription drugs forces many seniors to choose between putting food on the table or buying lifesaving medications. Forcing seniors into this type of decision is wrong and it must stop.

The Republicans have brought forward a responsible, common sense prescription drug plan that provides our seniors access to affordable prescription drugs. Under the Republican proposal, seniors will have the power to choose prescription drug plans that best fit their needs instead of being forced into the Democrats' inefficient, dangerous, big-government, price control scheme. The Republican plan assures that no senior citizen or disabled American will have to choose between food and medicine again.

Mr. Speaker, I yield back the administration's dangerous one-size-fits-all, government-dictated drug scheme which fails to meet the needs of our seniors.

WHO IS LYING ABOUT WACO?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, who is lying about Waco? Scientist Carl Ghigliotti said the FBI lied, that they did fire automatic weapons into the burning building. But Vector Data Systems of England said the FBI did not lie. Two scientific groups totally disagree.

But something stinks. Vector gets hundreds of millions of dollars in contracts from the FBI. Carl Ghigliotti was just found dead. To boot, FBI audio tapes of the burning building are now lost. To boot, FBI autopsy reports confiscated of victims are now missing.

Beam me up, Mr. Speaker. This is not a Justice Department. This is a cover-up. We need an investigation. Congress should pass H.R. 4105 and put some oversight on what is developing into a police state in America.

VOTE NO ON PNTR

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, every year for the last 30 years we have granted China most-favored-nation status. The presidencies of Reagan, Bush and Clinton have all stated that most-favored-nation status will open China to freedom and democracy. Let us look at the scorecard a little bit regarding this strategy.

We gave most-favored-nation status and they continue their policy of population planning with forced abortion. We gave most-favored-nation status and they continue not to tolerate any dissent of any kind. The imprisonments, the torture and the killings go on. We gave most-favored-nation status and they continue to try to stamp out religion that is not state-supported religion. We gave most-favored-nation status and they made plans to invade Taiwan. We gave most-favored-nation status to them and they have the biggest buildup of nuclear missile development of any country on the face of the earth. We gave most-favored-nation status and they continue to occupy Tibet. We gave most-favored-nation status and they pour money into American elections.

Are we nuts? Can we not learn? America sometimes has the reputation of being willing to do anything for a buck. On this vote, we are set to prove that that is true.

CONGRESSIONAL MEDAL OF HONOR AMENDMENT

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, I am offering an amendment to the defense authorization bill that will bring honor and distinction to America's most highly decorated veterans. As a veteran myself who served in the 101st Airborne Division and 82nd Airborne Division, I was surprised to learn that the Congressional Medal of Honor awarded to our veterans as this Nation's highest honor for their heroic efforts is made primarily of brass.

Congress awards its own gold medal to distinguished Americans, and this medal costs as much as $30,000 and is made of solid gold. My amendment would replace the brass in the Congressional Medal of Honor we award to America's brave Americans with gold.

I do not think it is too much of a price to pay for our most heroic Americans. It would only cost about $2,000 per medal. Many of the recipients of the Medal of Honor already paid the ultimate price for our Nation and for our freedoms and liberty. We need to remember our veterans and think about them every day.

There are more than 25 million veterans in the United States. There are more than 3 million veterans in California. That is why I am holding a veterans' fair on Saturday recognizing veterans.

Today, I invite my colleagues who honor and respect America's veterans to join me in supporting my amendment for a more fitting Medal of Honor to individuals.

VETERANS GROUPS OPPOSE PNTR

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, almost every day a new veterans group comes out against PNTR. The Military Order of the Purple Heart, chartered by Congress, said yesterday:

''Speaking as patriots and combat wounded veterans, we believe that granting PNTR status to China would relieve them from the current pressure caused by annual congressional review of their trade status.

''Today China represents the most dangerous of the emerging threats to U.S. national security.''

It goes on to say, ''Many of America's combat wounded veterans sacrificed life and blood to repel Chinese aggression during the Korean conflict. Fifty years after that war, China remains an unabashedly communistic regime. It is time for China to change if she wishes to be a truly welcomed participant on the world's stage. It is also time for Congress and the administration to reflect upon the sacrifices of its combat wounded veterans and ensure that China will not once again become our enemy. In the view of the Military Order of the Purple Heart, this objective must be reached before PNTR status should be granted to China.''

PRESCRIPTION DRUG COVERAGE FOR SENIORS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, seniors deserve prescription drug coverage and Republicans have a plan to provide it for them. Last week, the Committee on Ways and Means Subcommittee on Health had a hearing on the President's prescription drug plan.

As a member of the committee, I was pleased to learn there are several ways where we can agree. But history must not repeat itself. This issue must not be used in this election to scare our seniors. Scare tactics serve no purpose and do not help one senior get the drugs they need.

Republicans are ready to roll up our sleeves and give seniors a choice in their Medicare prescription drug coverage. I welcome my Democrat colleagues and the President to join us in this important effort.

□ 1100

ALL SENIORS SHOULD HAVE A PRESCRIPTION DRUG BENEFIT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, our seniors are facing skyrocketing prices for their prescription drugs. They are scared. For millions of seniors, a prescription drug benefit is the difference between getting the medicine they need for their health and what they need to do in order to pay mortgages, what they need to pay rent, what they need to do to pay for food. That is what the decisions are that our seniors are making today. They are forced to choose between purchasing that medication and buying groceries.

The problem with prescription drug coverage does not just affect one group of seniors. The Republican plan for prescription drugs is to focus on low income seniors, not all seniors. What we need to do is to cover all seniors with a prescription drug benefit. Prices are skyrocketing out of control. According to a recent study by Families USA, the price of the 50 prescription drugs most frequently used by seniors rose by twice the rate of inflation in 1999.

Between 1993 and 1998, the price of the average prescription rose 40 percent. The situation imperils our seniors. Let us make sure that all of our seniors are covered for prescription drug coverage.

INTERNATIONAL ABDUCTIONS MUST BE STOPPED

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I rise today to tell my colleagues the story of Sam Ali Tabaja, just one of the 10,000 American children who have been abducted to foreign countries. Sam was taken to Lebanon by his father Ali Ibrahim Tabaja in August of 1997. Sam was 3 years old at the time of his abduction.

Sam's mother was awarded custody of him and allowed his father to visit him frequently. A warrant for international parental kidnapping was issued for the father. However, Ali Ibrahim Tabaja has a large circle of friends and relatives in Lebanon who have helped to protect him. Sam's mother, Zohra Tabaja, has traveled to Lebanon and was allowed to visit with her son for half an hour. During the visit, she was surrounded by bodyguards. Zohra has been informed that she will never see Sam again, and she has heard nothing since her visit.

The problem of international child abduction is a disgrace. We should be displaying the same amount of outrage for American children that we did for Elian Gonzalez. I urge my colleagues to support the efforts to bring American children back to America, their home and their rightful place. Bring H. Con. Res. 293 to the floor and bring our children home.

IRANIAN JEWS

(Mr. DEUTSCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEUTSCH. Mr. Speaker, I rise today to once again bring notice to this Congress of 13 Jews who are accused of spying in Iran, who have been imprisoned for over a year without formally being charged.

Jews have been living in Iran for 2,700 years, the oldest Jewish Diaspora community and the biggest in the Middle East after Israel.

At least 17 Jews have been executed in Iran since 1979, most of whom were accused of spying for Israel and the United States.

These Jews who have been held have had their due process violated, even under Iranian law. Thirteen Jews have been denied the right to choose their own lawyers. Ten of the defendants imprisoned for over a year without legal representation had lawyers chosen for them by the court, after the court rejected the lawyers picked by the defendants' families. Three of the 13 have been released on bail but none of the others were allowed to consult attorneys until hours before the trial opened.

Since that time, the lawyers have only had brief periods with their clients and only the most limited contact with their court-appointed attorneys. There has been a closed trial. No members of the Jewish community diplomats or human rights activists were permitted in the courtroom by order of the judge. The trial comes amid a power struggle between President Khatami and the hardliners opposed to his social and political reforms. This is about hardliners' opposition rather than the actual action of the defendants.

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

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 503 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 503

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived.

(b) No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution or specified by a subsequent order of the House, amendments en bloc described in section 3 of this resolution, and pro forma amendments offered by the chairman or ranking minority member of the Committee on Armed Services for the purpose of debate.

(c) Except as specified in section 5 of this resolution, each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Unless otherwise specified in the report, each amendment printed in the report shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment).

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived.

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

SEC. 4. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first

in any series of questions shall be 15 minutes.

SEC. 5. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 6. After disposition of the amendments printed in the report of the Committee on Rules, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore (Mr. BOEHNER). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a structured rule for H.R. 4205, the Fiscal Year 2001 Department of Defense Authorization Act. The rule provides for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Armed Services. The rule waives all points of order against consideration of the bill. It makes in order as an original bill for the purpose of amendment the Committee on Armed Services amendment in the nature of a substitute now printed in the bill.

The rule also waives all points of order against the amendment in the nature of a substitute.

The rule provides that no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the Committee on Rules report accompanying the resolution or specified by a subsequent order of the House, amendments en bloc described in section 3 of this resolution, and pro forma amendments offered by the chairman or ranking minority member of the Committee on Armed Services for the purpose of debate.

The rule provides that except as specified in section 5 of the resolution, each amendment printed in the report shall be considered only in the order printed in the report; may be offered only by a Member designated in the report; shall be considered as read and shall not be subject to a demand for division of the question in the House or the Committee of the Whole.

The rule provides that unless otherwise specified in the report, each amendment printed shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on Armed Services may each offer one pro forma amendment for the purpose of debate on any pending amendment.

The rule waives all points of order against the amendments printed in the report or amendments en bloc described in section 3 of the resolution.

The rule provides that it shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of or germane modifications of any such amendment, which shall be considered as read, except that modifications shall be reported, shall be debatable for 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees and shall not be subject to amendment; shall not be subject to a demand for a division of the question in the House or the Committee of the Whole.

The rule provides that for the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken.

The rule provides that an original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question, if the vote follows a 15-minute vote.

The rule allows the Chairman of the Committee of the Whole to recognize for the consideration of any amendment printed in the report out of the order printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

Finally, the rule provides that after disposition of the amendments printed in the report, the Committee of the Whole shall rise without motion and no further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

H.R. 4205 is a good bill. For several years, this body cut our military's budget while the administration deployed troops all over the globe. It was not fair to our men and women in uniform and it was not fair to hard working Americans who count on the military for their protection.

Well, those days are over. Now we are taking care of our national defense. We are getting our military families off food stamps by providing a 3.7 percent pay raise and we are helping them retire by creating an armed forces thrift savings plan. We are providing resources to improve military housing. For years our military personnel have been living in substandard housing.

□ 1115

We are giving our leaders the tools they need to get the job done in the field of battle, including five new submarines, up to 15 destroyers, additional Black Hawk helicopters, and Bradley fighting vehicles.

We need this bill, Mr. Speaker. For far too long we have shortchanged our military at the expense of our Nation's security.

This rule provides for a fair debate on the bill. The Committee on Rules received 102 amendments to H.R. 4205. With this rule, we will debate more than one-third of them, 35 amendments in all. But this is only the first step. Later the Committee on Rules will meet to grant a second rule for H.R. 4205.

All of the amendments which are not made in order under this rule are still in play. We simply decided that it was wise to get started this morning, and with 35 amendments to debate today, it is a healthy start.

I urge my colleagues to support this rule and to support the underlying bill, because now more than ever we must provide for our national security.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4205, the National Defense Authorization Act for fiscal year 2001, was reported from the Committee on Armed Services on a strong bipartisan vote of 56 to 1. The vote reflects the understanding of Democrats and Republicans for the need to ensure that our national defense continues to be second to none.

This bill reflects the commitment of Democrats and Republicans to achieving a level of readiness throughout the military that will protect this Nation and our commitment to democracy and the rule of law throughout the world.

Therefore, Mr. Speaker, I rise in support of H.R. 4205, the National Defense Authorization Act for fiscal year 2001.

Mr. Speaker, during the report recess, I had the opportunity to see firsthand the dedication of the men and women who serve our country in uniform, often under the most trying circumstances. Along with some of my colleagues from the Texas delegation, I traveled to Bosnia to visit with National Guard troops from Texas and to see how our regular forces are faring in the tense and hazardous duty stations in Kosovo.

Many of the Members of this body have made the same kind of trip, and I am sure that every Member has come away with similar impressions of our men and women in uniform and their dedication to duty.

Mr. Speaker, the Congress has as one of its primary duties to provide for the national defense and the men and women who protect it. This bipartisan bill does a great deal to improve military readiness and to improve the quality of life for our men and women in uniform, as well as for their families.

Mr. Speaker, I am particularly pleased that this bill contains several provisions to improve the quality of

life of our military personnel. The bill provides for a 3.7 percent military pay raise, reduces out-of-pocket housing costs, which will particularly benefit the enlisted ranks, and provides a targeted subsistence benefit for those personnel who are most in need.

H.R. 4205 also makes significant improvements in military health care, and authorizes the creation of a Thrift Savings Plan for military personnel which will help them plan for their retirement needs.

The bill also provides $857 million for construction and improvement of military family housing, and an additional $605 million for construction of new barracks and dormitories. There are funds for child development centers, DOD dependent schools and impact aid, and commissary modernization, all important to quality of life improvements for uniformed personnel and their families. I congratulate the committee for their work on these issues.

I am also pleased that the committee has continued its commitment to the wide range of weapons programs that ensure our military's superiority throughout the world.

The bill includes $1.4 million for research and development for the F–22 Raptor, the next-generation air dominance fighter for the Air Force, as well as $2.1 billion for 10 low-rate initial production aircraft, and $396 million for advanced procurement of 16 LRIP aircraft in fiscal year 2002.

H.R. 4205 also includes $51.7 million for the procurement of three F–16C aircraft, and $1.1 billion for the procurement of 16 MV–22 aircraft, and $142.7 million to accelerate development of the CV–22 Special Operations Variant.

These aircraft are all important components in our national arsenal, and moving forward on their production sends a clear signal that the United States has no intention of relinquishing our air superiority.

Mr. Speaker, while the Committee on Armed Services has reported a truly bipartisan effort, I should note that 101 amendments to the bill were filed with the Committee on Rules. This rule makes in order 36 of those amendments, and provides that an additional rule providing for the consideration of further amendments to the bill will be considered before the House votes on final passage later this week.

Mr. Speaker, while it is not unusual for the Committee on Rules to report more than one rule providing for the consideration of amendments to the Department of Defense authorization, in the past the Committee on Rules pursued this course in order to ensure that a full and fair debate on the issues of the day would follow.

The rule now under consideration will certainly allow the House to debate the issue of the continued presence of U.S. ground forces in Kosovo, an issue on which there is a genuine split of opinion in this body.

While I do not agree with the amendment to be offered by the gentleman from Ohio (Mr. KASICH), I cannot object to the House having the opportunity to debate the issue.

While I disagree with the amendment to be offered by the gentleman from Massachusetts (Mr. FRANK), which seeks to cut 1 percent of funding in the bill, I certainly believe that this is an issue worthy of debate in this body. The other 34 amendments made in order in this rule are also certainly deserving of consideration of the House.

So far so good, Mr. Speaker. What concerns me is the fact that there are several major amendments that have not been included in this rule and may not be included in the second rule to be acted on later. Mr. Speaker, one can only hope that when the Committee on Rules meets later today to report the second rule for H.R. 4205, the Republican majority on the Committee on Rules will allow these issues to be fairly aired and considered by the House.

Let us take, for example, Mr. Speaker, the issue of health care for military retirees. Members will be hearing from the gentleman from Mississippi (Mr. TAYLOR) on this issue shortly. The ranking member of the Committee on Armed Services has called this the year of health care, and the bill does indeed make substantive improvements in the way health care is delivered for active duty military personnel and their dependents. These improvements are long overdue, and the committee is to be congratulated for taking these positive steps.

But Mr. Speaker, the bill is seriously deficient on the issue of health care for Medicare-eligible retirees. Mr. Speaker, I have serious concern that the two thoughtful amendments addressing this issue, that is, the issue of health care for Medicare-eligible retirees, might not be made in order when the committee meets this afternoon. One proposal by the gentleman from Mississippi (Mr. TAYLOR) would expand and make permanent the TRICARE Senior Prime demonstration, more commonly known as Medicare subvention.

The other offered by the gentleman from Mississippi (Mr. SHOWS) would give all military retirees the option of participating in FEHB, or remaining in TRICARE after they become Medicare-eligible.

I have a serious concern that the only reason the House will be denied the opportunity to debate either of these amendments presented to the Committee on Rules will be for purely partisan political reasons.

Let us also take the issue of the island of Vieques in Puerto Rico. The committee bill has chosen to ignore an agreement negotiated between the President of the United States and the Governor of Puerto Rico about the future of this island as a training facility for the Navy and Marine Corps, and has instead adopted language that directly contravenes this agreement.

I remain hopeful that when the Committee on Rules meets later this day, the Republican majority will see fit to allow the ranking member of the committee the opportunity to offer an amendment which will strike the committee language and insert language which will allow the President's negotiated position to go forward.

In the interests of fairness to the people of Puerto Rico, I would hope that the Skelton amendment will be part of the second rule. The only reason to not allow his amendment to be considered would again be for purely partisan reasons. I would hope that this truly bipartisan bill will not be marred by such action.

Mr. Speaker, I strongly support the committee bill, but I do believe the House should be given the opportunity to address the issues I have just mentioned, as well as a number of other issues that have been raised in the 101 amendments submitted to the Committee on Rules.

The bill is one of fundamental importance to our great country, and the policies and programs that are contained within it certainly are worthy of extensive debate. Mr. Speaker, I support this rule, but I hope that the bipartisan approach to the committee bill will be extended to the second rule providing for its consideration. To do less is a disservice to this House and to our military.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I rise in strong support of this rule and for H.R. 4205, the Defense Authorization Act.

Mr. Speaker, I would like to begin by thanking the gentleman from South Carolina (Chairman SPENCE) for his hard work and dedication in putting together a measure that helps our fighting men and women. The efforts of the gentleman from South Carolina (Chairman SPENCE) and the gentleman from Missouri (Mr. SKELTON) should not be underestimated. It is truly apt that this legislation we debate today is named after the gentleman from South Carolina (Chairman SPENCE).

Mr. Speaker, this is the first year that the President has brought us a reasonable defense budget for consideration. Over the last 7 years, the President's budget has failed the military service chiefs and our fighting men and women in uniform.

While the President's budget was reasonable this year, it still failed our armed services to the tune of $16 billion. However, under the leadership of the gentleman from South Carolina (Chairman SPENCE), the Committee on Armed Services has once again added funding to support our defense requirements.

While still living within a balanced budget, we have added $4.5 billion to the President's defense budget request. For example, the B–2 bomber was an

essential part of the success story from the air war in Kosovo. The B–2's success in this conflict underscored our needs for an adequate and modern bomber fleet.

We also learned some very valuable lessons about the effectiveness of our smart bombs during the war. Unfortunately, the President failed to fund the research and development of the 500-pound JDAM and 500-pound JDAM bomb rack, even though the Service Chiefs wanted it.

It was the Committee on Armed Services, under its able bipartisan leadership, that added funding for these upgrades and advancements. In total, the committee added funding of $96 million for upgrades on the B–2. These include the Link 16 upgrades that will modernize the cockpit and allow for in-flight re-planning, research, and development of the 500-pound JDAM and the integration on the B–2.

With the success of the B–2, these upgrades will allow our military to exert further strength to keep freedom and peace abroad, thus making the B–2 truly the spirit of America.

I also want to thank the gentleman from California (Mr. HUNTER) for implementing legislation I introduced last year on the Joint Strike Fighter program. As we all know, one of the pillars of the Joint Strike Fighter program is affordability. My legislation called for a cost study to be conducted on possible production sites for the Joint Strike Fighter. While I contend that Air Force Plant 42 offers the best opportunity for savings, I believe that the Defense Department owes Congress and the American people a study showing the savings opportunities that the different production sites offer.

Mr. Speaker, these two programs are just a few of the many success stories found in this legislation. Again, I want to thank both the chairman and the ranking member for their hard work on this important legislation. Yet again, the Committee on Armed Services has worked in a bipartisan manner in order to put the national security of the United States ahead of politics.

It is for this reason that the legislation passed in committee with an overwhelming majority and deserves the votes of the Member of this House. I urge a vote on this rule and for this important legislation.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member on the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I wish I could say I am wholeheartedly in support of this rule. I suppose the politic thing to do would be to say I will vote for this rule and await the second rule.

But I feel constrained to express my reservation, because there is no assurance that one of the most important issues will come before this body, that which deals with military retirees. Even though this rule does not touch upon that, and there is the possibility of the second rule being adopted with the amendment offered by the gentleman from Mississippi (Mr. TAYLOR) therein, I have no such assurance. I feel constrained to voice my reservation.

□ 1130

This is a very important bill, Mr. Speaker. It is an excellent bill, by and large, with some exceptions. And I also wish to tell the Members of the House that in honor of our chairman, it is named the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and it is a very, very proper recognition of this fine gentleman from South Carolina, who does such a fair and decent job for us in the committee, for us in the House.

I wish I could say on this very first part of the split rule that I could support the rule, but I do not have the assurance. Now, if I have that assurance in the next few minutes, that would be fine, but I do not have that. I do not see it forthcoming, because I cannot very well bifurcate the two rules, and as a result, I would have to vote against this first rule because of the lack of assurance that the second rule will contain the amendment that is so important to military retirees.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, let me begin by thanking the gentlewoman from Charlotte, North Carolina, (Mrs. MYRICK), my very good friend, the former mayor, who has done a wonderful job managing this rule. She has just come back, and we are all happy to see her doing so extraordinarily well, and it is very fitting that we would be here on an issue which is near and dear to the gentlewoman from North Carolina (Mrs. MYRICK), and that is the national security of the United States of America, that she is leading the charge in this rule.

Mr. Speaker, as my friend, the gentleman from Missouri (Mr. SKELTON) said, I want to recognize the fact that this is a great accomplishment and a great tribute to a wonderful individual to have the Floyd D. Spence National Defense Reauthorization Act established in his name, and I believe this is a very, very important piece of legislation, because as has been pointed out, we are really beginning this effort to rebuild our capability.

This morning in the Republican Conference, the gentleman from South Carolina (Mr. SPENCE) referred to the fact that over the past decade and a half, we have seen this continued diminution in the level of expenditures for national security, and we have been trying in recent years to rebuild it, and the steps that we are going to begin taking today will go a long way towards doing just that.

This has been one of the four top priorities that this Republican Congress has established for us, along with rebuilding our defense capabilities, saving Social Security and Medicare and, obviously, providing tax relief to working families, that has been a priority, and then improving public education. Those have been the four guides that we have had, but nothing is more important than our national security, because as we look at the issue, these other issues can be dealt with by a different level of government, but only Washington can deal with our national security.

My friend, the gentleman from San Diego, California (Mr. HUNTER) in 1980 came in and got on to this Committee on Armed Services so that he could make sure that we proceeded as vigorously as we could at rebuilding our Nation's defense capability. We did that during the Reagan years, as we all know so well, but we have had this pattern of reduction; the threats have changed.

The thing that I find very, very troubling has been over the past few years we have had continued requests made by the administration.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I do not want to interrupt the gentleman's dialogue.

Mr. DREIER. The gentleman from Missouri has done that already, so I am happy to yield to the gentleman, in light of the fact that he already interrupted me.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I hope the chairman of the Committee on Rules understands my concern for the military retirees, that it is a major problem. They were told when they joined if you stay with us 20 years, we will take care of your health care for life. And I think that there should be some assurance that we would be able to at least debate the issue on a proper amendment, and that is why I said what I did a few moments ago. I really do not have a great deal of problem with this part of the rule; however, I cannot in my own mind bifurcate the two parts of the two rules, and that is why I said what I did.

I would certainly hope that the Taylor amendment would be made in order in the second go-around.

Mr. DREIER. Mr. Speaker, I appreciate the contribution of the gentleman from Missouri (Mr. SKELTON), my friend. I appreciate his requests. Let me say that we all know that the reason that we have dealt with this two-rule process is due to the tragic situation that hit the Stupak family, and the fact that many of our colleagues are this afternoon going to go to Michigan, and that led to this situation.

We are still working on the issue that my friend has raised, and we hope to have a resolution to that. I can assure the gentleman that when we meet later today in the Committee on Rules, we hope to have what I hope will be a satisfactory response.

Let me just conclude by saying as we look at where we are going in our Nation's national security, we have had a pattern over the past few years of seeing an administration which, unfortunately, has called for deploying troops all over the world, in fact, 139 countries with 265,000 Americans. We have seen that number, and at the same time there have been reduced requests for the level of commitment from Washington to our national defense.

Look at what it really has brought about. Unfortunately, it has brought about reduced readiness. We know that there is lower morale that exists in the military today; recruitment difficulties, we have heard many stories about those. And we have in this high-tech economy today a need to focus more investment on high-tech for our national security.

We have some real problems that need to be addressed, and I believe that this bill will go a long way towards doing just that. And again, as the gentleman from Missouri (Mr. SKELTON), my friend, has just said making sure that we have everything that is necessary for our men and women in uniform.

Mr. Speaker, I am pleased that we have begun this debate. It is an important one that we will be having, and I hope very much that my colleagues will join in support of the rule and in support of the bill when we finally get to passage.

I should say just before I do that that the gentleman from Missouri (Mr. SKELTON), my friend, and I are going to be jointly offering an amendment to deal with the issue of high-speed computers, which is an important one, that allows us again to maintain our commitment to national security, but at the same time our competitiveness around the world, which is a priority.

I urge support of the rule and support of the Dreier amendment that will be coming up later and support of this bill itself.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to encourage my colleagues to vote against this rule. I appreciate the horror that has happened to the Stupak family. I understand the reason that we will be meeting on a short schedule today. It makes perfect sense for as many Members to be with the Stupaks during this horrible moment as possible.

It also makes a golden opportunity for the Committee on Rules to meet and to make amendments in order. In fact, they should have been doing that right now. It is a good national defense bill. It actually improves spending for the first time maybe in a decade. It does a lot of good things, but what it does not do is solve the problem of health care for our military retirees.

If we think about it, they are the only Americans who were promised health care, the only Americans who were promised health care if they serve their country honorably for 20 years. They have done that. Every recruiter in every custom house for every branch of the service since the 1950s has been telling young 18, 19, 20 years old if you serve your country honorably for 20 years, then when it comes time for you to retire, for you and your spouse, we are going to take care of you at a military facility for the rest of your life. But what they are being told, because of the defense drawdown and because money is tight, is that when they hit 65, I am sorry, Chief; I am sorry, Sergeant; I am sorry, Colonel, yes, we asked you to go to Vietnam. We told you to go to Korea. We sent you to Kosovo. We sent you to Bosnia.

We sent you to all these places you did not want to be, where you got shot at, where you were away from your family, but we are not going to keep our end of the bargain. Congress for the past decade has failed to address this issue. I am saying it is time for Congress to address this.

Mr. Speaker, I cannot believe the Committee on Rules. This was the third amendment brought before the Committee on Rules, the third of over 100. They chose not to even vote on it. That is how good, that is how much they care about our Nation's retirees. We have absolutely no guarantee that this amendment will be brought to the floor. We have none.

We have asked repeatedly. This amendment has four Republican cosponsors, including three Members of the Committee on Armed Services, one of which is a subcommittee chairman.

This is not partisan. This is Republicans and Democrats trying to solve a sincere problem for the folks who deserve it the most. And we cannot even get a vote in the Committee on Rules.

I am asking every single Member of this body, if they care about those folks who have served your country honorably, if they think it is time that they keep getting told, well, next year, maybe we will get around to it in a couple of decades. Doggone it, we found time for tax breaks for millionaires. We found time to honor or condemn just about every group under the sun. You do not think we can find time for our military retirees?

Vote against this rule, that sends the Committee on Rules back to work. Let us make the Taylor-Hefley-Pickering-Tanner-Abercrombie amendment in order, Democrats and Republicans trying to solve the problem of health care for military retirees, to fulfill our Nation's promise. And doggone it, if we do not make it in order, then I am asking as many of you as possible to shut this place down.

We are not going to vote on this bill until we have an up or down vote on whether or not we are going to fulfill our promise to our Nation's military retirees.

Mrs. MYRICK. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I think, to a large degree, this is a historic bill. This is the first defense bill of this century, and in a bipartisan way, I believe it reflects some of the lessons of the century. After World War II, we had an enormous military, over 8 million people in arms, we rushed to throw our weapons away when General Marshall was asked how the demobilization was going. He said, this is not a demobilization, it is a rout, we are literally disarming before the world.

If we look at the correspondence between the Communist Chinese and Stalin's Russia, we can see their understanding of the fact that America over just a couple of years became extremely weak, and we found ourselves in June of 1950 being driven off the Korean Peninsula by a third-rate military. And before we had regrouped and managed to push our forces back and establish the stalemate that had endured, we lost 50,000 Americans killed in action.

We have seen in this last century what these bloody wars do, this enduring lesson that we achieve peace through strength. As the gentleman from California (Mr. DREIER), one of the great Members of this House, who came in with me in 1980, and I and a number of other people sought to do with Ronald Reagan, and I know the gentleman from South Carolina (Mr. SPENCE), our chairman, and the gentleman from Missouri (Mr. SKELTON), our ranking member, were members of this movement, we sought to rebuild America's defenses in 1980. And by doing that, we backed down the Soviet Union and ultimately dismantled the Soviet Union.

The interesting thing about that dismantlement is that dismantlement actually led to enormous savings of money by American taxpayers. What I am talking about is the fact that this bill that we are offering today is about $125 billion less in military spending than Ronald Reagan's bill of 1985. We have saved probably $1 trillion by the Reagan dismantlement of the Soviet empire, the fact that we no longer have the requirement to meet those massive Warsaw Pact divisions in military Europe.

We achieved something by being strong. I think it is important that we carry that message into the next century. This bill is a start of that. But I want to remind my colleagues, it is only a start. We still have massive problems.

Our mission capable rates have dropped about 10 percent, and they are

hanging there. They fell off the cliff, and they are hanging there around 70 percent throughout the services; meaning that about 30 percent of our aircraft cannot get off the carrier deck or the tarmack to go do their job and in return cannot do their mission. We still have shortages of ammunition. We have shortages of spare parts.

We do have people problems; instead of 800 pilots short in the Air Force, as we had last year, we are going to have about 1,200 short this year. But we are making some improvements, and this House voted for a $4 billion increase in national defense, I think reflecting the mood of the people in this country and their understanding that we do achieve peace through strength.

Mr. Speaker, we passed that in the emergency supplemental, and working with the other body, it came back as an add-on to this defense bill that we are debating today. We have started the upgrading and modernization of our forces, but I want to remind everybody what Bill Perry, President Clinton's former Secretary of Defense, said about the blueprint that he, himself, helped to put in place for defense spending: It looks like we need about $10 billion to $15 billion more per year. Jim Schlesinger, another former Secretary of Defense, said it is actually closer to $100 billion more per year that we need.

□ 1145

So we need to increase defense spending. That is clear. Members of Congress recognize that. This bill is a start. It is only a start, but I would hope that all Members would support this bill and support this rule.

And with respect to my friend from Mississippi, I think, and I have confidence in the gentleman from California (Mr. DREIER) and the gentleman from Texas (Mr. FROST) and the gentleman from Missouri (Mr. SKELTON) and the gentleman from South Carolina (Mr. SPENCE), that they will be able to work out the subvention issue before this bill is finished. So please support this bill. It is good for America.

Peace through strength is what we want to achieve, and we are on our way at least to achieving it. And I am going to talk about him a little later, but I want to thank the gentleman from Virginia (Mr. SISISKY), too, our ranking member on the Subcommittee on Military Procurement of the Committee on Armed Services, for the wonderful job that he has done.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, for reasons stated by the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Missouri (Mr. SKELTON), I rise in opposition to this rule, although I believe the underlying bill is a good bill.

I want to commend the chairman of the Committee on Armed Services, the gentleman from South Carolina (Mr. SPENCE), and the ranking member, the gentleman from Missouri (Mr. SKELTON), for their hard work in putting together such complex and important legislation. I urge particular support for the health care provisions. The gentleman from Hawaii (Mr. ABERCROMBIE), the gentleman from Mississippi (Mr. TAYLOR), the gentleman from Missouri (Mr. SKELTON) and the gentleman from Indiana (Mr. BUYER) have done a great job of putting together a bipartisan package that improves the Tri-Care system and increases health care access for retirees.

I want to focus on the provision to extend the pharmaceutical benefit to military retirees over the age of 65. Prescription drug coverage is a vital issue for all seniors, and I am pleased this committee has made a small but important contribution to provide affordable and meaningful coverage to a segment of the Medicare eligible population. I hope that other committees will follow suit.

The Tri-Care Senior Pharmacy Program in this bill allows all military retirees to participate in the DOD pharmacy program. Under this government-run prescription drug benefit, the Defense Supply Center in Philadelphia negotiates prices for its beneficiaries that are as low or lower than those obtained by other Federal agencies.

The Defense Supply Center receives some drugs off the Federal supply schedule and negotiates pricing agreements with more than 200 manufacturers, using as a starting point the mandated 24 percent VA discount. DOD estimates that these negotiated prices are 24 percent to 70 percent lower than the average private sector price.

My bill, H.R. 664, the Prescription Drug Fairness for Seniors Act, would give the rest of the Medicare eligible population the same discounts that this provision provides. We have 153 cosponsors, but none so far are Republicans. I hope that they will now embrace my bill as warmly as they have embraced the Tri-Care Senior Pharmacy Program.

Now, I do not accept the accusation that H.R. 664 involves price controls. But those who do must also conclude that this prescription drug benefit for military retirees is, indeed, a price control. Like the Democratic Medicare prescription drug plan, the Tri-Care Senior Pharmacy Program is administered by a Federal agency making good on the government's promise to provide health care for life for military retirees and the promise to provide health care in the golden years for the over 65 population at large. It uses the government's volume purchasing power to negotiate and achieve the same price discounts that favored large purchasers obtain.

Unlike the Republican prescription drug plan, this program does not throw military retirees to the whims of the private insurance market leaving them guessing about whether they can get prescription drug insurance from an industry that says it cannot offer such insurance anyway.

As we cast our affirmative vote for this legislation, and I hope we all will, please consider these questions. If Congress can provide a government-administered prescription drug benefit with negotiated price discounts to one segment of the Medicare eligible population, military retirees over 65, why can we not offer the same benefit to the rest of our Nation's seniors? If Congress can give 1.4 million Medicare eligible military retirees access to the best prices the government can negotiate, why is Congress not giving the other 38 million seniors the same access to the best prices that the government can negotiate?

I urge support for the bill and for affordable and meaningful prescription drug benefits.

Mr. FROST. Mr. Speaker, I would ask the time remaining on each side.

The SPEAKER pro tempore (Mr. BOEHNER). Each side has 11 minutes remaining.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for yielding me this time. I appreciate the work done by all the members of the Committee on Armed Services.

Mr. Speaker, I am here to say that I support the cause of peace, I support the defense of the United States and the men and women who serve.

I also support the taxpayers of the United States of America. That is why I rise in opposition to this rule, because it authorizes a $2.2 billion boondoggle called the national missile defense, NMD. The NMD will consume defense budgets, undermine legitimate military expenditures, and contribute to the erosion of the readiness of our forces. Taxpayers will regret the day we authorize $2.2 billion in wasteful spending for the NMD.

Everything is wrong about spending $2.2 billion for the missile defense building in the bill. First, the technology is not feasible, it is not testable, and it would not and could not be reliable.

Second, there is no real threat that such a missile defense system could protect anyone against anything.

Third, it clearly violates the ABM Treaty of 1972. The concept of the ABM Treaty recognizes that countries have nuclear missiles, swords, but could not deploy shields. If the U.S. tells Russia, we want a shield, what can Russia conclude, other than they may need a shield and more swords, more nuclear missiles?

The deployment of the NMD will decouple all arms agreements. It will undermine the Nuclear Nonproliferation Treaty. It will negate the anti-ballistic missile treaty and, furthermore, will frustrate SALT II and SALT III. It will

lead directly to the proliferation by nuclear nations. It will lead to transitions towards nuclear arms by nonnuclear nations. It will make the world less safe, and lead to the impoverishment of people of many nations, as budgets are refashioned for nuclear arms expenditures.

The United States would be willing to risk a showdown with Russia or China and the rest of the world over the unlikely possibility that North Korea may one day have a missile that could touch the continental United States. What that argues for is talks with North Korea, not the beginning of a new worldwide arms race.

The fourth reason why this bill is wrong is that it lacks adequate funding for the cooperative threat reduction program, Nunn-Lugar, which helps in denuclearization and demilitarization of the states of the former Soviet Union. Nunn-Lugar has proven real and successful and effective in reducing nuclear threats, yet this program receives only $143 million in comparison to a total of $5.2 billion for an imaginary ballistic missile technology, the NMD, which has proven to be unworkable and easily defeated by countermeasures.

Fifth, the NMD is a waste of taxpayers' money: $2.2 billion for a system which everyone knows does not and cannot work will only serve to undermine taxpayers' confidence in the spending for the military.

Today's Washington Post reports that three high-level Pentagon officials, who have served in this administration are saying that a national defense missile system is expensive and unnecessarily alienating to the Russians. The Russians just passed START II and a comprehensive test ban treaty. We are saying the Cold War is over. If the Cold War is over, what are we doing putting together a national missile defense shield?

The officials conclude in The Washington Post that the development and testing of the system is not mature enough for the United States to make a confident deployment decision this year.

Let us recommit to nuclear arms reduction. Let us recommit to nuclear disarmament. Let us do this for ourselves and future generations. There is no security in a future saturated with nuclear weapons. The Cold War is over. The benefits of the end of the Cold War ought to start coming back to the taxpayers, not to arms contractors for a missile shield that does not work.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, the bill that my friend, the gentleman from Mississippi (Mr. TAYLOR), was talking about with regard to subvention was written in San Diego by my veterans. It was actually written before I became a Member of Congress in 1990, and we support that particular bill.

The gentleman from Mississippi has got good intentions on this. There are many of us that would like this bill to come forward, and we have talked to both the gentleman from California (Mr. DREIER) and to the Speaker, the gentleman from Illinois (Mr. HASTERT). But let me tell my colleagues something. Before we shut this House down, I would say to my friend, it is important that we move forward. Subvention, Tri-Care, FEHBP, we have promised our military veterans too long that we are going to take care of them. We are losing thousands of World War II veterans every month. If we wait and keep on delaying, those veterans are not going to get the care that was promised to them.

We looked at the subvention bill itself. When I originally introduced the subvention bill, we had it as 100 percent. Because of the cost analysis and different reasons, the White House said no, we want to make it a pilot program. They were going to limit it just to two, one in the Senate and one here. It was my bill and my hospital was not even going to get in the subvention mix. I fought tooth, hook, and nail, and we were able to get that expanded.

But even then we were stopped. And if my colleagues will look at why subvention and some of these others have not passed, the White House itself did not push. DOD did not push these bills. Matter of fact, they told people if they got involved with subvention or FEHBP, they may not get back onto the regular program. So the numbers were very, very deficient. And they put out outlandish numbers; that the cost would reach out too much.

I would say to my friend, the gentleman from Mississippi, that I will work with him. But he is also aware that whether it is Tri-Care, whether it is FEHBP, and I personally think FEHBP, which a civilian has, is better than my original subvention. The same thing that a civilian Federal worker has that will guarantee subsistence beyond Medicare will actually be better. But the commission, Republicans and Democrats, were put together and tasked with what do we need to put together to really keep the promise of our health care promises to our veterans.

I remember in 1993, when the other side of the aisle increased taxes, increased spending and they cut military COLAs. They cut veterans' COLAs and they increased taxes on Social Security. So what we are saying, there is fault on both sides. Do not try to demagogue the veterans issue. Work with us in providing this health care plan.

We are well aware that the White House came over to the Democrat leadership and now every single bill the minority leadership is going to try to stop, to show a do-nothing Congress. Every one of these bills, whether it is riders, whether it is this issue, the Democrats are going to try to shut down the House or delay and end up with a monumental appropriations package at the end because the White House wants $20 billion more. Will they get some of that? Probably, yes, because we cannot control the Senate. But what the minority wants is to where they can get the whole $20 billion and work in taking the majority. I think that is disingenuous.

I support the gentleman from Mississippi, and I think he is very, very caring in what he wants to do for veterans. But look at the big picture and help us work through this process. Support this rule. Let us push on forward and let us work for the betterment of the American people.

□ 1200

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, all that the gentleman from Mississippi (Mr. TAYLOR) is asking for is a vote. All he is asking for is the House to have the opportunity to vote on his proposal. That is not an unreasonable proposition. All the platitudes on the other side will not do any good if they do not give us a vote on the Taylor amendment.

Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, let me thank the gentleman from California (Mr. CUNNINGHAM) for his comments. I certainly do not claim to be the inventor of subvention. Someone else is. It might possibly be the gentleman from California (Mr. CUNNINGHAM). It is a good idea, though.

What I would like to tell the gentleman from California (Mr. CUNNINGHAM) is that he is right. I am disappointed also that the administration has not been more helpful. But a reading of the Constitution will tell both of us that no money may be drawn from the Treasury except by an appropriation by Congress.

Just because the administration did not help enough no way absolves us from doing our job. I am asking for the opportunity for the 435 Members of this body to do their job, to take care of our military retirees. I hope the gentleman will help me in that effort.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of the rule.

As the chairman and ranking member of the Committee on Rules know, the rule makes in order my amendment to provide the Department of Energy additional tools to manage the reduction of the overall number of Federal employees in the workforce at Rocky Flats and the other nuclear weapons facilities while also keeping those sites on track for expedited closure. In addition, the DOE would be able to provide assistance for employees to make successful transitions to retirement and new careers.

I am here to say that I greatly appreciate the Committee on Rules for allowing this important matter to be

considered. I also appreciate the cooperation and assistance of the leadership and staff of the Committee on Armed Services and the Committee on Government Reform and Oversight. Based on my discussions with them, I have agreed to some revisions in the amendment; and it is my understanding that the amendment, with those revisions, probably will be included as part the en bloc managers amendment.

Here is a brief description of the revised amendment:

The amendment deals with the DOE weapons sites that are scheduled for expedited cleanup and closure—(1) Rocky Flats in Colorado and (2) several sites in Ohio: Fernald, Columbus, Miamisburg, and Ashtabula.

The amendment is based on an Administration request. It would give DOE additional tools to meet the challenge of downsizing the federal workforce in ways that will both facilitate accelerated closure of the site and also assist DOE's employees to make successful transitions to retirement or new careers.

DOE wants this authority as a way to avoid reliance on the standard reduction-in-force (RIF) procedures by offering incentives for some employees to voluntarily separate and for others to remain.

The goal is to manage the reduction in the overall number of federal employees at the site while still retaining the proper mix of people with needed skills despite the high attrition rates that can be expected as closure approaches—so, the amendment would allow DOE to offer incentives for some people to leave early and for others to remain.

Similar—not identical—language has been incorporated as section 3155 of the Senate version of the bill. As modified, the amendment would allow DOE to authorize—additional accumulation of annual leave; payment of lump-sum retention allowances; and continuation of health-care benefits for employees who are separated (voluntarily or involuntarily) from Rocky Flats or one of the other sides covered by the amendment.

The amendment would require inclusion of information about the use of these incentives in the required periodic reports on the closure.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

(Mr. ABERCROMBIE asked and was given permission to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, I rise in support of the bill. I am disappointed with the rule as it stands before the body. But the National Defense Authorization Act for Fiscal Year 2001 is very urgent for the United States. I strongly urge my colleagues on the Committee on Rules to reconsider their decision on many amendments that do not appear before the House today.

The bill before us builds upon last year's achievements and continues our efforts to improve the quality of life for our military personnel retirees and their families. I am particularly pleased that the bill includes several provisions, which I support, to improve the military health care system, particularly for our Medicare-eligible retirees and their families.

This year, the Year of Health Care, we have made significant improvements in the military health care system in response to concerns raised by service members, retirees, and their families. The health care provisions of this bill will greatly improve their quality of life, particularly for Medicare-eligible retirees and their dependents.

The TRICARE Senior Pharmacy Program will restore access to the National Mail Order Pharmacy, the network retail pharmacies, and the out-of-network pharmacies. It is a major step towards improving health care for our Medicare-eligible retirees. We have improved access to TRICARE. We have reduced and streamlined the administrative costs, and we are using the savings to improve health care benefits for our military personnel, retirees and their families.

I am particularly pleased that this bill includes provisions which we have supported on our side of the aisle, and I am particularly pleased to have been able to work with the gentleman from Indiana (Chairman BUYER) to see that everything has been included.

It includes improvements to pay, it reduces out-of-pocket housing costs for service members, and provides funding for the Military Thrift Savings Plan. These provisions help us build upon our achievements of last year, which was the Year of the Troops.

Mr. Speaker, I want to express my appreciation to the gentleman from South Carolina (Mr. SPENCE), the chairman, and the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services, for their leadership in producing a bipartisan bill that will improve the lives of our service members.

I particularly want to commend again the gentleman from Indiana (Mr. BUYER) for working with me and other members on the committee to ensure that our men and women in uniform have the quality of life that they deserve.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in conclusion, I would just like to say that H.R. 4205 is a very good bill. I would like to commend the gentleman from South Carolina (Chairman SPENCE) and the gentleman from Missouri (Mr. SKELTON), the ranking member, for bringing it forward with excellent bipartisan cooperation. It is a difficult challenge with defense because of so many needs and not enough dollars to go around, but they have done an excellent job this year.

I would also like to reassure the gentleman from Missouri (Mr. SKELTON), the ranking member, that the gentleman from California (Chairman DREIER) and the Committee on Rules are very sensitive to the issue of the gentleman from Mississippi (Mr. TAYLOR) and will work to achieve a satisfactory result.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BOEHNER). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 220, nays 201, not voting 14, as follows:

[Roll No. 190]

YEAS—220

Aderholt	Frelinghuysen	Metcalf
Archer	Gallegly	Mica
Armey	Ganske	Miller (FL)
Bachus	Gekas	Miller, Gary
Baird	Gibbons	Moran (KS)
Baker	Gilchrest	Morella
Ballenger	Gillmor	Myrick
Barr	Gilman	Nethercutt
Barrett (NE)	Goode	Ney
Bartlett	Goodlatte	Northup
Barton	Goodling	Norwood
Bass	Goss	Nussle
Bateman	Graham	Ose
Bereuter	Granger	Oxley
Biggert	Green (WI)	Packard
Bilbray	Greenwood	Paul
Bilirakis	Gutknecht	Pease
Bliley	Hansen	Peterson (PA)
Blunt	Hastert	Petri
Boehlert	Hastings (WA)	Pickering
Boehner	Hayes	Pitts
Bonilla	Hayworth	Pombo
Bono	Hefley	Porter
Brady (TX)	Herger	Portman
Bryant	Hill (MT)	Pryce (OH)
Burr	Hilleary	Quinn
Burton	Hobson	Radanovich
Buyer	Hoekstra	Ramstad
Callahan	Horn	Regula
Calvert	Hostettler	Reynolds
Camp	Houghton	Riley
Canady	Hulshof	Rogan
Cannon	Hunter	Rogers
Castle	Hutchinson	Rohrabacher
Chabot	Hyde	Ros-Lehtinen
Chambliss	Isakson	Roukema
Chenoweth-Hage	Istook	Royce
Coble	Jenkins	Ryan (WI)
Combest	Johnson (CT)	Ryun (KS)
Cook	Johnson, Sam	Salmon
Cooksey	Jones (NC)	Sanford
Cox	Kasich	Saxton
Crane	Kelly	Scarborough
Cubin	King (NY)	Schaffer
Cunningham	Kingston	Sensenbrenner
Deal	Knollenberg	Sessions
DeLay	Kolbe	Shadegg
DeMint	Kuykendall	Shaw
Diaz-Balart	LaHood	Shays
Dickey	Latham	Sherwood
Doolittle	LaTourette	Shimkus
Dreier	Lazio	Shuster
Duncan	Leach	Simpson
Dunn	Lewis (CA)	Skeen
Ehlers	Lewis (KY)	Smith (MI)
Ehrlich	Linder	Smith (NJ)
Emerson	LoBiondo	Smith (TX)
English	Lucas (OK)	Souder
Everett	Manzullo	Spence
Ewing	Martinez	Stearns
Fletcher	McCollum	Stump
Foley	McCrery	Sununu
Fossella	McHugh	Sweeney
Fowler	McInnis	Talent
Franks (NJ)	McKeon	Tancredo

Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Udall (CO)
Upton
Vitter
Walden
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—14

Baldacci
Campbell
Coburn
Collins
Crowley
Davis (VA)
Delahunt
Doyle
Largent
Lipinski
McIntosh
Stupak
Udall (NM)
Wamp

□ 1226

Messrs. MALONEY of Connecticut, STRICKLAND, HALL of Texas, RAHALL, MRS. MINK of Hawaii, Mr. LAMPSON, and Mr. PASTOR changed their vote from ''yea'' to ''nay.''

Mr. UDALL of Colorado and Mr. RYAN of Wisconsin changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON H.R. 4475, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. WOLF, from the Committee on Appropriations, submitted a privileged report (Rept. No. 106–622) on the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The SPEAKER pro tempore. Pursuant to House Resolution 503 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4205.

□ 1229

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, with Mr. BOEHNER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

□ 1230

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

(Mr. SPENCE asked and was given permission to revise and extend his remarks.)

Mr. SPENCE. Mr. Chairman, on May 10, the Committee on Armed Services reported this bill, H.R. 4205, on a strong bipartisan vote of 56 to 1. This bill, the first defense authorization bill prepared for the new millennium, makes a good start toward ensuring that America's military can meet the challenges that lie ahead and ensure the safety and security of all Americans well into the 21st century. However, it is only a beginning, not an end.

In recent years, the committee has called attention to the problems faced by the men and women who so proudly serve their country in uniform. Serious readiness deficiencies and equipment modernization shortfalls, made worse by longer and more frequent deployments away from home, have placed increasing strains on a military that is still being asked to do more with less. Moreover, the increasing use of America's Armed Forces on missions where vital United States national security interests are not at stake has reduced military readiness and affected recruiting, retention and morale.

The defense bill before us today seeks to correct many of these problems. It is the fifth year out of the last six in which Congress has added to the administration's budget request. I am pleased to report that, in real terms, after more than a decade of decline in defense spending, this downward spiral has finally been halted. Nevertheless, although this bill contains $309.9 billion for defense, an increase of $4.5 billion over the administration's defense budget request, a serious mismatch between requirements, forces and resources continues to exist.

This bill seeks to address the most critical deficiencies faced by our military today. While some would argue that the end of the Cold War allows us to cut defense further, the bill we are debating today must be seen in proper perspective. In reality, the level of resources we devote to defense remains at an historically low level, roughly 3 percent of this Nation's gross domestic product. This is hardly an exorbitant price to pay to defend our freedom, our values and our national interests around the world.

Moreover, the threats we face today are in many ways more difficult and challenging than those we faced during the Cold War. The increasing number of states seeking to develop or acquire weapons of mass destruction, chemical, biological, bacteriological and ballistic missiles, against which we have no defense, poses a qualitatively new set of challenges to our national security. Other threats are emerging; new forms of terrorism, the outbreak of long suppressed ethnic conflicts, and the spread of sophisticated military technologies to potential adversaries.

While the United States remains the world's sole military superpower, we need to adapt to the changing realities and threats that we face in the new millennium. This requires a growing level of investment in the tools and the people necessary to keep our country at least one step ahead of any potential adversary.

As former Secretary of Defense James Schlesinger testified recently before our committee, ''We are resting on our laurels as the sole superpower.'' He noted that under the administration's current and planned levels of defense funding, the United States would be unable to sustain even our current level of military capability. ''This is

not a matter of opinion,'' he said, ''it is a matter of simple arithmetic.''

In fact, the administration has underfunded the United States defense effort for years. This year alone, the Joint Chiefs of Staff identified nearly $6 billion in unfunded military requirements. Since last year, the Chiefs' 5-year estimate of shortfalls has increased from $38 billion to $84 billion. The result of this chronic underfunding has been an increase in risk to our country, risk to our interests, and risk to the men and women who defend us. The time has come to reduce that risk.

This year's debate over the defense budget highlighted a general consensus that our defense spending has fallen too far too fast. During the Committee on Armed Services' oversight hearing earlier this year, the real debate revolved not around whether there is a defense shortfall, but rather its size, magnitude and implications. Some observers have characterized the current situation as a coming ''train wreck.''

Mr. Chairman, this bill is designed to help put America's defenses back on track. In overwhelmingly bipartisan fashion, the committee has targeted increases to the administration's budget request on a series of initiatives to improve readiness, modernize equipment, and enhance quality of life for our Armed Forces. This bill represents a sound approach to defense policy that bases the level of resources we provide on the magnitude of the threats that we face. It is based on a strategy that seeks to protect America's interests abroad and ensure America's safety at home. This bill is tailored to provide the minimum level of resources necessary to carry out our country's global responsibilities.

In a moment, my colleagues on the Committee on Armed Services will discuss the improvements contained in this bill in greater detail. However, I would like to take this opportunity to recognize the hard work and support of the chairmen and ranking members of our committees and subcommittees and the panels. Their strong leadership and bipartisan commitment to ensuring the best for our service personnel resulted in the bill that we have before us today. It is a tribute to their dedication and commitment.

Finally, Mr. Chairman, and I would like to pay tribute to the Committee on Armed Services staff. In my 6 years as committee chairman, I and the other members of the committee have been fortunate to be able to rely upon their expertise and professionalism. I thank them for their tireless efforts and support of the committee and our Nation's military.

Mr. Chairman, this is likely the last defense authorization bill I will submit to the House as chairman of the Committee on Armed Services. I have worked very hard to see to it that our military is second to none, not second to one. I am proud of what we have accomplished in this bill, and I believe it deserves the support of all Members. I urge my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to support H.R. 4205, which is known as the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. This is not only a good bill and deserves the support of the people in this House, it is named for an outstanding American, the chairman of Our Committee on Armed Services, who, through the years, has done yeoman's work. As the gentleman mentioned a few moments ago, this is the last time he will present as chairman the bill coming from our committee. We thank him for his excellent leadership and bipartisanship through the years.

Mr. Chairman, at the outset, I would like to thank the gentleman for the work he did on this particular bill. All of us have worked hard on it and it has been glued together quite well. I will talk of the exceptions a moment later. But this bill would authorize $310 billion for defense programs, including $13 billion for the Department of Energy defense-related programs. It authorizes a funding level of $4.5 billion above the President's request, which, of course, was $13 billion above last year's level. The bill makes a number of vital readiness and modernization improvements which will keep our forces the best trained and best equipped in the world.

The bill also addresses important qualities of life issues that are at the top of agenda for service members and their families. It gives a much needed 3.7 percent pay raise, plus a number of key improvements in the military health care system that will benefit service members and their families as well as military retirees.

Mr. Chairman, last year was ''the Year of the Troops.'' Congress was successful in enacting a number of pay and compensation reforms that have helped to close the pay gap between the military and civilian society that makes the military a more attractive career choice in a difficult recruiting environment.

Mr. Chairman, this year is ''the Year of Health Care.'' I am pleased that the bill provides a number of important health care reforms. Foremost is the reform to the TRICARE pharmacy benefit. The bill's provisions authorizing mail order, retail and non-network pharmacy access for Medicare-eligible retirees goes a long way toward affording greater health care access and affordability for military retirees. The bill helps us keep the promise of lifetime health care made to those service members.

Other major elements of the bill that are noteworthy include provision of adequate funding to support the Army's transformation to a lighter, more mobile force, the transition to the next generation of Nimitz-class aircraft carriers, and continued funding for tactical aircraft programs. This also makes significant investments in information technology and information infrastructure.

I do, however, want to express my disappointment, Mr. Chairman, with the language of the bill regarding the Island of Vieques. The best way to ensure that the Navy will have access to this important training area in the long run is to support the agreement worked out between the President and the Governor of Puerto Rico. This agreement gives the people of Vieques a voice in the future of the area and provides economic incentives to allow the Navy to continue live fire training there. The language in the Chairman's mark would do nothing short of gutting that agreement.

I know that all of us here today care deeply about the readiness of our Navy and Marine forces. I think it is fair to say there is generally a shared desire that this range be returned to its previous use. However, I believe that only through the implementation of the agreement between the President and the Governor of Puerto Rico will all sides to the dispute be accommodated and the range returned to the use of the military. I fear that the language in this mark will cause us to squander that opportunity, and I hope the Committee on Rules will make in order my amendment to correct this ill-advised provision.

Also, Mr. Chairman, I wish to express my disappointment thus far that the rule does not allow the amendment of the gentleman from Mississippi (Mr. TAYLOR) regarding military retirees and Medicare subvention. More about that later in the debate, but that is extremely important, and I hope that the second rule will include it.

On balance, this is a good bill. I believe Members should support it. I sincerely hope that the process under which the bill is considered will permit the House to work its will on important issues such as Medicare subvention and the Island of Vieques.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BATEMAN), the chairman of our Subcommittee on Military Readiness, and also the Merchant Marine Panel.

Mr. BATEMAN. Mr. Chairman, I thank the gentleman from South Carolina for yielding me time.

Mr. Chairman, I rise in support of the National Defense Authorization Act for Fiscal Year 2001, and am indeed very proud of the fact it is being named for the chairman of our full committee.

□ 1245

The committee has, once again, given the funding restraints it faced, done an outstanding job in fulfilling its role of oversight of the Department of Defense, and it has done its best to provide the necessary funding to improve readiness of our military forces.

Does this bill contain enough funding to fix all of our readiness problems? Unfortunately, no. Does the funding recommended in this bill take us in the

right direction toward improving readiness? Absolutely.

Mr. Chairman, the administration began to publicly express concern that military readiness was on the decline in October of 1998, though my subcommittee found very serious readiness problems as early as 1996. Since then, our military leaders have continued to report to Congress that the annual budget requests are significantly short of critical funding. Again, this year the budget request is over $16 billion short in many critical areas. Unfortunately for our military, the administration has once again provided a budget that is longer on rhetoric than it is on substance.

To address the shortages in the budget request, the committee carefully reviewed the unfunded requirements identified to us in the Congress by the Joint Chiefs of Staff, or the members of the Joint Chiefs of Staff. The committee review found that most of the unfunded requirements for day-to-day military operations are spare parts, depot maintenance and facility maintenance, accounts that should be fully funded every year.

Due to the successful efforts of the gentleman from South Carolina (Mr. SPENCE) and other Members of the committee, additional funds above the budget requests were made available for many of these pressing readiness imperatives.

I want to quickly outline those readiness areas of greatest concern where we were able to increase the level of funding beyond the President's request. The bill recommends an increase of $660 million for real property maintenance; $257 million for depot maintenance; $204 million for ship depot maintenance; $157 million for training and training range improvements; $91 million for war readiness materials so our military can deploy more rapidly and efficiently; and $45 million for deployment of spare parts for aircraft squadrons.

This bill provides for several readiness reporting initiatives that will assist military leaders to ensure that we maintain the best-trained, best-equipped and most effective force in the world. To do anything less will allow the readiness of our military to slip further and could risk the lives of countless men and women in every branch of the service.

Mr. Chairman, H.R. 4205 is a responsible, meaningful bill that fairly allocates resources for the sustainment of readiness and an improved quality of life for the men and women of our military forces. I strongly urge my colleagues to vote yes on this bill, vote yes to maintain military readiness.

I would like to thank the gentleman from Texas (Mr. ORTIZ), the ranking minority member of the subcommittee and, in fact, thank all the Members of the subcommittee who, throughout my tenure as its chairman, have made it possible for us to operate in a thoroughly and totally bipartisan manner. They have been truly partners in all that we have done, and also to thank very deeply and sincerely the staff of the subcommittee for their good work.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SANCHEZ), an outstanding member of our committee.

Ms. SANCHEZ. Mr. Chairman, as a member of the House Committee on Armed Services, I rise in strong support of the national defense authorization bill, H.R. 4205. I would like to thank the gentleman from South Carolina (Mr. SPENCE) and my ranking member, the gentleman from Missouri (Mr. SKELTON) and the committee staff for all the hard work they have done on this bill. This year's bill makes great strides towards improving modernization, quality of life and military readiness, all within the confines of the budget caps. One area I am particularly pleased with are the improvements we have made to military health care, and I would like to thank the gentleman from Indiana (Mr. Buyer) and the gentleman from Hawaii (Mr. ABERCROMBIE) for their exemplary work addressing health care shortcomings, specifically the TRICARE health care system and lack of permanent health care for the military retirees.

Although this bill makes significant inroads, there is still a lot of work that needs to be done. Recruiting and retention are becoming problematic, with fewer seeing the call to duty during these prosperous times. While this bill makes improvements in military compensation, do the younger service members fully understand the value of their total compensation, that beyond their basic pay? Benefits this Congress has worked hard to provide, such as health care, housing and retirement, have a significant value, and I hope that the Department of Defense will do a better job informing service members of the value of these and other benefits received.

Finally, I would like to bring attention to research and development funding. The gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Virginia (Mr. PICKETT) did heroic work in improving the R&D accounts, specifically science and technology. R&D is the future of this Nation's defense. We should not be stealing from our future to pay for the current year's shortfalls.

R&D is critical in maintaining the technological edge for combatting the growing and changing threats to this Nation's security. This bill restores R&D accounts to acceptable levels.

In closing, I commend all the committee chairs, ranking members, the staff for working within the confines of this budget resolution to produce a bipartisan bill that goes a long way towards strengthening our Nation's defense, and I urge my colleagues to support this bill.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CALVERT)

Mr. CALVERT. Mr. Chairman, I rise in support of H.R. 4205.

Mr. Chairman, I am in full support of this important legislation that honors our men and women serving our nation's armed services. I believe this bill properly addresses the needs of our servicemen and women by providing needed quality of life programs and revamping the procurement shortfalls our military has been suffering since the Kosovo campaign.

I am particularly thankful to Chairman SPENCE and the Armed Services Committee for their continued support of the C–17 Globemaster. This legislation contains language focusing on the aging C–141 aircraft fleet and replacing this aircraft with C–17's. This legislation directs the Secretary of the Air Force to consider placing C–17's at bases with reserve units, especially those that could accommodate a reverse-associated unit, like March Air Reserve Base in Riverside, CA.

Mr. Chairman, I believe this bill is good for U.S. servicemen and women, good for the national security needs of our country and a sound investment for the people of the United States.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HUNTER), the chairman of our Subcommittee on Military Procurement.

Mr. HUNTER. Mr. Chairman, I want to thank our chairman, the gentleman from South Carolina (Mr. SPENCE), for whom the bill is named, and our ranking member, the gentleman from Missouri (Mr. SKELTON) for the great bipartisan leadership that they gave us, and my great colleague and partner, the gentleman from Virginia (Mr. SISISKY), who worked with me on the Subcommittee on Military Procurement to try to do what was right for the troops.

One thing that we derived from our hearings was that we are still badly underfunded. Whether one ascribes to the GAO recommendation or their evaluation that we are $20 billion to $30 billion per year underfunded in modernization or Bill Perry, President Clinton's own Secretary of Defense, that it is somewhere closer to $15 to $20 billion, or even former Secretary Jim Schlesinger that it may be close to $100 billion per year short, we acknowledge that we are short, that we need to modernize the force and we have a lot of programs that are aging.

Now, we carried out a number of programs this year. It is a fairly vast piece of the defense bill. A couple of things that we worked on that were important were ammunition and precision munitions. We took the lessons of Kosovo and the most recent conflicts in which precision munitions, coupled with our tactical and long range aircraft and stealth aircraft that provided great power projection, so we tried to shore up the precision munition and ammunition accounts. We think that is important.

We preserve the submarine option for the next President; that is, if he feels that the 50 submarines that the administration is moving toward attack submarines is not enough, that he can retain some of the 688s that were going

to be decommissioned. So we left money in there for the early work on refueling for the 688s, refuelings that would allow them to continue to march, and also we left some early money in for changing the boomers, the so-called boomers, or the ballistic missile submarines, to cruise-missile carrying submarines. It gives us great power projection capability.

We sustained those options for the next President, should he decide to go in that direction.

We moved this extra money around and tried to solve as many of the $16 billion in shortages that the services gave us as we could with the money we had available.

I want to thank again the gentleman from Virginia (Mr. SISISKY) for his great partnership and help in getting that done.

So I would say to my colleagues, I think we at least held the bar without slipping this year. We need to put more money in next year. We are at least treading water. We are still very short in the procurement accounts, Mr. Chairman, but we are going to keep the wheels turning with this budget.

I would urge all Members to vote for this bill.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. SISISKY), the ranking member of the Subcommittee on Military Procurement.

(Mr. SISISKY asked and was given permission to revise and extend his remarks.)

Mr. SISISKY. Mr. Chairman, first of all, I would like to congratulate the chairman of the full committee. He has been chairman now, my chairman, for 6 years. The love for the military and the love for his State and his country has just shone through and I, on behalf of the people that I represent, want to thank him for his service, and also to the ranking member who has been very good and very easy to deal with.

I would like to follow the remarks of the gentleman from California (Mr. HUNTER) and say that I do not always find it easy to follow him, and I mean that in the kindest way, but in this case he has laid out a sound synopsis of the procurement title. As noted, we made a simple rule to govern consideration of changes to the President's budget: What does the military need? And that one question took precedence over all other considerations.

No House Member can be unaware of the high operational tempo that U.S. forces face around the globe. That tempo is hard for the troops, hard for their families, and hard for the equipment as well. We took it as a point of honor to give the military services what they told us they needed, not in the complete dollars, because we did not have the complete dollars, but I should note that in addition to an administration request for over $60 billion for procurement, with $2.6 billion added from the Committee on the Budget allocations, Members requested, that is, our Members here, $13 billion in potential add-ons.

Mr. Chairman, I compliment them on their devotion to national security and, of course, also their creativity, as the gentleman from California (Mr. HUNTER) well knows. I am pleased to assure my colleagues that the chairman and his staff were scrupulously fair in dealing with the minority Members throughout this process, and I believe that fairness is borne out by a lack of amendments seeking to make major changes in the work of the Subcommittee on Military Procurement.

I wish Americans who have a jaded view of Congress could see how this subcommittee works. It is bipartisan and it is fair.

Finally, I would like to thank the many Members on both sides of the aisle who voted to add funds, and that is the important thing to add funds, to this year's defense bill. They made it possible for this title to be both responsive to the needs of our service personnel and responsible to the taxpayers who support them.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. HEFLEY), who is the chairman of our Subcommittee on Military Installations and Facilities.

Mr. HEFLEY. Mr. Chairman, let me say I have been through several chairmen of this committee. I have been through chairmen that were partisan. I have been through chairmen that were contentious. I have never had a chairman like the gentleman from South Carolina (Mr. SPENCE), who can finesse this thing with courtesy and respect for every single Member of the committee, be they Democrat or Republican. I want to say thanks to the gentleman from South Carolina (Mr. SPENCE) for the way he has handled himself. He is a testimony of why we should not have terms limits for committee chairmen.

Beyond that, down to business, I rise in strong support of H.R. 4205. The authorizations for the military construction and military family housing programs of the Department of Defense for the fiscal year 2001 contained in this legislation continue a strong bipartisan approach to the efforts of this Congress to enhance living and working conditions for military personnel and their families and to improve facilities supporting the training and readiness of our armed forces.

I regret very much the lack of emphasis by the Department of Defense on what the record, most of which was developed through taking testimony from senior officials and the uniform leadership of the DOD and the military departments, clearly indicates is a crying need. This year's budget request continued the broad trend that began with fiscal year 1996 MILCON program. The Department of Defense requested fewer total dollars for these key infrastructure accounts that was enacted by the Congress the year before. The department's budget request of $8.03 billion for the MILCON program was 4 percent below current spending levels, and 5.5 percent below the levels authorized for appropriations in the current fiscal year.

□ 1300

More significantly, the budget request was 25 percent below the funding level requested by the Department for fiscal year 1996.

While the Department of Defense has consistently underfunded the military construction and military family housing programs, the House has played a key bipartisan role in addressing the needs of military personnel and their families.

In fact, just yesterday the House passed the Military Construction Appropriations Act for the coming year by a vote of 386 to 22. The gentleman from Ohio (Chairman HOBSON) and I have worked very closely to make sure our bills compliment each other, and I am grateful for his cooperation and hard work on our common approach to the MILCON program.

H.R. 4205 would continue our efforts both to provide additional investment in military infrastructure and to continue innovation in facilities acquisition and management. The bill would commit approximately $8.43 billion to the military construction and military family housing programs for the coming fiscal year.

Although we all would prefer to do more, we recognize the imperative to balance the unmet needs in the infrastructure arena with the additional and growing list of unfunded modernization, readiness, and personnel requirements confronting our military services.

In closing, I want to express again my appreciation to the members of the subcommittee, especially the ranking member, the gentleman from Mississippi (Mr. TAYLOR) and the committee who have contributed to our work this session.

I want to also express my deep appreciation again to the gentleman from South Carolina (Chairman SPENCE) for his steadfast efforts to increase the defense budget, and his willingness to support significant improvements in the MILCON program over the years.

This is truly a bipartisan effort, and I urge all of my colleagues to support this bill without reservation. It is a bill we can be proud of.

Mr. PICKERING. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 4205, the National Defense Authorization Act for fiscal year 2001. I want to specifically address the provisions of the bill relating to military readiness.

First, I would like to express my personal appreciation to the leadership of the Subcommittee on Military Readiness and my colleagues on both the

subcommittee and the full committee for their active participation, support, and cooperation in addressing critical readiness matters during this accelerated session, and also to the staff for doing a great job.

Let me say this, that even though the gentleman from South Carolina (Chairman SPENCE) is not retiring, he will not be the chairman of this Committee on Armed Services any longer but he will be a member of the committee, and we value his leadership and his input as we continue to address matters that pertain to service men and women.

My good friend, the gentleman from Virginia (Chairman BATEMAN) is retiring, but we wish him the best and thank him for his leadership.

The readiness provisions in the bill reflect some of the steps that I believe are necessary with the dollars available to make some of the improvements needed. But it still does not provide all that is needed. As I have said before, while the readiness of the force has shown some improvements in some areas, we are nowhere close to getting where we should be. Much more needs to be done if we are going to support our forces with the equipment and material they deserve to perform the missions that we require of them.

Also, I look forward to continuing to support the committee's effort to address two areas that have been neglected for a number of years, the readiness of our dedicated civilian employees and the modernization of our failing infrastructure.

Mr. Chairman, the readiness provisions in this bill represent a step in the right direction. They permit the Department to build upon the improvements that have been started in an area that is crucial to our national security.

I encourage my friends, all my colleagues, to vote for this bill. It is a good bill. It will do a lot for our troops.

Mr. SPENCE. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON), chairman of our Subcommittee on Military Research and Development.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the distinguished gentleman from South Carolina and my colleague, chairman and leader, for yielding time to me. I want to congratulate both he and the gentleman from Missouri (Mr. SKELTON) for an outstanding bill. It is certainly appropriate that we have named it after the gentleman from South Carolina (Chairman SPENCE). He is an outstanding patriot and American.

I want to pay tribute to the ranking member, the gentleman from Virginia (Mr. PICKETT). This is also his last bill, a distinguished patriot and a tireless advocate for the military, especially the Navy. He has been an outstanding co-director with me of our Subcommittee on Military Research and Development for 6 years. I am proud of the fact that in 6 years, Mr. Chairman, we have not had one split vote.

In all of our deliberations, in everything that is said about how Congress cannot get along, I think our subcommittee has demonstrated that we can work together. Even when there are disagreements, we try to find common ground. Even where there are funding disputes, we try to resolve those issues.

I extend my thanks to the distinguished gentleman from Virginia (Mr. PICKETT) for his cooperation and leadership. The people of Virginia will surely miss his leadership on these issues and other issues.

The chairman of the committee has done a great job in getting us some extra money. In the R&D area, we have been able to plus up the R&D portion of our bill by $1.4 billion over the President's request that has allowed us to fund things like cyberterrorism, information dominance, missile defense systems like THAAD, Navy area-wide, Navy upper tier.

We have been able to increase funding for technologies dealing with weapons of mass destruction, chemical and biological agents. Because of his leadership, we were able to increase funding for the basic research accounts, the 6–1, 6–2, and 6–3 account lines. That would not have happened without the chairman's leadership.

Mr. Chairman, we also have in this bill very important language that we worked out with the Permanent Select Committee on Intelligence asking that the CIA, the Defense Department, and the FBI come together in creating a national data fusion center so we can have an information intelligence capability in the 21st century that allows us to do data profiling, profiling of leaders, rogue groups, terrorist nations, to allow us to make the right decisions.

I want to thank my colleague and friend, the gentleman from New Jersey (Mr. ANDREWS). He has been one of our shining stars in the subcommittee in the area of cyberterrorism. I will be supporting him on legislation that he intends to offer on this bill later on in the process.

Mr. Chairman, this is a good bill. It is not as far as we would like to have gone, because we have shortfalls of dollars, but the chairman has done a commendable job and given us our basic support to meet the basic needs, albeit not all needs, of the military.

I applaud the chairman for the work he has done and the way he has done it, allowing Democrats and Republicans to work together without having significant dissension. In fact, our vote on the bill was the most bipartisan lopsided vote we have ever had, if I am not mistaken, in the history of the Committee on Armed Services. I think there was only one Member that actually voted against the bill when it came out of the committee. That is a tribute to the gentleman from South Carolina (Chairman SPENCE) and to the gentleman from Missouri (Mr. SKELTON).

I thank the chairman. Again I look forward to working with the chairman on the amendment process. All of our colleagues should support this bill without hesitation. It is a good bill. It provides for basic support for our troops. It does not solve all the dollar questions. The next administration is going to have a terrible problem trying to rectify those issues, but there is a good start. I urge my colleagues to vote yes.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. PICKETT).

Mr. PICKETT. Mr. Chairman, I thank the gentleman for yielding time to me, and rise in strong support of H.R. 4205.

Also, I congratulate the gentleman from South Carolina (Chairman SPENCE) and ranking member, the gentleman from Missouri (Mr. SKELTON), for their leadership in putting together an excellent authorization bill.

Let me also thank the gentleman from Pennsylvania (Mr. WELDON), the chairman of the Subcommittee on Military Research and Development, for his leadership in that portion of the bill. As ranking member on this panel, it has been a pleasure to work with him.

With additional resources provided for each of the services and the various defense-wide accounts, this legislation, in my estimation, brings us one step closer to fielding a lighter, leaner, stealthier, more mobile, more precise, and more lethal military capability.

The actions proposed in H.R. 4205 will mean that leap-ahead technologies will be fielded sooner, and that the investment strategy embraced will enable our Nation to field a robust force with a better chance of avoiding technological surprise in the future.

Let me particularly commend the gentleman from Pennsylvania (Chairman WELDON) for supporting additional resources for Apache upgrades, Navy theater-wide accounts, and a precision-guided miniaturized munitions capability for future air-to-ground missions.

These initiatives will leverage other programs funded at the levels requested by the administration. I am, of course, speaking of programs such as DD–21, Joint Strike Fighter, F–22, Chinook, Comanche, and LOSAT, just to name a few.

I am also pleased to report that the committee has authorized the full budget requested for all advanced concept technology demonstrations. These demonstrations offer significant promise for fielding improved capabilities in a timely fashion.

I urge my colleagues to vote for this bill. A vote in the affirmative will be a

vote in favor of all U.S. uniformed personnel and in support of fielding a technologically superior military capability.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER), the chairman of our Subcommittee on Military Personnel.

Mr. BUYER. Mr. Chairman, I thank the gentleman from South Carolina, the chairman, for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 4205. This bill addresses many of the most difficult national security challenges facing the Nation.

In particular, the military personnel titles of H.R. 4205 meet two major national security challenges head on. First, it reforms the military health care system so it can promote, not detract, from readiness, recruiting, and retention. The bill breaks down numerous barriers to access for active and retired military individuals and their families, and it restores access to a nationwide prescription drug benefit for 1.4 million military retirees over the age of 65.

It sets the stage for providing Medicare-eligible military retirees a permanent health care program in fiscal year 2004, and adds more than $280 million to the defense health programs to fund new benefits. It also promotes reforms that will save more than $500 million over 5 years.

The Subcommittee on Military Personnel conducted hearings, and what we learned was that in TRICARE, it is costing us $78 a claim to process that claim. When we have 39 million claims, that is a lot of money. In Medicare, it costs us 80 cents to $1 to process one claim, so just do the easy math. Over a 5-year period, if we actually can get them to enact the best business practices and move to online billing, we can save over $500 million, and take those monies and pour them back into the health program. It is the right thing. It is pretty exciting that we are able to do this.

The bill also aggressively attacks the major challenge of sustaining the viability of America's all volunteer military force. Therefore, the bill contains numerous recommendations for improved pay, bonuses, benefits, that continue the broad-based approach that Congress undertook last year.

We also target certain specific problems like recruiting and retention, and with regard to the food stamp program.

In short, this bill provides a strong, comprehensive set of initiatives that go to the heart of fixing some of the toughest problems confronting our military today. I urge all Members to support the bill.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to take this opportunity to compliment the gentleman from Indiana (Mr. BUYER), particularly on that part of the markup involving prescription drugs and the work the gentleman did overall to help this move forward. Of course, we do not agree on whether it went far enough, but I compliment the gentleman on a major step in that direction. We thank the gentleman for that.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I thank the ranking member for yielding time to me.

I am very pleased and honored to rise in support of the aptly named Floyd D. Spence defense authorization bill. I congratulate our chairman on his service to our country. I thank my friend and ranking member, the gentleman from Missouri (Mr. SKELTON), for his leadership.

I also extend, as a member of the Subcommittee on Military Research and Development, my appreciation to the gentleman from Pennsylvania (Chairman WELDON) and the ranking member, the gentleman from Virginia (Mr. PICKETT).

Throughout our history, when things seemed to be most safe for our country, we seemed to get into the most trouble. When we seem to be at the apex of our power, we seem to be most subject to risk. I believe that this bill, which is worthy of support, moves us in a direction of avoiding that mistake this time.

The world is not placid and we are not secure if we ignore the need to provide for the common defense. This bill does that in three very important ways. First, it does provide for nearly $40 billion in research and development funds that will assure us that the best technology deployed in the most intelligent way will be at our disposal for years to come.

Second, it recognizes that the most important aspect of our armed forces and defense structure is the people who work in those forces. Keeping those people is a function of what we pay them and how we retain them. The increase in pay, the steps forward in benefits for retirees, are important, positive steps in that direction. I salute the committee for that.

I would urge the committee to later accommodate the Medicare subvention proposal of the gentleman from Mississippi (Mr. TAYLOR) in the second rule.

Finally, I am pleased that this legislation includes legislation that I, along with the gentleman from Pennsylvania (Chairman WELDON), introduced that will provide us protection against cyberterrorist attacks in our most vulnerable places, the air traffic control system, the banking system, the 911 system.

For the first time, this bill contains language that provides for a modest loan guarantee program that will help the private sector provide protection against those risks. I support the bill.

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Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. MCHUGH), who is chairman of the MWR panel. For those who do not know what that means, that is the Morale, Welfare and Recreation panel.

Mr. MCHUGH. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, let me begin by adding my words of deep admiration and appreciation to Chairman SPENCE. This naming of the bill in his honor is the most appropriate act. Frankly, it does not even begin to reflect the dedication that he has brought to the committee and to its efforts, and I salute him.

I also want to thank our ranking member, the gentleman from Massachusetts (Mr. MEEHAN), and the ranking member of the full committee, the gentleman from Missouri (Mr. SKELTON), and their never-ending, untiring efforts to working in a bipartisan way to produce what, as we are hearing on this floor today, is a very, very fine bill.

As the Chair mentioned, I want to discuss for a moment the provisions in the bill that do pertain to morale, welfare and recreation activities of the Department of Defense and the military service.

I think it is fair to say that all Members of this great body support their troops and their families, and that certainly is a very, very good thing. We can make a difference in the lives of young military families from each of our districts, as well as retirees across the country by supporting this bill.

The legislation takes decisive action to protect a critical and highly-valued benefit for our troops, namely the commissaries. Lost in the discussions about food stamps is the fact that each military base operates a grocery store that sells name-brand products to our military men and women at substantial discounts.

This long-standing military benefit has been endangered by a serious lack of funding for store modernization. It was primarily caused by the insidious drains on the building fund initiated by the Pentagon. This bill firmly shuts those loopholes and protects the commissary benefit well into the future.

Mr. Chairman, the committee has also included other measures as well, that serve notice on the Department of Defense that inadequate defense budgets cannot be shorn up by using funds that properly belong to the troops.

This is an issue that has been a continuing battle and that all of us on the committee have championed and through the adoption of this bill. It is a fight we can effectively wage in the future.

Mr. Chairman, I urge my colleagues to support this bill.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, let me begin by complimenting the gentleman from South Carolina (Chairman SPENCE). I think it is very appropriate that the bill is named after him. He is truly a gentleman who has been a great patriot and a great Congressman.

The bill overall does a heck of a lot of good things. The bill, unfortunately, fails to address adequately the problem of dealing with health care fraud and the Nation's military retirees. It is for that reason that eight of us, Democrats and Republicans alike, went to the Committee on Rules and asked for an opportunity to have an up or down vote on the prospect of Medicare subvention for our Nation's military retirees.

Unfortunately, the Committee on Rules has failed to even vote on that. For the citizens who are watching, we have but one chance a year to change that. Medicare subvention involves Medicare. It involves something going out of the Committee on Commerce, and it involves Armed Services. So we really only have one chance a year to address that, and that is today.

Mr. Chairman, and it is for that reason if by 2 p.m., the Committee on Rules has not ruled on this amendment and giving the Members an opportunity to vote on it, I will begin a series of procedural moves to tie up the House of Representatives, because all we are asking for is for the sake of those people who served our Nation so well for 20 years or more in horrible places away from their families, all we are asking for is the opportunity for 435 Members of Congress to decide whether or not we are going to improve their health benefits and give them what they were promised.

We just want an up or down vote, and this is the only chance we get all year long to do that. If we do not get it today, we do not get it at all; otherwise, it is a wonderful bill.

I am looking forward to the opportunity that once we further address health care needs for military retirees, to support it. But until then, we want an up or down vote of giving to our Nation's military retirees that what was promised to them so many years ago.

Mr. SPENCE. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I have great respect for the gentleman that just spoke, but I extend my even greater admiration to the chairman of the full committee, who extended the ability of this committee to finally put our arms around all of those demo programs.

This bill provides the road map actually to extend and remove these barriers and extend that benefit the military retiree is entitled to. Any Member can stand in this well and embrace the military retiree and the Veteran, it is easy. But how do we finally put our arms around all of these demos and actually deliver the right program that is in the best interests? That is what this bill lays out, the road map, and I thank the chairman for giving me the ability to do that.

Mr. SKELTON. Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Chairman, I rise today to voice my strong support of H.R. 4205, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

Before I speak to the bill itself, I feel it is important to recognize the outstanding work of six very distinguished Members of our Committee on Armed Services. We will certainly miss the gentleman from Ohio (Mr. KASICH), the gentleman from Virginia (Mr. BATEMAN), the gentleman from Missouri (Mr. TALENT), the gentleman from Virginia (Mr. PICKETT) and the gentlewoman from Florida (Mrs. FOWLER). I applaud their great work and their tireless work on behalf of the men and women in uniform, and I wish them the very best.

Mr. Chairman, I believe it is fitting that this bill will bear the name of our distinguished chairman, the gentleman from South Carolina (Mr. SPENCE). He has guided us through recent lean years and his leadership and tenacity has resulted in our men and women in uniform ending up every year more than what had been proposed at the outset.

Some have been quick to scream pork, but everyone on this committee, Mr. Chairman, knows what shape our military would be in if those funding victories had not been won.

Mr. Chairman, I applaud the gentleman from South Carolina (Chairman SPENCE), the subcommittee chairman and their staffs for the hard work they put in to securing the $4.5 billion additional funding.

I urge my colleagues to support this bill, and I appreciate the chairman for yielding me the time.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to talk about the young men and the young women in uniform. Largely based upon what the gentleman from Mississippi (Mr. TAYLOR) has said, this is one time a year when we consider the defense bill. It is our time to tell them, through our words and through our votes, that they are important to us; that those in uniform who sacrificed daily, hard training away from home, away from family, pay could probably be better, although we have done better here in Congress lately, all of those items cause us to have the deep admiration for the young men and women in uniform.

True, there are series challenges when it comes to recruiting and serious challenge when it comes to retention, but I hope this bill this year will give added confidence to those who are considering joining the military and to those who are in the military to look at as possible because they are so important to our country, so important to the future of this grand democracy and this land that is known as the grandest civilization ever known in the history of mankind.

But I have a concern, Mr. Chairman, that because of the victory in the Cold War, because fewer and fewer families are being touched by sons and daughters and cousins and aunts and uncles who wear the uniform, that the fact that there is a need for a strong national security might be out of sight, out of mind.

So this is our one chance to say on this floor to those folks who serve us well, whether they be in Bosnia, Kosovo, aboard ship, in the Far East or here in one of the posts or camps or bases in this country, that we appreciate their efforts; that we hope that the work that we do today will meet with their approval; that they will continue to serve and those that are considering serving will think possibly upon the challenges of the military.

Mr. Chairman, it is a true opportunity for those of us who serve on this committee to work with and for the young people. And many of us make trips to visit with them aboard the ship at the post, the bases. I had the opportunity along with my wife, Susie, to have Thanksgiving dinner in Bosnia and Kosovo with the young folks, and they are tremendous.

The morale is good. We hope to keep those folks doing what they do so well for our country, and this is our one chance in this bill, this bill named after the gentleman from South Carolina (Mr. SPENCE÷), our chairman, that we can give added confidence to those young people who are in uniform to let them know that we work with them and for them, and that we wish them continued success as they serve the United States of America.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to another good member of our committee, an able Member, the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in strong support of the Floyd D. Spence National Defense Authorization Act. Over the past 8 years, the current administration has not only cut defense spending in our military, the readiness of our force has been permitted to deteriorate. This is unfortunate. It is unacceptable.

Thankfully, the defense authorization bill today before us continues the Congress' effort to rebuild our military and improve the quality of life of our military personnel and their families.

Specifically, I am pleased that this bill authorizes funding for several electronic warfare initiatives, which is very important to the defense of our aircraft, most notably, the funding for upgrades in the EA–6B Prowler. The Prowler fleet is over-committed and aging fast. Maintenance is frequently deferred.

Mr. Chairman, the U.S. military supremacy in the 21st century promises to be even more dependent upon control of the EW spectrum, than it was in the past few decades. Unfortunately, EW requirements are often overlooked, and this is not the case in this authorization bill.

I thank the gentleman from South Carolina (Chairman SPENCE) for his support of the vital electronic warfare assets and capabilities in this bill, and I urge support of the bill.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON. Mr. Chairman, I rise in support of this legislation. And I want to commend our distinguished chairman, the gentleman from South Carolina (Mr. SPENCE) and, of course, the great leadership of the gentleman from Missouri (Mr. SKELTON) as well.

This is an important bill in so many respects, but I rise this afternoon concerned about a very important segment, a segment that addresses the concern of veterans and their health care and the benefits that they so richly have earned and deserved.

This committee has distinguished itself in the nature of its bipartisan accord and the way that we have been able to come together around important issues that concern this Nation's defense and the quality of life that is needed within our military.

But at the heart of what this committee has stood for is a morale commitment to those men and women who wear the uniforms. I stand in support of this bill and hope that we address the concerns raised by the gentleman from Mississippi (Mr. TAYLOR).

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from the Georgia (Mr. CHAMBLISS).

(Mr. CHAMBLISS asked and was given permission to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Chairman, I rise in strong support of the Floyd Spence National Defense Authorization Act. Mr. Chairman, for 7 years, America's Armed Forces has suffered the strain of doing more with less. Funding shortfalls have left a legacy of readiness problems that plague our military on a daily basis.

This bill not only provides a pay raise for our troops, but we enhance health care benefits and improve the quality of life for our military men and women and their families who sacrificed daily to protect and defend America's freedom.

Mr. Chairman, we must invest in technologically-advanced equipment that our soldiers, sailors and airmen will need to meet the national security challenges of the 21st century. Aircraft like JSTARS, the C–17, C–130J and the F–22 are critical platforms that will help ensure successful military missions from Korea to Kosovo.

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Every day our military men and women risk their lives to provide us with peace of mind and a safe Nation. It is crucial we repay their sacrifices by providing them with the resources and supports they deserve. After all, the price of freedom is eternal vigilance, and this bill is critical to meeting that challenge. I urge my colleagues to support this very important bill.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

(Mr. SWEENEY asked and was given permission to revise and extend his remarks.)

Mr. SWEENEY. Mr. Chairman, I want to thank the ranking member, the gentleman from Missouri (Mr. SKELTON), and the great chairman, the gentleman from South Carolina (Mr. SPENCE), and particularly the gentleman from California (Mr. HUNTER) for their hard work and dedication in developing the defense authorization for fiscal year 2001.

I also want to thank the gentleman from Illinois (Mr. EVANS) for his leadership in the arms initiative, and my neighbor, the gentleman from New York (Mr. MCNULTY), for working with me to secure the future of the Watervliet Arsenal, which serves the 21st and 22nd Congressional District in upstate New York.

I am pleased to point out that H.R. 4205 dedicates $3.6 million for the storage and maintenance of laid away equipment and facilities at Hawthorne Army Depot in Rock Island and the Watervliet Arsenal. These arsenals are an asset to our military and our region.

It is important to expand the arms initiative to allow for the option of attracting commercial tenants to these arsenals. I am incredibly thankful for the help of this committee and its great work.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. SWEENEY. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I just want to thank the gentleman for his great leadership on behalf of his constituents and the U.S. Armed Forces for helping to put this thing together. He did a lot of great work on it and we appreciate it.

Mr. SWEENEY. Reclaiming my time, Mr. Chairman, I thank the gentleman from California (Mr. HUNTER) for his kind words.

Mr. Chairman, this is vital to our national security, and I have to tell my colleagues that, as a representative of the people who have given their lives to this facility, it is important to their lives, and I want to really thank all my colleagues very much for the hard work they have put in, and thanks again to the ranking member for yielding me this time.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), our top gun on another committee now, but he was on our committee at one time.

And I also wish to thank, Mr. Chairman, the ranking member, the gentleman from Missouri (Mr. SKELTON), for yielding some of his time to our people, as I do not have enough time left.

Mr. CUNNINGHAM. Mr. Chairman, first of all, there are no better committees that one can serve on than the authorization or appropriations defense committee. Once we get to the floor, that is different, because there are those people that do not support national security.

Mr. Chairman, I want to talk about the health care issue. And if the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Missouri (Mr. SKELTON) would listen, this is important.

The subvention bill is my bill, my original bill. I put it through to get 100 percent of coverage for the subvention that the gentleman from Mississippi wants to do. But I want to tell my colleagues that, even though it is my bill, and I have the most to gain, I would love to have the veterans saying, ''DUKE CUNNINGHAM's bill is out there and it is 100 percent,'' it has its limitations. If someone lives close to a hospital, then subvention is good, but it is just a Band-Aid.

I put it in because we were not doing enough for our veterans and we could not get movement. Tri-Care is the same thing. We could go ahead and make that 100 percent right now, but I want to take care of those veterans that are in the rural areas who do not have access to Tri-Care or subvention. If we do this, we could mess up the whole program and what we are trying to do to help veterans.

Do not demagogue the issue with the Democrat leadership. And those people that support what the gentleman from Mississippi (Mr. TAYLOR) is doing are mistaken.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I want to thank the gentleman from Missouri for yielding to me, and I rise in support of H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001.

Mr. Chairman, I want to thank the Chairman of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services, the gentleman from Colorado (Mr. HEFLEY), for his work to include a land transfer of the former Army Reserve Center in Winona, Minnesota, to the Winona State University Foundation.

Winona State University is in desperate need of student housing, and the City of Winona has a family home shortage as well and a severe parking problem. The former Reserve Center property can help solve these problems by development into student housing and parking. Also, the University's foundation is developing an agreement to transfer the former Reserve Center's building to the American Legion Post 9 and the Veterans of Foreign Wars Post 1287, showing a tremendous amount of cooperation between these fine organizations.

This project enjoys enormous support from the community. Resolutions were passed by the city and county, and letters of support have been sent to me by

State and local officials and members of the community. This land conveyance to the Winona State University Foundation is the best possible use for these facilities.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume to add a postscript to the very, very hard working staff of the Committee on Armed Services. Without exception, they do yeomen's work, and we would not be where we are today but for their bipartisan, lengthy, arduous efforts. So I wish to just salute them for the work they have done to help us get to this point in this very important legislation.

Mrs. TAUSCHER. Mr. Chairman, I want to take this opportunity to express my support for the Enhancement of Authority of Military Departments to Lease Non-Excess Property that is found in Section 2812 of the Mark. The changes in this section will give military departments the needed leasing flexibility to ensure that the men and women on our military installations have ready access to important institutions, such as their credit unions, and the services they provide. By allowing these services and this use of the property to count as in-kind consideration for the lease, military departments may treat credit unions on military property much the same as credit unions on other Federal property and effectively charge them a nominal fee to lease land to build facilities to serve military personnel.

Mrs. THURMAN. Mr. Chairman, thank you for this opportunity to talk about an issue that I have been working on for years—access to prescription drugs for our military retirees.

I am pleased to support Section 721 H.R. 4205, the National Defense Authorization Act for FY 2001. I am especially pleased that this section includes the TRICARE Senior Pharmacy Program which will enable our military retirees to have easy access to necessary prescription drugs. I have been working on this issue for years and am glad that the Committee recognizes the important need to ensure that our military retirees have access to necessary and often life-saving pharmaceuticals.

The TRICARE Senior Pharmacy program would ensure that all Medicare-eligible military retirees and eligible family members would enjoy the same pharmacy benefit that military retirees under the age 65 receive through the TRICARE program. In particular, they would have access to the national mail order program and prescription drugs through both network and out-of-network retail pharmacies.

Last year, I was pleased that the Committee included in the FY 2000 Defense Authorization bill language, that I originally authored, which required DOD to conduct a demonstration program of the military pharmacy program in two TRICARE regions. The demonstration program is currently going on in Okeechobee, Florida, and Fleming, Kentucky. But, we need to ensure that all eligible military retirees have access to prescription drugs, not just a lucky few.

Before they reach 65, retired military are eligible for mail order prescription drugs through TRICARE. Once they reach age 65 and come under Medicare, they lose that mail-order benefit. They get prescription drugs only if they live near a military base. For many military retirees, going on Medicare effectively ends their prescription drug coverage.

We have an obligation to keep the promises that were made to the men and women who dutifully served our country. Out of respect and appreciation for their sacrifices, we must provide our military retirees good, affordable health care in their older years. That includes affordable prescription drug coverage. We made a promise, and it is time that we honored that promise. Today, we are taking one step closer toward fulfilling a promise to our nation's servicemen and women with the expanded mail-order TRICARE drug program for military retirees.

It is also good to know that my colleagues from both sides of the aisle on the Armed Services Committee recognize the importance of getting the best price for our seniors. Under this provision, the prices for these drugs will be negotiated by a government agency to ensure that we get the best price available to other favored customers.

I urge my colleagues to support this legislation and cast a vote in support of a pharmaceutical benefit for our military retirees.

Mr. OXLEY. Mr. Chairman, I rise in full support of H.R. 4205 and thank Chairman SPENCE, Ranking Member SKELTON, and the Armed Services Committee for the great work in putting together this legislation. They are to be commended for expertly balancing our national security interests with very unforgiving budget constraints.

Even though the Army, in my opinion, has shortsightedly threatened the superiority of our heavy forces by terminating the Heavy Assault Bridge program, the Committee is wisely supporting the bridge and the most superior tank in the world, the M1A2 Abrams.

The M1A2 Abrams System Enhancement Program (SEP) tank is a major component of the Army's heavy forces and will remain so through the year 2020. I am pleased the committee matches the President's request of $512.8 for M1A2 SEP Abrams tanks. The committee also recommends $55 million ($18.9 million more than the President's request) for M1 Abrams tank modifications.

The Wolverine Heavy Assault Bridge (HAB) is a mobile bridge deployable in five minutes, retrievable in less than ten minutes, and can support 70-ton vehicles. Like the Grizzly Breacher, the President's budget terminated this program to pay for Army Transformation efforts, even though Congress has provided multi-year procurement authority and additional funds for HAB in recent years. It is the top unfunded modernization requirement of the Chief of Staff of the Army for fiscal year 2001. To restore this program, the committee recommends $59.2 million for 12 HABs and $13.1 million for advance procurement of HABs in fiscal year 2002.

I urge all my colleagues to support this vital legislation.

Mrs. FOWLER. Mr. Chairman, I strongly support the bill before us today, which contains a badly needed $4.5 billion increase over the President's 2001 request for defense.

Most importantly, the committee supported significant improvements in the quality of life of our men and women in uniform. This bill would increase troop pay by 3.7 percent; increase housing benefits for troops living off-base; address serious deficiencies in the military health care system; enhance recruitment and retention incentives; and provide additional funding for military housing and child development centers. It also provides up to $500 per month in supplemental assistance to military families at the greatest level of economic stress, a move that will take some 1,100 military families off Food Stamps.

In addition to these critical steps, the bill provides another $1.4 billion for critical readiness accounts; $2.7 billion for key modernization efforts, including $85 million more for national missile defense; and $400 million in military construction enhancements.

Mr. Chairman, I congratulate the Chairman and Ranking Member on this excellent bill, and urge its support.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). All time for general debate has expired.

Pursuant to rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment, and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H. R. 4205

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

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001''.

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

(1) Representative Floyd D. Spence of South Carolina was elected to the House of Representatives in 1970, for service in the 92d Congress, after serving in the South Carolina legislature for 10 years, and he has been reelected to each subsequent Congress.

(2) Representative Spence came to Congress as a distinguished veteran of service in the Armed Forces of the United States.

(3) Upon graduation from college in 1952, Representative Spence was commissioned as an ensign in the United States Naval Reserve. After entering active duty, he served with distinction aboard the USS CARTER HALL and the USS LSM–397 during the Korean War and later served as commanding officer of a Naval Reserve Surface Division and as group commander of all Naval Reserve units in Columbia, South Carolina. Representative Spence retired from the Naval Reserve in 1988 in the grade of captain, after 41 years of dedicated service.

(4) Upon election to the House of Representatives, Representative Spence became a member of the Committee on Armed Services of that body. During 30 years of service on that committee (four years of which were served while the committee was known as the Committee on National Security), Representative Spence's contributions to the national defense and security of the United States have been profound and long lasting.

(5) Representative Spence served as chairman of that committee while known as the Committee on National Security during the 104th and 105th Congresses and serves as chairman of that committee for the 106th Congress. In addition, Representative Spence served as the ranking minority member of the Committee on Armed Services during the 103d Congress.

(6) Dozens of awards from active duty and reserve military, veterans service, military retiree, and industry organizations and associations have recognized the distinguished character of Representative Spence's service to the Nation.

(7) Representative Spence has been a leading figure in the debate over many of the most critical military readiness, health care, recruiting,

and retention issues currently confronting the Nation's military. His concern for the men and women in uniform has been unwavering, and his accomplishments in promoting and gaining support for those issues that preserve the combat effectiveness, morale, and quality of life of the Nation's military personnel have been unparalleled.

(8) During his tenure as chairman of the Committee on National Security and the Committee on Armed Services of the House of Representatives, Representative Spence has—

(A) led efforts to identify and reverse the effect that declining resources and rising commitments have had on military quality of life for service members and their families, on combat readiness, and on equipment modernization, with a direct result of those diligent efforts and of his willingness to be an outspoken proponent for America's military being that Congress has added nearly $50,000,000,000 to the President's defense budgets over the past five years;

(B) been a leading proponent of the need to expeditiously develop and field a national missile defense to protect American citizens and forward deployed military forces from growing ballistic missile threats;

(C) advocated reversing the growing disparity between actual military capability and the requirements associated with the National Military Strategy; and

(D) led efforts in Congress to reform Department of Defense acquisition and management headquarters and infrastructure and business practices.

(9) This Act is the 30th annual authorization bill for the Department of Defense for which Representative Spence has taken a major responsibility as a member of the Committee on Armed Services of the House of Representatives (including four years while that committee was known as the Committee on National Security).

(10) In light of the findings in the preceding paragraphs, it is altogether fitting and proper that this Act be named in honor of Representative Floyd D. Spence of South Carolina, as provided in subsection (a).

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

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

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

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Defense Inspector General.
Sec. 106. Chemical demilitarization program.
Sec. 107. Defense Health Program.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority.
Sec. 112. Increase in limitation on number of Bunker Defeat Munitions that may be acquired.
Sec. 113. Armament Retooling and Manufacturing Support Initiative.

Subtitle C—Navy Programs

Sec. 121. Submarine force structure.
Sec. 122. Virginia class submarine program.
Sec. 123. Retention of configuration of certain Naval Reserve frigates.
Sec. 124. Extension of multiyear procurement authority for Arleigh Burke class destroyers.

Subtitle D—Air Force Programs

Sec. 131. Annual report on operational status of B–2 bomber.

Subtitle E—Joint Programs

Sec. 141. Study of production alternatives for the Joint Strike Fighter program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

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

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. High energy laser programs.
Sec. 212. Management of Space-Based Infrared System—Low.
Sec. 213. Joint strike fighter.

Subtitle C—Ballistic Missile Defense

Sec. 231. Funding for fiscal year 2001.
Sec. 232. Sense of Congress concerning commitment to deployment of National Missile Defense system.
Sec. 233. Reports on ballistic missile threat posed by North Korea.
Sec. 234. Plan to modify ballistic missile defense architecture to cover intermediate-range ballistic missile threats.
Sec. 235. Designation of Airborne Laser Program as a program element of Ballistic Missile Defense program.

Subtitle D—Other Matters

Sec. 241. Recognition of those individuals instrumental to naval research efforts during the period from before World War II through the end of the Cold War.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

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

Subtitle B—Environmental Provisions

Sec. 311. Payment of fines and penalties imposed for environmental violations.
Sec. 312. Necessity of military low-level flight training to protect national security and enhance military readiness.
Sec. 313. Use of environmental restoration accounts to relocate activities from defense environmental restoration sites.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 321. Use of appropriated funds to cover operating expenses of commissary stores.
Sec. 322. Adjustment of sales prices of commissary store goods and services to cover certain expenses.
Sec. 323. Use of surcharges for construction and improvement of commissary stores.
Sec. 324. Inclusion of magazines and other periodicals as an authorized commissary merchandise category.
Sec. 325. Use of most economical distribution method for distilled spirits.
Sec. 326. Report on effects of availability of slot machines on United States military installations overseas.

Subtitle D—Performance of Functions by Private-Sector Sources

Sec. 331. Inclusion of additional information in reports to Congress required before conversion of commercial or industrial type functions to contractor performance.
Sec. 332. Limitation on use of funds for Navy Marine Corps intranet contract.

Subtitle E—Defense Dependents Education

Sec. 341. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 342. Eligibility for attendance at Department of Defense domestic dependent elementary and secondary schools.

Subtitle F—Military Readiness Issues

Sec. 351. Additional capabilities of, and reporting requirements for, the readiness reporting system.
Sec. 352. Reporting requirements regarding transfers from high-priority readiness appropriations.
Sec. 353. Department of Defense strategic plan to reduce backlog in maintenance and repair of defense facilities.

Subtitle G—Other Matters

Sec. 361. Authority to ensure demilitarization of significant military equipment formerly owned by the Department of Defense.
Sec. 362. Annual report on public sale of certain military equipment identified on United States Munitions List.
Sec. 363. Registration of certain information technology systems with chief information officer.
Sec. 364. Studies and reports required as precondition to certain manpower reductions.
Sec. 365. National Guard assistance for certain youth and charitable organizations.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent end strength minimum levels.
Sec. 403. Adjustment to end strength flexibility authority.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Increase in numbers of members in certain grades authorized to be on active duty in support of the Reserves.

Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—General Personnel Management Authorities

Sec. 501. Authority for Secretary of Defense to suspend certain personnel strength limitations during war or national emergency.
Sec. 502. Authority to issue posthumous commissions in the case of members dying before official recommendation for appointment or promotion is approved by secretary concerned.
Sec. 503. Technical correction to retired grade rule for Army and Air Force officers.

Sec. 504. Extension to end of calendar year of expiration date for certain force drawdown transition authorities.
Sec. 505. Clarification of requirements for composition of active-duty list selection boards when reserve officers are under consideration.
Sec. 506. Voluntary Separation Incentive.
Sec. 507. Congressional review period for assignment of women to duty on submarines and for any proposed reconfiguration or design of submarines to accommodate female crew members.

Subtitle B—Reserve Component Personnel Policy

Sec. 511. Exemption from active-duty list for reserve officers on active duty for a period of three years or less.
Sec. 512. Exemption of reserve component medical and dental officers from counting in grade strengths.
Sec. 513. Continuation of officers on the reserve active status list without requirement for application.
Sec. 514. Authority to retain reserve component chaplains and officers in medical specialties until specified age.
Sec. 515. Authority for temporary increase in number of reserve component personnel serving on active duty or full-time National Guard duty in certain grades.
Sec. 516. Authority for provision of legal services to reserve component members following release from active duty.
Sec. 517. Entitlement to separation pay for reserve officers released from active duty upon declining selective continuation on active duty after second failure of selection for promotion.
Sec. 518. Extension of involuntary civil service retirement date for certain reserve technicians.

Subtitle C—Education and Training

Sec. 521. College tuition assistance program for pursuit of degrees by members of the Marine Corps Platoon Leaders Class program.
Sec. 522. Review of allocation of Junior Reserve Officers Training Corps units among the services.
Sec. 523. Authority for Naval Postgraduate School to enroll certain defense industry civilians in specified programs relating to defense product development.

Subtitle D—Decorations, Awards, and Commendations

Sec. 531. Authority for award of the Medal of Honor to Andrew J. Smith for valor during the Civil War.
Sec. 532. Authority for award of the Medal of Honor to Ed W. Freeman for valor during the Vietnam Conflict.
Sec. 533. Consideration of proposals for posthumous or honorary promotions or appointments of members or former members of the Armed Forces and other qualified persons.
Sec. 534. Waiver of time limitations for award of Navy Distinguished Flying Cross to certain persons.
Sec. 535. Addition of certain information to markers on graves containing remains of certain unknowns from the U.S.S. ARIZONA who died in the Japanese attack on Pearl Harbor on December 7, 1941.
Sec. 536. Sense of Congress regarding final crew of U.S.S. INDIANAPOLIS.
Sec. 537. Posthumous advancement of Rear Admiral (retired) Husband E. Kimmel and Major General (retired) Walter C. Short on retired lists.
Sec. 538. Commendation of citizens of Remy, France, for World War II actions.

Subtitle E—Military Justice Matters

Sec. 541. Recognition by States of military testamentary instruments.
Sec. 542. Probable cause required for entry of names of subjects into official criminal investigative reports.
Sec. 543. Collection and use of DNA identification information from violent and sexual offenders in the Armed Forces.
Sec. 544. Limitation on Secretarial authority to grant clemency for military prisoners serving sentence of confinement for life without eligibility for parole.
Sec. 545. Authority for civilian special agents of military department criminal investigative organizations to execute warrants and make arrests.

Subtitle F—Other Matters

Sec. 551. Funeral honors duty compensation.
Sec. 552. Test of ability of reserve component intelligence units and personnel to meet current and emerging defense intelligence needs.
Sec. 553. National Guard Challenge program.
Sec. 554. Study of use of civilian contractor pilots for operational support missions.
Sec. 555. Pilot program to enhance military recruiting by improving military awareness of school counselors and educators.
Sec. 556. Reimbursement for expenses incurred by members in connection with cancellation of leave on short notice.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 2001.
Sec. 602. Revised method for calculation of basic allowance for subsistence.
Sec. 603. Family subsistence supplemental allowance for low-income members of the Armed Forces.
Sec. 604. Calculation of basic allowance for housing for inside the United States.
Sec. 605. Equitable treatment of junior enlisted members in computation of basic allowance for housing.
Sec. 606. Basic allowance for housing authorized for additional members without dependents who are on sea duty.
Sec. 607. Personal money allowance for senior enlisted members of the Armed Forces.
Sec. 608. Allowance for officers for purchase of required uniforms and equipment.
Sec. 609. Increase in monthly subsistence allowance for members of precommissioning programs.
Sec. 610. Additional amount available for fiscal year 2001 increase in basic allowance for housing inside the United States.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonuses and special pay authorities for reserve forces.
Sec. 612. Extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 613. Extension of authorities relating to payment of other bonuses and special pays.
Sec. 614. Consistency of authorities for special pay for reserve medical and dental officers.
Sec. 615. Special pay for Coast Guard physician assistants.
Sec. 616. Special duty assignment pay for enlisted members.
Sec. 617. Revision of career sea pay.
Sec. 618. Revision of enlistment bonus authority.
Sec. 619. Authorization of retention bonus for members of the Armed Forces qualified in a critical military skill.
Sec. 620. Elimination of required congressional notification before implementation of certain special pay authority.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Advance payments for temporary lodging of members and dependents.
Sec. 632. Additional transportation allowance regarding baggage and household effects.
Sec. 633. Equitable dislocation allowances for junior enlisted members.
Sec. 634. Authority to reimburse military recruiters, Senior ROTC cadre, and military entrance processing personnel for certain parking expenses.
Sec. 635. Expansion of funded student travel for dependents.

Subtitle D—Retirement and Survivor Benefit Matters

Sec. 641. Increase in maximum number of reserve retirement points that may be credited in any year.
Sec. 642. Reserve component survivor benefit plan spousal consent requirement.

Subtitle E—Other Matters

Sec. 651. Participation in Thrift Savings Plan.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

Sec. 701. Two-year extension of authority for use of contract physicians at military entrance processing stations and elsewhere outside medical treatment facilities.
Sec. 702. Medical and dental care for medal of honor recipients.
Sec. 703. Provision of domiciliary and custodial care for CHAMPUS beneficiaries and certain former CHAMPUS beneficiaries.
Sec. 704. Demonstration project for expanded access to mental health counselors.
Sec. 705. Teleradiology demonstration project.

Subtitle B—TRICARE Program

Sec. 711. Additional beneficiaries under TRICARE Prime Remote program in the continental United States.
Sec. 712. Elimination of copayments for immediate family.
Sec. 713. Modernization of TRICARE business practices and increase of use of military treatment facilities.
Sec. 714. Claims processing improvements.
Sec. 715. Prohibition against requirement for prior authorization for certain referrals; report on nonavailability-of-health-care statements.
Sec. 716. Authority to establish special locality-based reimbursement rates; reports.
Sec. 717. Reimbursement for certain travel expenses.
Sec. 718. Reduction of catastrophic cap.
Sec. 719. Report on protections against health care providers seeking direct reimbursement from members of the uniformed services.

Sec. 720. Disenrollment process for TRICARE retiree dental program.

Subtitle C—Health Care Programs for Medicare-Eligible Department of Defense Beneficiaries

Sec. 721. Implementation of TRICARE senior pharmacy program.
Sec. 722. Study on health care options for medicare-eligible military retirees.
Sec. 723. Extended coverage under Federal Employees Health Benefits Program.
Sec. 724. Extension of TRICARE senior supplement program.
Sec. 725. Extension of TRICARE senior prime demonstration project.

Subtitle D—Other Matters

Sec. 731. Training in health care management and administration.
Sec. 732. Study of accrual financing for health care for military retirees.
Sec. 733. Tracking patient safety in military medical treatment facilities.
Sec. 734. Pharmaceutical identification technology.
Sec. 735. Management of vaccine immunization program.
Sec. 736. Study on feasibility of sharing biomedical research facility.
Sec. 737. Chiropractic health care for members on active duty.
Sec. 738. VA-DOD sharing agreements for health services.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Sec. 801. Extension of authority for Department of Defense acquisition pilot programs; reports required.
Sec. 802. Technical data rights for items developed exclusively at private expense.
Sec. 803. Management of acquisition of mission-essential software for major defense acquisition programs.
Sec. 804. Extension of waiver period for live-fire survivability testing for MH–47E and MH–60K helicopter modification programs.
Sec. 805. Three-year extension of authority of Defense Advanced Research Projects Agency to carry out certain prototype projects.
Sec. 806. Certification of major automated information systems as to compliance with Clinger-Cohen Act.
Sec. 807. Limitations on procurement of certain items.
Sec. 808. Multiyear services contracts.
Sec. 809. Study on impact of foreign sourcing of systems on long-term military readiness and related industrial infrastructure.
Sec. 810. Prohibition against use of Department of Defense funds to give or withhold a preference to a marketer or vendor of firearms or ammunition.
Sec. 811. Study and report on practice of contract bundling in military construction contracts.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Sec. 901. Change of title of certain positions in the Headquarters, Marine Corps.
Sec. 902. Further reductions in defense acquisition and support workforce.
Sec. 903. Clarification of scope of inspector general authorities under military whistleblower law.
Sec. 904. Report on number of personnel assigned to legislative liaison functions.
Sec. 905. Joint report on establishment of national collaborative information analysis capability.
Sec. 906. Organization and management of Civil Air Patrol.
Sec. 907. Report on Network Centric Warfare.
Sec. 908. Defense Institute for Hemispheric Security Cooperation.
Sec. 909. Department of Defense regional centers for security studies.
Sec. 910. Change in name of Armed Forces Staff College to Joint Forces Staff College.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Incorporation of classified annex.
Sec. 1003. Authorization of emergency supplemental appropriations for fiscal year 2000.
Sec. 1004. Contingent repeal of certain provisions shifting certain outlays from one fiscal year to another.
Sec. 1005. Limitation on funds for Bosnia and Kosovo peacekeeping operations for fiscal year 2001.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. National Defense Features Program.

Subtitle C—Counter-Drug Activities

Sec. 1021. Report on Department of Defense expenditures to support foreign counter-drug activities.
Sec. 1022. Report on tethered aerostat radar system.

Subtitle D—Other Matters

Sec. 1031. Funds for administrative expenses under Defense Export Loan Guarantee program.
Sec. 1032. Technical and clerical amendments.
Sec. 1033. Transfer of Vietnam era TA–4 aircraft to nonprofit foundation.
Sec. 1034. Transfer of 19th century cannon to museum.
Sec. 1035. Expenditures for declassification activities.
Sec. 1036. Authority to provide loan guarantees to improve domestic preparedness to combat cyberterrorism.
Sec. 1037. V–22 cockpit aircraft voice and flight data recorders.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Sec. 1101. Employment and compensation provisions for employees of temporary organizations established by law or executive order.
Sec. 1102. Restructuring the restriction on degree training.
Sec. 1103. Continuation of tuition reimbursement and training for certain acquisition personnel.
Sec. 1104. Extension of authority for civilian employees of the Department of Defense to participate voluntarily in reductions in force.
Sec. 1105. Expansion of defense civilian intelligence personnel system positions.
Sec. 1106. Pilot program for reengineering the equal employment opportunity complaint process.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Sec. 1201. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.
Sec. 1202. Annual report assessing effect of continued operations in the Balkans region on readiness to execute the national military strategy.
Sec. 1203. Situation in the Balkans.
Sec. 1204. Limitation on number of military personnel in Colombia.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Prohibition on use of funds for elimination of conventional weapons.
Sec. 1304. Limitations on use of funds for fissile material storage facility.
Sec. 1305. Limitation on use of funds until submission of multiyear plan.
Sec. 1306. Russian nonstrategic nuclear arms.
Sec. 1307. Limitation on use of funds to support warhead dismantlement processing.
Sec. 1308. Agreement on nuclear weapons storage sites.
Sec. 1309. Prohibition on use of funds for construction of fossil fuel energy plants.
Sec. 1310. Audits of Cooperative Threat Reduction programs.
Sec. 1311. Limitation on use of funds for prevention of biological weapons proliferation in Russia.

TITLE XIV—COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE (EMP) ATTACK

Sec. 1401. Establishment of commission.
Sec. 1402. Duties of commission.
Sec. 1403. Report.
Sec. 1404. Powers.
Sec. 1405. Commission procedures.
Sec. 1406. Personnel matters.
Sec. 1407. Miscellaneous administrative provisions.
Sec. 1408. Funding.
Sec. 1409. Termination of the commission.

TITLE XV—PROVISIONS REGARDING VIEQUES ISLAND, PUERTO RICO

Sec. 1501. Conditions on disposal of Naval Ammunition Support Detachment, Vieques Island.
Sec. 1502. Retention of eastern portion of Vieques Island.
Sec. 1503. Limitations on military use of Vieques Island.
Sec. 1504. Economic assistance for residents of Vieques Island.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 1999 project.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out fiscal year 1997 project at Marine Corps Combat Development Command, Quantico, Virginia.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Authorization of appropriations, Defense Agencies.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1998 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1997 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Revision of limitations on space by pay grade.
Sec. 2802. Leasing of military family housing, United States Southern Command, Miami, Florida.
Sec. 2803. Extension of alternative authority for acquisition and improvement of military housing.
Sec. 2804. Expansion of definition of armory to include readiness centers.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Increase in threshold for notice and wait requirements for real property transactions.
Sec. 2812. Enhancement of authority of military departments to lease non-excess property.
Sec. 2813. Conveyance authority regarding utility systems of military departments.

Subtitle C—Land Conveyances

PART I—ARMY CONVEYANCES

Sec. 2831. Transfer of jurisdiction, Rock Island Arsenal, Illinois.
Sec. 2832. Land conveyance, Army Reserve Center, Galesburg, Illinois.
Sec. 2833. Land conveyance, Army Reserve Center, Winona, Minnesota.
Sec. 2834. Land conveyance, Fort Polk, Louisiana.
Sec. 2835. Land conveyance, Fort Pickett, Virginia.
Sec. 2836. Land conveyance, Fort Dix, New Jersey.
Sec. 2837. Land conveyance, Nike Site 43, Elrama, Pennsylvania.
Sec. 2838. Land exchange, Fort Hood, Texas.
Sec. 2839. Land conveyance, Charles Melvin Price Support Center, Illinois.
Sec. 2840. Land conveyance, Army Reserve Local Training Center, Chattanooga, Tennessee.

PART II—NAVY CONVEYANCES

Sec. 2851. Modification of authority for Oxnard Harbor District, Port Hueneme, California, to use certain Navy property.
Sec. 2852. Modification of land conveyance, Marine Corps Air Station, El Toro, California.
Sec. 2853. Transfer of jurisdiction, Marine Corps Air Station, Miramar, California.
Sec. 2854. Lease of property, Marine Corps Air Station, Miramar, California.
Sec. 2855. Lease of property, Naval Air Station, Pensacola, Florida.
Sec. 2856. Land exchange, Marine Corps Recruit Depot, San Diego, California.
Sec. 2857. Land exchange, Naval Air Reserve Center, Columbus, Ohio.
Sec. 2858. Land conveyance, Naval Reserve Center, Tampa, Florida.

PART III—AIR FORCE CONVEYANCES

Sec. 2861. Land conveyance, Wright Patterson Air Force Base, Ohio.
Sec. 2862. Land conveyance, Point Arena Air Force Station, California.
Sec. 2863. Land conveyance, Los Angeles Air Force Base, California.

PART IV—OTHER CONVEYANCES

Sec. 2871. Conveyance of Army and Air Force Exchange Service property, Farmers Branch, Texas.

Subtitle D—Other Matters

Sec. 2881. Relation of easement authority to leased parkland, Marine Corps Base, Camp Pendleton, California.
Sec. 2882. Extension of demonstration project for purchase of fire, security, police, public works, and utility services from local government agencies.
Sec. 2883. Establishment of World War II memorial on Guam.
Sec. 2884. Naming of Army missile testing range at Kwajalein Atoll as the Ronald Reagan Ballistic Missile Defense Test Site at Kwajalein Atoll.
Sec. 2885. Designation of building at Fort Belvoir, Virginia, in honor of Andrew T. McNamara.
Sec. 2886. Designation of Balboa Naval Hospital, San Diego, California, in honor of Bob Wilson, a former Member of the House of Representatives.
Sec. 2887. Sense of Congress regarding importance of expansion of National Training Center, Fort Irwin, California.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental restoration and waste management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense facilities closure projects.
Sec. 3105. Defense environmental management privatization.
Sec. 3106. Defense nuclear waste disposal.

Subtitle B—Recurring General Provisions

Sec. 3121. Reprogramming.
Sec. 3122. Limits on general plant projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for conceptual and construction design.
Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Availability of funds.
Sec. 3128. Transfers of defense environmental management funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Funding for termination costs for tank waste remediation system environmental project, Richland, Washington.
Sec. 3132. Enhanced cooperation between National Nuclear Security Administration and Ballistic Missile Defense Organization.
Sec. 3133. Required contents of future-years nuclear security program to be submitted with fiscal year 2002 budget and limitation on the obligation of certain funds pending submission of that program.
Sec. 3134. Limitation on obligation of certain funds.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of stockpile funds.
Sec. 3302. Use of excess titanium sponge in the National Defense Stockpile to manufacture Department of Defense equipment.

TITLE XXXIV—MARITIME ADMINISTRATION

Sec. 3401. Authorization of appropriations for fiscal year 2001.
Sec. 3402. Extension of period for disposal of obsolete vessels in the National Defense Reserve Fleet.
Sec. 3403. Authority to convey National Defense Reserve Fleet vessel, GLACIER.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

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

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

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Army as follows:

(1) For aircraft, $1,542,762,000.

(2) For missiles, $1,367,681,000.

(3) For weapons and tracked combat vehicles, $2,167,938,000.

(4) For ammunition, $1,199,323,000.

(5) For other procurement, $4,095,270,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Navy as follows:

(1) For aircraft, $8,205,758,000.

(2) For weapons, including missiles and torpedoes, $1,562,250,000.

(3) For shipbuilding and conversion, $11,981,968,000.

(4) For other procurement, $3,432,011,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Marine Corps in the amount of $1,254,735,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement of ammunition for the Navy and the Marine Corps in the amount of $481,349,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Air Force as follows:

(1) For aircraft, $10,267,153,000.

(2) For missiles, $3,046,715,000.

(3) For ammunition, $638,808,000.

(4) For other procurement, $7,869,903,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

(a) AMOUNT AUTHORIZED.—Funds are hereby authorized to be appropriated for fiscal year 2001 for Defense-wide procurement in the amount of $2,309,074,000.

(b) AMOUNT FOR NATIONAL MISSILE DEFENSE.—Of the funds authorized to be appropriated in subsection (a), $74,500,000 shall be

available for the National Missile Defense program.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Inspector General of the Department of Defense in the amount of $3,300,000.

SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 2001 the amount of $877,100,000 for—

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

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

SEC. 107. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 2001 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $290,006,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY.

(a) M2A3 BRADLEY FIGHTING VEHICLE.—(1) Beginning with the fiscal year 2001 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into one or more multiyear contracts for procurement of M2A3 Bradley fighting vehicles.

(2) The Secretary of the Army may execute a contract authorized by paragraph (1) only after—

(A) there is a successful completion of a M2A3 Bradley initial operational test and evaluation (IOT&E); and

(B) the Secretary certifies in writing to the congressional defense committees that the vehicle met all required test parameters.

(b) UTILITY HELICOPTERS.—Beginning with the fiscal year 2002 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into one or more multiyear contracts for procurement of UH–60 Blackhawk utility helicopters and, acting as executive agent for the Department of the Navy, CH–60 Knighthawk utility helicopters.

SEC. 112. INCREASE IN LIMITATION ON NUMBER OF BUNKER DEFEAT MUNITIONS THAT MAY BE ACQUIRED.

Section 116(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2862) is amended by striking ''6,000'' and inserting ''8,500''.

SEC. 113. ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

(a) EXPANSION OF AUTHORITY.—The Armament Retooling and Manufacturing Support Act of 1992 (subtitle H of title I of Public Law 102–484; 10 U.S.C. 2501 note) is amended—

(1) in section 193—

(A) in subsection (a), by striking ''2001'' and inserting ''2002''; and

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

''(d) INCLUSION OF MANUFACTURING ARSENALS.—For purposes of this Act, a manufacturing arsenal of the Department of the Army shall be treated as a Government-owned, contractor-operated manufacturing facility of the Department of the Army.''; and

(2) in section 194—

(A) by striking subsection (a)(1) and inserting the following:

''(1) to use the facility for any period of time that the Secretary determines is appropriate for the accomplishment of, and consistent with, the needs of the Department of the Army and the purposes of the ARMS Initiative; and''; and

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

''(c) AUTHORITY TO ACCEPT NON-MONETARY CONSIDERATION FOR USE OF FACILITIES.—The Secretary may accept non-monetary consideration in lieu of rental payments for use of a facility under a contract entered into under this section.''.

(b) REPORT.—Not later than July 1, 2001, the Secretary of the Army shall submit to the congressional defense committees a report on the progress of the implementation of the ARMS Initiative at manufacturing arsenals of the Department of the Army under the Armament Retooling and Manufacturing Support Act of 1992 (as amended by subsection (a)). The report shall contain a comprehensive review of contracting at the manufacturing arsenals of the Department of the Army and such recommendations as the Secretary considers appropriate.

Subtitle C—Navy Programs

SEC. 121. SUBMARINE FORCE STRUCTURE.

(a) LIMITATION ON RETIREMENT OF SUBMARINES.—The Secretary of Defense may not retire from the active force structure of the Navy any Los Angeles class nuclear-powered attack submarine (SSN) which has less than 30 years of active service.

(b) REPORT.—Not later than April 15, 2001, the President shall submit to Congress a report on the required force structure for nuclear-powered submarines, including attack submarines (SSNs), ballistic missile submarines (SSBNs), and cruise missile submarines (SSGNs), to support the national military strategy through 2020. The report shall include a detailed discussion of the acquisition strategy and fleet maintenance requirements to achieve and maintain that force structure through—

(1) the procurement of new construction submarines;

(2) the refueling of Los Angeles class attack submarines (SSNs) to achieve the maximum amount of operational useful service; and

(3) the conversion of Ohio class submarines that are no longer required for the strategic deterrence mission from their current ballistic missile (SSBN) configuration to a cruise-missile (SSGN) configuration.

SEC. 122. VIRGINIA CLASS SUBMARINE PROGRAM.

(a) CONTRACT AUTHORITY.—The Secretary of the Navy is authorized to enter into a contract or contracts for the procurement of five Virginia class submarines during fiscal years 2003 through 2006. Any such contract shall provide that any obligation of the United States to make payments under the contract is subject to the availability of funds provided in advance in appropriations Acts. The submarines authorized to be procured under this subsection are in addition to the submarines authorized under section 121(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1648).

(b) SHIPBUILDER TEAMING.—Paragraphs (2)(A), (3), and (4) of section 121(b) of National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1648) apply to the procurement of submarines under this section.

(c) LIMITATION OF LIABILITY.—If a contract entered into under this section is terminated, the United States shall not be liable for termination costs in excess of the total amount appropriated for the Virginia class submarine program.

SEC. 123. RETENTION OF CONFIGURATION OF CERTAIN NAVAL RESERVE FRIGATES.

For each FFG–7 class frigate produced in Flight I or Flight II of that class that is commissioned in active service, the Secretary of the Navy shall, for so long as the vessel remains commissioned in active service—

(1) provide for the vessel to be configured and equipped with the complete organic weapons system capability for that vessel, as specified in the Navy's Operational Requirements Document; and

(2) retain those operational assets that are integral to the FFG–7 weapons system in their current (as of the enactment of this Act) locations in order to avoid disruption of established training and operational cycles.

SEC. 124. EXTENSION OF MULTIYEAR PROCUREMENT AUTHORITY FOR ARLEIGH BURKE CLASS DESTROYERS.

(a) AUTHORITY FOR ADDITIONAL MULTIYEAR PROCUREMENT.—Section 122(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2446), as amended by section 122(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 534), is amended—

(1) in the first sentence, by striking ''18 Arleigh Burke class destroyers'' and all that follows through ''2003'' and inserting ''Arleigh Burke class destroyers''; and

(2) by inserting after the first sentence the following new sentence: ''Vessels authorized under this subsection shall be acquired at a procurement rate of three ships per year in each of fiscal years 1998 through 2001 and up to three ships per year in each of fiscal years 2002 through 2005.''.

(b) CLERICAL AMENDMENT.—The heading for such subsection is amended by striking ''OF 18 VESSELS''.

Subtitle D—Air Force Programs

SEC. 131. ANNUAL REPORT ON OPERATIONAL STATUS OF B–2 BOMBER.

(a) IN GENERAL.—(1) Chapter 136 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2282. B–2 bomber: annual report on operational status

''Not later than March 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the operational status of the B–2 bomber. Each such report shall include the following:

''(1) An assessment as to whether the B–2 aircraft has a high probability of being able to perform its intended missions.

''(2) Identification of all planned or ongoing development of technologies to enhance B–2 aircraft capabilities for which funds are programmed in the future years defense program and an assessment as to whether those technologies—

''(A) are consistent with the Air Force bomber roadmap in effect at the time of the report;

''(B) are consistent with the recommendations of the report of the Long-Range Air Power panel established by section 8131 of the Department of Defense Appropriations Act, 1998 (Public Law 105–56); and

''(C) will be sufficient to assure that the B–2 aircraft will have a high probability of being able to perform its intended missions in the future.

''(3) Definition of any additional technology development required to assure that the B–2 aircraft will retain a high probability of being able to perform its intended missions and an estimate of the funding required to develop those additional technologies.

''(4) An assessment as to whether the technologies identified pursuant to paragraph (2) are adequately funded in the budget request for the next fiscal year and whether funds have been identified throughout the future years defense program to continue those technology developments at an adequate level.''.

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

''2282. B–2 bomber: annual report on operational status.''.

(b) REPEAL OF SUPERSEDED REPORTING REQUIREMENT.—Section 112 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189) is repealed.

Subtitle E—Joint Programs

SEC. 141. STUDY OF PRODUCTION ALTERNATIVES FOR THE JOINT STRIKE FIGHTER PROGRAM.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report providing the results of a study of production alternatives for the Joint Strike Fighter aircraft program and the effects on the tactical fighter aircraft industrial base of each alternative considered.

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

(1) Examination of alternative production strategies for the program, including—

(A) production of all aircraft under the program at one location;

(B) production at dual locations; and

(C) production at multiple locations using facilities of the existing bomber and fighter aircraft production base.

(2) Identification of each major Government or industry facility that is a potential location for production of such aircraft.

(3) Identification of the anticipated costs of production of that aircraft at each facility identified pursuant to paragraph (2) under each of the alternative production strategies examined pursuant to paragraph (1), based upon a reasonable profile for the annual procurement of that aircraft once it enters production.

(4) A comparison, for each such production strategy, of the anticipated costs of carrying out production of that aircraft at each such location with the costs of carrying out such production at each of the other such locations.

(c) COST COMPARISON.—In identifying costs under subsection (b)(3) and carrying out the cost comparisons required by subsection (b)(4), the Secretary shall include consideration of each of the following factors:

(1) State tax credits.

(2) State and local incentives.

(3) Skilled resident workforce.

(4) Supplier and technical support bases.

(5) Available stealth production facilities.

(6) Environmental standards.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2001 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $5,500,246,000.

(2) For the Navy, $8,834,477,000.

(3) For the Air Force, $13,677,108,000.

(4) For Defense-wide activities, $11,297,323,000, of which $219,560,000 is authorized for Operational Test and Evaluation, Defense.

SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) FISCAL YEAR 2001.—Of the amounts authorized to be appropriated by section 201, $4,435,354,000 shall be available for basic research and applied research projects.

(b) BASIC RESEARCH AND APPLIED RESEARCH DEFINED.—For purposes of this section, the term ''basic research and applied research'' means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. HIGH ENERGY LASER PROGRAMS.

(a) FUNDING FOR FISCAL YEAR 2001.—(1) Of the amount authorized to be appropriated by section 201(4), $30,000,000 is authorized for high energy laser development.

(2) Funds available under this section are available to supplement the high energy laser programs of the military departments and Defense Agencies, as determined by the official designated under subsection (b).

(b) DESIGNATION OF OFFICIAL FOR HIGH ENERGY LASER PROGRAMS.—(1) The Secretary of Defense shall designate a senior civilian official in the Office of the Secretary of Defense (in this section referred to as the ''designated official'') to carry out responsibilities for the programs for which funds are provided under this section. The designated official shall report directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics for matters concerning the responsibilities specified in paragraph (2).

(2) The primary responsibilities of the designated official shall include the following:

(A) Establishment of priorities for the high energy laser programs of the military departments and the Defense Agencies.

(B) Coordination of high energy laser programs among the military departments and the Defense Agencies.

(C) Identification of promising high energy laser technologies for which funding should be a high priority for the Department of Defense and establishment of priority for funding among those technologies.

(D) Preparation, in coordination with the Secretaries of the military departments and the Directors of the Defense Agencies, of a detailed technology plan to develop and mature high energy laser technologies.

(E) Planning and programming appropriate to rapid evolution of high energy laser technology.

(F) Ensuring that high energy laser programs of each military department and the Defense Agencies are initiated and managed effectively and are complementary with programs managed by the other military departments and Defense Agencies and by the Office of the Secretary of Defense.

(G) Ensuring that the high energy laser programs of the military department and the Defense Agencies comply with the requirements specified in subsection (c).

(c) COORDINATION AND FUNDING BALANCE.—In carrying out the responsibilities specified in subsection (b)(2), the designated official shall ensure that—

(1) high energy laser programs of each military department and of the Defense Agencies are consistent with the priorities identified in the designated official's planning and programming activities;

(2) funding provided by the Office of the Secretary of Defense for high energy laser research and development complements high energy laser programs for which funds are provided by the military departments and the Defense Agencies;

(3) beginning with fiscal year 2002, funding from the Office of the Secretary of Defense in applied research and advanced technology development program elements is not applied to technology efforts in support of high energy laser programs that are not funded by a military department or the Defense Agencies; and

(4) funding from the Office of the Secretary of Defense to complement an applied research or advanced technology development high energy laser program for which funds are provided by one of the military departments or the Defense Agencies do not exceed the amount provided by the military department or the Defense Agencies for that program.

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

(1) the Department of Defense should establish funding for high energy laser programs within the science and technology programs of each of the military departments and the Ballistic Missile Defense Organization; and

(2) the Secretary of Defense should establish a goal that basic, applied, and advanced research in high energy laser technology should constitute at least 4.5 percent of the total science and technology budget of the Department of Defense by fiscal year 2004.

(e) INTERAGENCY MEMORANDUM OF AGREEMENT.—(1) The Secretary of Defense and the Administrator for Nuclear Security of the Department of Energy shall enter into a memorandum of agreement to conduct joint research and development on military applications of high energy lasers.

(2) The projects pursued under the memorandum of agreement—

(A) shall be of mutual benefit to the national security programs of the Department of Defense and the National Nuclear Security Administration of the Department of Energy;

(B) shall be prioritized jointly by officials designated to do so by the Secretary of Defense and the Administrator; and

(C) shall be consistent with the technology plan prepared pursuant to subsection (b)(2) and the requirements identified in subsection (c).

(3) Costs of each project pursued under the memorandum of agreement shall be shared equally by the Department of Defense and the National Nuclear Security Administration.

(4) The memorandum of agreement shall provide for appropriate peer review of projects pursued under the memorandum of agreement.

(f) TECHNOLOGY PLAN.—The designated official shall submit to the congressional defense committees by February 15 of each fiscal year the technology plan prepared pursuant to subsection (b)(2). The report shall be submitted in unclassified and, if necessary, classified form.

(g) ANNUAL REPORT.—Not later than February 15 of 2001, 2002, and 2003, the Secretary of Defense shall submit to the congressional defense committees a report on high energy laser programs of the Department of Defense. Each report shall include an assessment of the following:

(1) The adequacy of the management structure of the Department of Defense for high energy laser programs.

(2) The funding available for high energy laser programs.

(3) The technical progress achieved for high energy laser programs.

(4) The extent to which goals and objectives of the high energy laser technology plan have been met.

(h) DEFINITION.—For purposes of this section, the term ''high energy laser'' means a laser that has average power in excess of one kilowatt and that has potential weapons applications.

SEC. 212. MANAGEMENT OF SPACE-BASED INFRARED SYSTEM—LOW.

The Secretary of Defense shall direct that the Director of the Ballistic Missile Defense Organization shall have authority for program management for the ballistic missile defense program known on the date of the enactment of this Act as the Space-Based Infrared System—Low.

SEC. 213. JOINT STRIKE FIGHTER.

The Joint Strike Fighter program may not be approved for entry into the Engineering and Manufacturing Development (EMD) stage of the acquisition process until the Secretary of Defense certifies to the congressional defense committees that the technological maturity of key technologies for the program is sufficient to warrant entry of the program into the Engineering and Manufacturing Development stage.

Subtitle C—Ballistic Missile Defense

SEC. 231. FUNDING FOR FISCAL YEAR 2001.

Of the funds authorized to be appropriated in section 201(4), $2,066,200,000 shall be available for the National Missile Defense program.

SEC. 232. SENSE OF CONGRESS CONCERNING COMMITMENT TO DEPLOYMENT OF NATIONAL MISSILE DEFENSE SYSTEM.

(a) STATEMENT OF POLICY.—Congress reaffirms the policy of the United States declared in the National Missile Defense Act of 1999 (Public Law 106–38, signed into law by the President on July 22, 1999).

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

(1) An effective National Missile Defense system is technologically feasible.

(2) Hostile ''rogue'' nations are capable of posing missile threats the United States which

justify deployment of a National Missile Defense system.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the action of the President in signing the National Missile Defense Act of 1999 entails a commitment by the President to execute the policy declared in that Act.

SEC. 233. REPORTS ON BALLISTIC MISSILE THREAT POSED BY NORTH KOREA.

(a) REPORT ON BALLISTIC MISSILE THREAT.—Not later than two weeks after the next flight test by North Korea of a long-range ballistic missile, or 60 days after the date of the enactment of this Act, whichever is sooner, the President shall submit to Congress, in classified and unclassified form, a report on the North Korean ballistic missile threat to the United States. The report shall include the following:

(1) An assessment of the current North Korean missile threat to the 50 States.

(2) An assessment of whether the United States is capable of defeating the North Korean long-range missile threat to the United States as of the date of the report.

(3) An assessment of when the United States will be capable of defeating the North Korean missile threat to the United States.

(4) An assessment of the potential for proliferation of North Korean missile technologies to other states and whether such proliferation will accelerate the development of additional long-range ballistic missile threats to the United States.

(b) REPORT ON REDUCING VULNERABILITY.—Not later than two weeks after the next flight test by North Korea of a long-range ballistic missile, the President shall submit to Congress a report providing the following:

(1) Any additional steps the President intends to take to reduce the period of time during which the Nation is vulnerable to the North Korean long-range ballistic missile threat.

(2) The technical and programmatic viability of testing any other missile defense systems against targets with flight characteristics similar to the North Korean long-range missile threat, and plans to do so if such tests are considered to be a viable alternative.

SEC. 234. PLAN TO MODIFY BALLISTIC MISSILE DEFENSE ARCHITECTURE TO COVER INTERMEDIATE-RANGE BALLISTIC MISSILE THREATS.

(a) PLAN.—The Director of the Ballistic Missile Defense Organization shall develop a plan to adapt ballistic missile defense systems and architectures to counter potential threats to the United States, United States forces deployed outside the United States, and other United States national security interests that are posed by ballistic missiles with ranges of 1,500 to 2,500 miles.

(b) USE OF SPACE-BASED SENSORS INCLUDED.—The plan shall include—

(1) potential use of space-based sensors, including the SBIRS Low and SBIRS High systems, Navy theater missile defense assets, upgrades of land-based theater missile defenses, the airborne laser, and other assets available in the European theater; and

(2) a schedule for ground and flight testing against the identified threats.

(c) REPORT.—The Secretary of Defense shall assess the plan and, not later than February 15, 2001, shall submit to the congressional defense committees a report on the results of the assessment.

SEC. 235. DESIGNATION OF AIRBORNE LASER PROGRAM AS A PROGRAM ELEMENT OF BALLISTIC MISSILE DEFENSE PROGRAM.

Section 223(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(13) Airborne Laser program.''.

Subtitle D—Other Matters

SEC. 241. RECOGNITION OF THOSE INDIVIDUALS INSTRUMENTAL TO NAVAL RESEARCH EFFORTS DURING THE PERIOD FROM BEFORE WORLD WAR II THROUGH THE END OF THE COLD WAR.

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

(1) The contributions of the Nation's scientific community and of science research to the victory of the United States and its allies in World War II resulted in the understanding that science and technology are of critical importance to the future security of the Nation.

(2) Academic institutions and oceanographers provided vital support to the Navy and the Marine Corps during World War II.

(3) Congress created the Office of Naval Research in the Department of the Navy in 1946 to ensure the availability of resources for research in oceanography and other fields related to the missions of the Navy and Marine Corps.

(4) The Office of Naval Research of the Department of the Navy, in addition to its support of naval research within the Federal Government, has also supported the conduct of oceanographic and scientific research through partnerships with educational and scientific institutions throughout the Nation.

(5) These partnerships have long been recognized as among the most innovative and productive research partnerships ever established by the Federal Government and have resulted in a vast improvement in understanding of basic ocean processes and the development of new technologies critical to the security and defense of the Nation.

(b) CONGRESSIONAL RECOGNITION AND APPRECIATION.—Congress—

(1) applauds the commitment and dedication of the officers, scientists, researchers, students, and administrators who were instrumental to the program of partnerships for oceanographic and scientific research between the Federal Government and academic institutions, including those individuals who helped forge that program before World War II, implement it during World War II, and improve it throughout the Cold War;

(2) recognizes that the Nation, in ultimately prevailing in the Cold War, relied to a significant extent on research supported by, and technologies developed through, those partnerships and, in particular, on the superior understanding of the ocean environment generated through that research;

(3) supports efforts by the Secretary of the Navy and the Chief of Naval Research to honor those individuals, who contributed so greatly and unselfishly to the naval mission and the national defense, through those partnerships during the period beginning before World War II and continuing through the end of the Cold War; and

(4) expresses appreciation for the ongoing efforts of the Office of Naval Research to support oceanographic and scientific research and the development of researchers in those fields, to ensure that such partnerships will continue to make important contributions to the defense and the general welfare of the Nation.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $19,492,617,000.

(2) For the Navy, $23,321,809,000.

(3) For the Marine Corps, $2,851,678,000.

(4) For the Air Force, $22,351,164,000.

(5) For Defense-wide activities, $11,673,852,000.

(6) For the Army Reserve, $1,565,918,000.

(7) For the Naval Reserve, $967,646,000.

(8) For the Marine Corps Reserve, $150,469,000.

(9) For the Air Force Reserve, $1,890,859,000.

(10) For the Army National Guard, $3,236,835,000.

(11) For the Air National Guard, $3,461,875,000.

(12) For the Defense Inspector General, $144,245,000.

(13) For the United States Court of Appeals for the Armed Forces, $8,574,000.

(14) For Environmental Restoration, Army, $389,932,000.

(15) For Environmental Restoration, Navy, $294,038,000.

(16) For Environmental Restoration, Air Force, $376,300,000.

(17) For Environmental Restoration, Defense-wide, $23,412,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $186,499,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $55,800,000.

(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $841,500,000.

(21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $25,000,000.

(22) For Defense Health Program, $11,571,523,000.

(23) For Cooperative Threat Reduction programs, $433,400,000.

(24) For Overseas Contingency Operations Transfer Fund, $4,100,577,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $916,276,000.

(2) For the National Defense Sealift Fund, $737,109,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2000 from the Armed Forces Retirement Home Trust Fund the sum of $69,832,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 2000 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

Subtitle B—Environmental Provisions

SEC. 311. PAYMENT OF FINES AND PENALTIES IMPOSED FOR ENVIRONMENTAL VIOLATIONS.

(a) ARMY VIOLATIONS.—Using amounts authorized to be appropriated by section 301(1) for operation and maintenance for the Army, the

Secretary of the Army may pay the following amounts in connection with environmental violations at the following locations:

(1) $993,000 for Walter Reed Army Medical Center, Washington, D.C., in satisfaction of a fine imposed by Region 3 of the Environmental Protection Agency for a supplemental environmental project.

(2) $377,250 for Fort Campbell, Kentucky, in satisfaction of a fine imposed by Region 4 of the Environmental Protection Agency for a supplemental environmental project.

(3) $20,701 for Fort Gordon, Georgia, in satisfaction of a fine imposed by the State of Georgia for a supplemental environmental project.

(4) $78,500 for Pueblo Chemical Depot, Colorado, in satisfaction of a fine imposed by the State of Colorado for supplemental environmental projects.

(5) $20,000 for Deseret Chemical Depot, Utah, in satisfaction of a fine imposed by the State of Utah for a supplemental environmental project.

(b) NAVY VIOLATIONS.—Using amounts authorized to be appropriated by section 301(2) for operation and maintenance for the Navy, the Secretary of the Navy may pay not more than the following amounts in connection with environmental violations at the following military installations:

(1) $108,800 for Allegany Ballistics Laboratory, West Virginia, in satisfaction of a penalty imposed by the West Virginia Division of Environmental Protection.

(2) $5,000 for Naval Air Station, Corpus Christi, Texas, in satisfaction of a penalty imposed by Region 6 of the Environmental Protection Agency.

(c) REDUCTION IN PAYMENT AMOUNTS.—An amount specified in subsection (a) or (b) as the authorized payment for an environmental violation shall be reduced to reflect any amounts previously paid by the Secretary concerned in connection with that violation.

SEC. 312. NECESSITY OF MILITARY LOW-LEVEL FLIGHT TRAINING TO PROTECT NATIONAL SECURITY AND ENHANCE MILITARY READINESS.

(a) NECESSITY OF CURRENT TRAINING ROUTES AND AREAS.—The environmental impact statements completed as of the date of the enactment of this Act for each special use airspace designated by a military department for the performance of low-level training flights, including each military training route, slow speed route, military operations area, restricted area, or low altitude tactical navigation area, are deemed to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and regulations implementing such law.

(b) PROTECTING FUTURE FLEXIBILITY OF NETWORK.—On and after the date of the enactment of this Act, a proposal by a military department to establish or to expand or otherwise modify a special use airspace for low-level training flights shall be considered separately to determine whether the proposal is a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969.

SEC. 313. USE OF ENVIRONMENTAL RESTORATION ACCOUNTS TO RELOCATE ACTIVITIES FROM DEFENSE ENVIRONMENTAL RESTORATION SITES

Subsection (b) of section 2703 of title 10, United States Code, is amended to read as follows:

''(b) OBLIGATION OF AUTHORIZED AMOUNTS.—(1) Funds authorized for deposit in an account under subsection (a) may be obligated or expended from the account only—

''(A) to carry out the environmental restoration functions of the Secretary of Defense and the Secretaries of the military departments under this chapter and under any other provision of law; and

''(B) to relocate activities from defense sites, including sites formerly used by the Department of Defense that are released from Federal Government control, at which the Secretary is responsible for environmental restoration functions.

''(2) The authority provided by paragraph (1)(B) expires September 30, 2003. Not more than five percent of the funds deposited in an account under subsection (a) for a fiscal year may be used for activities under paragraph (1)(B).

''(3) If relocation assistance under paragraph (1)(B) is to be provided with respect to a site formerly used by the Department of Defense, but now released from Federal Government control, the Secretary of Defense or the Secretary of the military department concerned may use only fund transfer mechanisms otherwise available to the Secretary. The Secretary may not provide assistance under such paragraph for permanent relocation from the affected site unless the Secretary determines that permanent relocation is the most cost effective method of dealing with the activities located at the affected site and notifies the Congress of the determination before providing the assistance.

''(4) Funds authorized for deposit in an account under subsection (a) shall remain available until expended.''.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 321. USE OF APPROPRIATED FUNDS TO COVER OPERATING EXPENSES OF COMMISSARY STORES.

(a) IN GENERAL.—(1) Section 2484 of title 10, United States Code, is amended to read as follows:

''§2484. Commissary stores: use of appropriated funds to cover operating expenses

''(a) OPERATION OF AGENCY AND SYSTEM.—Except as otherwise provided in this title, the operation of the Defense Commissary Agency and the defense commissary system may be funded using such amounts as are appropriated for such purpose.

''(b) OPERATING EXPENSES OF COMMISSARY STORES.—Appropriated funds may be used to cover the expenses of operating commissary stores and central product processing facilities of the defense commissary system. For purposes of this subsection, operating expenses include the following:

''(1) Salaries of employees of the United States, host nations, and contractors supporting commissary store operations.

''(2) Utilities.

''(3) Communications.

''(4) Operating supplies and services.

''(5) Second destination transportation costs within or outside the United States.

''(6) Any cost associated with above-store level management or other indirect support of a commissary store or a central product processing facility, including equipment maintenance and information technology costs.''.

(2) The table of sections at the beginning of chapter 147 of such title is amended by striking the item relating to section 2484 and inserting the following new item:

''2484. Commissary stores: use of appropriated funds to cover operating expenses.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001.

SEC. 322. ADJUSTMENT OF SALES PRICES OF COMMISSARY STORE GOODS AND SERVICES TO COVER CERTAIN EXPENSES.

(a) ADJUSTMENT REQUIRED.—Section 2486 of title 10, United States Code, is amended—

(1) in subsection (c), by striking ''section 2484(b) or'' and inserting ''subsection (d) or section''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking ''sections 2484 and'' and inserting ''section''; and

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

''(3) The sales price of merchandise and services sold in, at, or by commissary stores shall be adjusted to cover the following:

''(A) The cost of first destination commercial transportation of the merchandise in the United States to the place of sale.

''(B) The actual or estimated cost of shrinkage, spoilage, and pilferage of merchandise under the control of commissary stores.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001.

SEC. 323. USE OF SURCHARGES FOR CONSTRUCTION AND IMPROVEMENT OF COMMISSARY STORES.

(a) EXPANSION OF AUTHORIZED USES.—Subsection (b) of section 2685 of title 10, United States Code, is amended to read as follows:

''(b) USE FOR CONSTRUCTION, REPAIR, IMPROVEMENT, AND MAINTENANCE.—(1) The Secretary of Defense may use the proceeds from the adjustments or surcharges authorized by subsection (a) only—

''(A) to acquire (including acquisition by lease), construct, convert, expand, improve, repair, maintain, and equip the physical infrastructure of commissary stores and central product processing facilities of the defense commissary system; and

''(B) to cover environmental evaluation and construction costs, including surveys, administration, overhead, planning, and design, related to activities described in paragraph (1).

''(2) In paragraph (1), the term 'physical infrastructure' includes real property, utilities, and equipment (installed and free standing and including computer equipment), necessary to provide a complete and usable commissary store or central product processing facility.''.

(b) AUTHORITY OF SECRETARY OF DEFENSE.—Such section is further amended—

(1) in subsection (a), by striking ''Secretary of a military department, under regulations established by him and approved by the Secretary of Defense,'' and inserting ''Secretary of Defense'';

(2) in subsection (c)—

(A) by striking ''Secretary of a military department, with the approval of the Secretary of Defense and'' and inserting ''Secretary of Defense, with the approval of''; and

(B) by striking ''Secretary of the military department determines'' and inserting ''Secretary determines''; and

(3) in subsection (d), by striking ''Secretary of a military department'' and inserting ''Secretary of Defense''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2001.

SEC. 324. INCLUSION OF MAGAZINES AND OTHER PERIODICALS AS AN AUTHORIZED COMMISSARY MERCHANDISE CATEGORY.

(a) ADDITIONAL AUTHORIZED CATEGORY.—Subsection (b) of section 2486 of title 10, United States Code, is amended—

(1) by redesignating paragraph (11) as paragraph (12); and

(2) by inserting after paragraph (10) the following new paragraph:

''(11) Magazines and other periodicals.''.

(b) CONFORMING AMENDMENTS.—Subsection (f) of such section is amended—

(1) by striking ''(1)'' before ''Notwithstanding'';

(2) by striking ''items in the merchandise categories specified in paragraph (2)'' and inserting ''tobacco products''; and

(3) by striking paragraph (2).

SEC. 325. USE OF MOST ECONOMICAL DISTRIBUTION METHOD FOR DISTILLED SPIRITS.

Section 2488(c) of title 10, United States Code, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 326. REPORT ON EFFECTS OF AVAILABILITY OF SLOT MACHINES ON UNITED STATES MILITARY INSTALLATIONS OVERSEAS.

(a) REPORT REQUIRED.—Not later than March 31, 2001, the Secretary of Defense shall submit to

Congress a report evaluating the effect that the ready availability of slot machines as a morale, welfare, and recreation activity on United States military installations outside of the United States has on members of the Armed Forces, their dependents, and other persons who use such slot machines, the morale of military communities overseas, and the personal financial stability of members of the Armed Forces.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in the report—

(1) an estimate of the number of persons who used such slot machines during the preceding two years and, of such persons, the percentage who were enlisted members (shown both in the aggregate and by pay grade), officers (shown both in the aggregate and by pay grade), Department of Defense civilians, other United States persons, and foreign nationals;

(2) to the extent feasible, information with respect to military personnel referred to in paragraph (1) showing the number (as a percentage and by pay grade) who have—

(A) sought financial services counseling at least partially due to the use of such slot machines;

(B) qualified for Government financial assistance at least partially due to the use of such slot machines; or

(C) had a personal check returned for insufficient funds or received any other nonpayment notification from a creditor at least partially due to the use of such slot machines; and

(3) to the extent feasible, information with respect to the average amount expended by each category of persons referred to in paragraph (1) in using such slot machines per visit, to be shown by pay grade in the case of military personnel.

Subtitle D—Performance of Functions by Private-Sector Sources

SEC. 331. INCLUSION OF ADDITIONAL INFORMATION IN REPORTS TO CONGRESS REQUIRED BEFORE CONVERSION OF COMMERCIAL OR INDUSTRIAL TYPE FUNCTIONS TO CONTRACTOR PERFORMANCE.

(a) INFORMATION REQUIRED BEFORE COMMENCEMENT OF CONVERSION ANALYSIS.—Subsection (b)(1)(D) of section 2461 of title 10, United States Code, is amended by inserting before the period the following: '', and a certification that funds are specifically budgeted to pay for the cost of the analysis''.

(b) INFORMATION REQUIRED IN NOTIFICATION OF DECISION.—Subsection (c)(1) of such section is amended—

(1) by redesignating subparagraphs (A), (B), (C), (D), and (E) as subparagraphs (B), (C), (D), (F), and (G), respectively;

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph:

''(A) The date when the analysis of that commercial or industrial type function for possible change to performance by the private sector was commenced.''; and

(3) by inserting after subparagraph (D), as so redesignated, the following new subparagraph:

''(E) The number of Department of Defense civilian employees who were performing the function when the analysis was commenced and the number of such employees whose employment was terminated or otherwise adversely affected in implementing the most efficient organization of the function or whose employment will be terminated or otherwise adversely affected by the change to performance of the function by the private sector.''.

SEC. 332. LIMITATION ON USE OF FUNDS FOR NAVY MARINE CORPS INTRANET CONTRACT.

(a) IN GENERAL.—None of the funds authorized to be appropriated for fiscal year 2001 for the Department of the Navy may be obligated or expended to carry out a Navy Marine Corps Intranet contract until the date that is 60 days after the date that the Secretary submits to Congress the following information:

(1) Outcome-oriented performance measures regarding such contract.

(2) A description of the alternatives considered to such contract, and the factors relied on in determining not to pursue such alternatives.

(3) A description of the baseline of current costs to the Department of the Navy for performing information technology services that would be carried out under such contract and current mission capability regarding such services.

(4) An analysis of how civilian and military personnel who currently perform information technology functions would be impacted by such contract, including a description of—

(A) the number such personnel currently performing such functions at the Echelon I level;

(B) the number of such personnel who would no longer perform such functions as a result of the Navy Marine Corps Intranet contract, and what functions such personnel would perform after the implementation of such contract; and

(C) whether a reduction in force would be necessary as a result of such contract.

(5) A complete funding profile with respect to such contract, including a description of—

(A) the amount of funds obligated or expended in fiscal years 1999 and 2000 for information technology at the Echelon I level, and from what accounts such funds were obligated or expended; and

(B) the accounts from which funds would be used for the purpose of carrying out a Navy Marine Corps Intranet contract in fiscal year 2001 and throughout the period of the future-years defense plan of the Department of Defense.

(6) A risk assessment which—

(A) describes the probability of achieving cost, schedule, and performance goals with respect to such contract;

(B) categorizes all identified risks in terms of the likelihood of occurrence and potential impact of such risks; and

(C) establishes a plan for mitigation of each risk that is identified as of high importance.

(7) A certification that, beginning in fiscal year 2002, the Department of the Navy will comply with the requirements in OMB Circular A–11.

(b) GAO REPORT.—In any case in which the Secretary of the Navy submits to Congress the information described in subsection (a), not later than 60 days after the date that the Secretary submits such information the Comptroller General shall review and submit a report on the information to the congressional defense committees.

(c) NAVY MARINE CORPS INTRANET CONTRACT DEFINED.—In this section, the term ''Navy Marine Corps Intranet contract'' means a long-term arrangement with the commercial sector that transfers the responsibility and risk for providing and managing the vast majority of desktop, server, infrastructure, and communication assets and services of the Department of the Navy.

Subtitle E—Defense Dependents Education

SEC. 341. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2001.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $35,000,000 shall be available only for the purpose of providing educational agencies assistance (as defined in subsection (d)(1)) to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 2001, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2001 of—

(1) that agency's eligibility for educational agencies assistance; and

(2) the amount of the educational agencies assistance for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term ''educational agencies assistance'' means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 342. ELIGIBILITY FOR ATTENDANCE AT DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

Section 2164(c) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting ''AND OTHER PERSONS'' after ''EMPLOYEES''; and

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

''(3)(A) The Secretary may authorize the dependent of an American Red Cross employee described in subparagraph (B) to enroll in an education program provided by the Secretary pursuant to subsection (a) if the American Red Cross agrees to reimburse the Secretary for the educational services so provided.

''(B) An employee referred to in subparagraph (A) is an American Red Cross employee who—

''(i) resides in Puerto Rico; and

''(ii) performs, on a full-time basis, emergency services on behalf of members of the armed forces.

''(C) Amounts received under this paragraph as reimbursement for educational services shall be treated in the same manner as amounts received under subsection (g).''.

Subtitle F—Military Readiness Issues

SEC. 351. ADDITIONAL CAPABILITIES OF, AND REPORTING REQUIREMENTS FOR, THE READINESS REPORTING SYSTEM.

(a) MEASURING CANNIBALIZATION OF PARTS, SUPPLIES, AND EQUIPMENT.—Subsection (c) of section 117 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(7) Measure, on a quarterly basis, the extent to which units of the armed forces remove serviceable parts, supplies, or equipment from one vehicle, vessel, or aircraft in order to render a different vehicle, vessel, or aircraft operational.''.

(b) FUNDING TO ADDRESS DEFICIENCIES.—Subsection (e) of such section is amended—

(1) by inserting ''(1)'' before ''The Secretary'';

(2) by striking ''Each such report'' and inserting the following:

''(3) Each report under this subsection''; and

(3) by inserting after the first sentence the following new paragraph:

''(2) The monthly report submitted under paragraph (1) that covers the first quarter of the then current fiscal year shall also include a description of the funding proposed in the President's budget for the next fiscal year, and for the subsequent fiscal years covered by the most recent future-years defense program submitted under section 221 of this title, to address each deficiency in readiness identified during the joint readiness review conducted for the first quarter of the current fiscal year.''.

SEC. 352. REPORTING REQUIREMENTS REGARDING TRANSFERS FROM HIGH-PRIORITY READINESS APPROPRIATIONS.

(a) CONTINUATION OF REPORTING REQUIREMENTS.—Section 483 of title 10, United States Code, is amended by striking subsection (e).

(b) LEVEL OF DETAIL.—Subsection (c)(2) of such section is amended by inserting before the period the following: '', including identification of the sources from which funds were transferred into that activity and identification of

the recipients of the funds transferred out of that activity''.

(c) ADDITIONAL COVERED BUDGET ACTIVITIES.—Subsection (d)(5) of such section is amended by adding at the end the following new subparagraphs:

''(G) Combat Enforcement Forces.

''(H) Combat Communications.''.

SEC. 353. DEPARTMENT OF DEFENSE STRATEGIC PLAN TO REDUCE BACKLOG IN MAINTENANCE AND REPAIR OF DEFENSE FACILITIES.

(a) PLAN REQUIRED.—Section 2661 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) PLAN TO ADDRESS MAINTENANCE AND REPAIR BACKLOG.—(1) The Secretary of Defense shall develop, and update annually thereafter, a strategic plan to reduce the backlog in maintenance and repair needs of facilities and infrastructure under the jurisdiction of the Department of Defense or a military department. At a minimum, the plan shall include or address the following:

''(A) A comprehensive strategy for the repair and revitalization of facilities and infrastructure, or for the demolition and replacement of unusable facilities, carried as backlog by the Secretary concerned.

''(B) Measurable goals, over specified time frames, for achieving the objectives of the strategy.

''(C) Expected funding for each military department and Defense Agency to carry out the strategy during the period covered by the most recent future-years defense program submitted to Congress pursuant to section 221 of this title.

''(D) The cost of the current backlog in maintenance and repair for each military department and Defense Agency, which shall be determined using the standard costs to standard facility categories in the Department of Defense Facilities Cost Factors Handbook, shown both in the aggregate and individually for each major military installation.

''(E) The total number of square feet of building space of each military department and Defense Agency to be demolished or proposed for demolition under the plan, shown both in the aggregate and individually for each major military installation.

''(F) The initiatives underway to identify facility and infrastructure requirements at military installation to accommodate new and developing weapons systems and to prepare installations to accommodate these systems.

''(2) Not later than March 15, 2001, the Secretary shall submit the strategic plan to Congress. The annual updates shall be submitted to Congress each year at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31.''.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS.—'' after ''(a)''; and

(2) in subsection (b), by inserting ''GENERAL LEASING AUTHORITY; MAINTENANCE OF DEFENSE ACCESS ROADS.—'' after ''(b)''.

Subtitle G—Other Matters

SEC. 361. AUTHORITY TO ENSURE DEMILITARIZATION OF SIGNIFICANT MILITARY EQUIPMENT FORMERLY OWNED BY THE DEPARTMENT OF DEFENSE.

(a) AUTHORITY TO REQUIRE DEMILITARIZATION AFTER DISPOSAL.—Chapter 153 of title 10, United States Code, is amended by inserting after section 2572 the following new section:

''§2573. Significant military equipment: continued authority to require demilitarization after disposal

''(a) AUTHORITY TO REQUIRE DEMILITARIZATION.—The Secretary of Defense may require any person in possession of significant military equipment formerly owned by the Department of Defense—

''(1) to demilitarize the equipment,

''(2) to have the equipment demilitarized by a third party; or

''(3) to return the equipment to the Government for demilitarization.

''(b) COST AND VALIDATION OF DEMILITARIZATION.—When the demilitarization of significant military equipment is carried out by the person in possession of the equipment pursuant to paragraph (1) or (2) of subsection (a), the person shall be solely responsible for all demilitarization costs, and the United States shall have the right to validate that the equipment has been demilitarized.

''(c) RETURN OF EQUIPMENT TO GOVERNMENT.—When the Secretary of Defense requires the return of significant military equipment for demilitarization by the Government, the Secretary shall bear all costs to transport and demilitarize the equipment. If the person in possession of the significant military equipment obtained the property in the manner authorized by law or regulation and the Secretary determines that the cost to demilitarize and return the property to the person is prohibitive, the Secretary shall reimburse the person for the purchase cost of the property and for the reasonable transportation costs incurred by the person to purchase the equipment.

''(d) ESTABLISHMENT OF DEMILITARIZATION STANDARDS.—The Secretary of Defense shall prescribe by regulation what constitutes demilitarization for each type of significant military equipment.

''(e) EXCEPTION FOR GOVERNMENT CONTRACTS.—This section does not apply when a person is in possession of significant military equipment formerly owned by the Department of Defense for the purpose of demilitarizing the equipment pursuant to a Government contract.

''(f) DEFINITION OF SIGNIFICANT MILITARY EQUIPMENT.—In this section, the term 'significant military equipment' means—

''(1) an article for which special export controls are warranted under the Arms Export Control Act (22 U.S.C. 2751 et seq.) because of its capacity for substantial military utility or capability, as identified on the United States Munitions List maintained under section 121.1 of title 22, Code of Federal Regulations; and

''(2) any other article designated by the Department of Defense as requiring demilitarization before its disposal.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2572 the following new item:

''2573. Significant military equipment: continued authority to require demilitarization after disposal.''.

SEC. 362. ANNUAL REPORT ON PUBLIC SALE OF CERTAIN MILITARY EQUIPMENT IDENTIFIED ON UNITED STATES MUNITIONS LIST.

(a) ANNUAL REPORT REQUIRED.—Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

''§2582. Military equipment identified on United States munitions list: annual report of public sales

''(a) REPORT REQUIRED.—The Secretary of Defense shall prepare an annual report identifying each public sale conducted by a military department or Defense Agency of military items that are—

''(1) identified on the United States Munitions List maintained under section 121.1 of title 22, Code of Federal Regulations; and

''(2) assigned a demilitarization code of 'B' or its equivalent.

''(b) ELEMENTS OF REPORT.—(1) A report under this section shall cover all public sales described in subsection (a) that were conducted during the preceding fiscal year.

''(2) The report shall specify the following for each sale:

''(A) The date of the sale.

''(B) The military department or Defense Agency conducting the sale.

''(C) The manner in which the sale was conducted.

''(D) The military items described in subsection (a) that were sold or offered for sale.

''(E) The purchaser of each item.

''(F) The stated end-use of each item sold.

''(c) SUBMISSION OF REPORT.—Not later than March 31 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate the report required by this section for the preceding fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2582. Military equipment identified on United States munitions list: annual report of public sales.''.

SEC. 363. REGISTRATION OF CERTAIN INFORMATION TECHNOLOGY SYSTEMS WITH CHIEF INFORMATION OFFICER.

(a) REGISTRATION REQUIRED.—During fiscal years 2001, 2002, and 2003, no funds available to the Department of Defense may be used for a mission critical or mission essential information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense.

(b) MANNER OF REGISTRATION.—A system shall be considered to be registered with the Chief Information Officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe.

(c) QUARTERLY UPDATES.—In the case of each information technology system registered pursuant to this section, the information required under subsection (b) to be submitted as part of the registration shall be updated on not less than a quarterly basis.

(d) COVERED INFORMATION TECHNOLOGY SYSTEMS.—An information technology system shall be considered to be a mission critical or mission essential information technology system for purposes of this section as defined by the Secretary of Defense.

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

(1) The term ''Chief Information Officer'' means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term ''information technology system'' has the meaning given the term ''information technology'' in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 364. STUDIES AND REPORTS REQUIRED AS PRECONDITION TO CERTAIN MANPOWER REDUCTIONS.

(a) REQUIRED STUDIES AND REPORTS.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

''§2475. Consolidation of functions or activities and reengineering or restructuring of organizations, functions, or activities: required studies and reports before manpower reductions

''(a) REPORTING AND ANALYSIS REQUIREMENTS AS PRECONDITION TO MANPOWER REDUCTIONS.—The Secretary of Defense may not initiate manpower reductions at organizations or activities, or within functions, that are commercial, commercial exempt from competition, military essential, or inherently governmental until the Secretary fully complies with the reporting and analysis requirements specified in subsections (b) and (c).

''(b) NOTIFICATION AND ELEMENTS OF ANALYSIS.—Before commencing to analyze any commercial, commercial exempt from competition, military essential, or inherently governmental organization, function, or activity for the consolidation, restructuring, or reengineering of

military personnel or Department of Defense civilian employees, the Secretary of Defense shall submit to Congress a report containing the following:

''(1) The organization, function, or activity to be analyzed for possible consolidation, restructuring, or reengineering.

''(2) The location or locations at which military personnel or Department of Defense civilian employees would be affected.

''(3) The number of military personnel or Department of Defense civilian employee positions potentially affected.

''(4) A description of the organization, function, or activity to be analyzed for possible consolidation, restructuring, or reengineering, including a description of all missions, duties, or military requirements that might be affected.

''(5) An examination of the cost incurred by the Department of Defense to perform the function or to operate the organization or activity that will be analyzed.

''(6) A certification that a proposed consolidation, restructuring, or reengineering of a commercial, commercial exempt from competition, military essential, or inherently governmental organization, function, or activity is not a result of a decision by an official of a military department or Defense Agency to impose predetermined constraints or limitations on the number of military personnel or Department of Defense civilian employees.

''(c) NOTIFICATION OF DECISION.—If, as a result of the completion of an analysis carried out consistent with the requirements of subsection (b), a decision is made to consolidate, restructure, or reengineer an organization, function, or activity, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report describing that decision. The report shall contain the following:

''(1) The Secretary's certification that the consolidation, restructuring, or reengineering that was analyzed will yield savings to the Department of Defense.

''(2) A projection of the savings that will be realized as a result of the consolidation, restructuring, or reengineering, compared with the cost incurred by the Department of Defense to perform the function or to operate the organization or activity prior to such proposed consolidation, restructuring, or reengineering.

''(3) A description of all missions, duties, or military requirements that will be affected as a result of the decision to consolidate, restructure, or reengineer the organization, function, or activity that was analyzed.

''(4) The Secretary's certification that the consolidation, restructuring or reengineering will not result in any diminution of military readiness.

''(5) A schedule for performing the consolidation, restructuring or reengineering.

''(6) The Secretary's certification that the entire analysis is available for examination.

''(d) DELEGATION.—The responsibility to prepare reports under subsections (b) and (c) may be delegated to the Deputy Under Secretary of Defense for Installations.

''(e) COMMENCEMENT; WAIVER FOR SMALL FUNCTIONS.—(1) The consolidation, restructuring, or reengineering of an organization, function, or activity for which a report is required under subsection (c) shall not begin until at least 45 days after the submission of the report to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate.

''(2) Subsection (c) shall not apply to a consolidation, restructuring, or reengineering that will result in the elimination of 10 or fewer military or Department of Defense civilian employee positions.

''(f) COMPTROLLER GENERAL REVIEW.—Not later than March 1 of each year, the Comptroller General shall submit to Congress a report reviewing decisions taken by the Secretary of Defense to consolidate, restructure, or reengineer organizations, functions, or activities during the previous year and assessing the Secretary's compliance with this section. The report shall include a detailed assessment by the Comptroller General of whether the savings projected by the Secretary to result from such decisions are likely to be realized, and whether any decision taken by the Secretary is likely to result in a diminution of military readiness. The report shall also include detailed audits of selected analyses performed by the Secretary.

''(g) RELATION TO OTHER LAW.—Nothing in this section shall be construed to obviate the requirements set forth in section 1597 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2475. Consolidation of functions or activities and reengineering or restructuring of organizations, functions, or activities: required studies and reports before manpower reductions.''.

SEC. 365. NATIONAL GUARD ASSISTANCE FOR CERTAIN YOUTH AND CHARITABLE ORGANIZATIONS.

Section 508 of title 32, United States Code, is amended—

(1) in subsection (b)(2), by inserting ''or any other youth or charitable organization designated by the Secretary of Defense'' after ''Special Olympics''; and

(2) in subsection (d)(1)—

(A) by redesignating paragraph (14) as paragraph (15); and

(B) by inserting after paragraph (13) the following new paragraph (14):

''(14) Reach For Tomorrow.''.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2001, as follows:

(1) The Army, 480,000.

(2) The Navy, 372,642.

(3) The Marine Corps, 172,600.

(4) The Air Force, 357,000.

SEC. 402. REVISION IN PERMANENT END STRENGTH MINIMUM LEVELS.

(a) REVISED END STRENGTH FLOORS.—Section 691(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''371,781'' and inserting ''372,000'';

(2) in paragraph (3), by striking ''172,148'' and inserting ''172,600''; and

(3) in paragraph (4), by striking ''360,877'' and inserting ''357,000''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2000.

SEC. 403. ADJUSTMENT TO END STRENGTH FLEXIBILITY AUTHORITY.

Section 691(e) of title 10, United States Code, is amended by inserting ''or greater than'' after ''identical to'.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2001, as follows:

(1) The Army National Guard of the United States, 350,526.

(2) The Army Reserve, 205,300.

(3) The Naval Reserve, 88,900.

(4) The Marine Corps Reserve, 39,558.

(5) The Air National Guard of the United States, 108,000.

(6) The Air Force Reserve, 74,358.

(7) The Coast Guard Reserve, 8,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2001, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,974.

(2) The Army Reserve, 13,106.

(3) The Naval Reserve, 14,649.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 11,148.

(6) The Air Force Reserve, 1,336.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2001 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 5,921.

(2) For the Army National Guard of the United States, 23,129.

(3) For the Air Force Reserve, 9,785.

(4) For the Air National Guard of the United States, 22,247.

SEC. 414. INCREASE IN NUMBERS OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) OFFICERS.—The table in section 12011(a) of title 10, United States Code, is amended to read as follows:

''Grade	*Army*	*Navy*	*Air Force*	*Marine Corps*
Major or Lieutenant Commander	*3,405*	*1,071*	*998*	*140*
Lieutenant Colonel or Commander	*1,830*	*520*	*859*	*90*
Colonel or Navy Captain	*547*	*188*	*317*	*30''.*

(b) SENIOR ENLISTED MEMBERS.—The table in section 12012(a) of such title is amended to read as follows:

''Grade	*Army*	*Navy*	*Air Force*	*Marine Corps*
E–9	*866*	*202*	*502*	*20*
E–8	*2,966*	*429*	*1,131*	*94''.*

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2001 a total of $75,801,666,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2001.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—General Personnel Management Authorities

SEC. 501. AUTHORITY FOR SECRETARY OF DEFENSE TO SUSPEND CERTAIN PERSONNEL STRENGTH LIMITATIONS DURING WAR OR NATIONAL EMERGENCY.

(a) SENIOR ENLISTED MEMBERS ON ACTIVE DUTY.—Section 517 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) Whenever under section 527 of this title the President may suspend the operation of any provision of section 523, 525, or 526 of this title, the Secretary of Defense may suspend the operation of any provision of this section. Any such suspension shall, if not sooner ended, end in the manner specified in section 527 for a suspension under that section.''.

(b) FIELD GRADE RESERVE COMPONENT OFFICERS.—Section 12011 of such title is amended by adding at the end the following new subsection:

''(c) Whenever under section 527 of this title the President may suspend the operation of any provision of section 523, 525, or 526 of this title, the Secretary of Defense may suspend the operation of any provision of this section. Any such suspension shall, if not sooner ended, end in the manner specified in section 527 for a suspension under that section.''.

(c) SENIOR ENLISTED MEMBER IN RESERVE COMPONENTS.—Section 12012 of such title is amended by adding at the end the following new subsection:

''(c) Whenever under section 527 of this title the President may suspend the operation of any provision of section 523, 525, or 526 of this title, the Secretary of Defense may suspend the operation of any provision of this section. Any such suspension shall, if not sooner ended, end in the manner specified in section 527 for a suspension under that section.''.

SEC. 502. AUTHORITY TO ISSUE POSTHUMOUS COMMISSIONS IN THE CASE OF MEMBERS DYING BEFORE OFFICIAL RECOMMENDATION FOR APPOINTMENT OR PROMOTION IS APPROVED BY SECRETARY CONCERNED.

(a) REPEAL OF LIMITATION TO DEATHS OCCURRING AFTER SECRETARIAL APPROVAL.—Subsection (a)(3) of section 1521 of title 10, United States Code, is amended by striking ''and the recommendation for whose appointment or promotion was approved by the Secretary concerned''.

(b) EFFECTIVE DATE OF COMMISSION.—Subsection (b) of such section is amended by striking ''approval'' both places it appears and inserting ''official recommendation''.

SEC. 503. TECHNICAL CORRECTION TO RETIRED GRADE RULE FOR ARMY AND AIR FORCE OFFICERS.

(a) ARMY.—Section 3961(a) of title 10, United States Code, is amended by striking ''or for nonregular service under chapter 1223 of this title''.

(b) AIR FORCE.—Section 8961(a) of such title is amended by striking ''or for nonregular service under chapter 1223 of this title''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to Reserve officers who are promoted to a higher grade as a result of selection for promotion under chapter 36 or chapter 1405 of title 10, United States Code, or having been found qualified for Federal recognition in a higher grade under chapter 3 of title 32, United States Code, after October 5, 1994.

SEC. 504. EXTENSION TO END OF CALENDAR YEAR OF EXPIRATION DATE FOR CERTAIN FORCE DRAWDOWN TRANSITION AUTHORITIES.

(a) EARLY RETIREMENT AUTHORITY FOR ACTIVE FORCE MEMBERS.—Section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended by striking ''October 1, 2001'' and inserting ''December 31, 2001''.

(b) SSB AND VSI.—Sections 1174a(h) and 1175(d)(3) of title 10, United States Code, are amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(c) SELECTIVE EARLY RETIREMENT BOARDS.—Section 638a(a) of such title is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(d) TIME-IN-GRADE REQUIREMENT FOR RETENTION OF GRADE UPON VOLUNTARY RETIREMENT.—Section 1370(a)(2)(A) of such title is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(e) MINIMUM COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT AS AN OFFICER.—Sections 3911(b), 6323(a)(2), and 8911(b) of such title are amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(f) TRAVEL, TRANSPORTATION, AND STORAGE BENEFITS.—Sections 404(c)(1)(C), 404(f)(2)(B)(v), 406(a)(2)(B)(v), and 406(g)(1)(C) of title 37, United States Code, and section 503(c) of the National Defense Authorization Act for Fiscal Year 1991 (37 U.S.C. 406 note) are amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(g) EDUCATIONAL LEAVE FOR PUBLIC AND COMMUNITY SERVICE.—Section 4463(f) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143a note) is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(h) TRANSITIONAL HEALTH BENEFITS.—Subsections (a)(1), (c)(1), and (e) of section 1145 of title 10, United States Code, are amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(i) TRANSITIONAL COMMISSARY AND EXCHANGE BENEFITS.—Section 1146 of such title is amended by striking ''September 30, 2001'' both places it appears and inserting ''December 31, 2001''.

(j) TRANSITIONAL USE OF MILITARY HOUSING.—Paragraphs (1) and (2) of section 1147(a) of such title are amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(k) CONTINUED ENROLLMENT OF DEPENDENTS IN DEFENSE DEPENDENTS' EDUCATION SYSTEM.—Section 1407(c)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(c)(1)) is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(l) FORCE REDUCTION TRANSITION PERIOD DEFINITION.—Section 4411 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(m) TEMPORARY SPECIAL AUTHORITY FOR FORCE REDUCTION PERIOD RETIREMENTS.—Section 4416(b)(1) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is amended by striking ''October 1, 2001'' and inserting ''December 31, 2001''.

(n) RETIRED PAY FOR NON-REGULAR SERVICE.—(1) Section 12731(f) of title 10, United States Code, is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(2) Section 12731a of such title is amended in subsections (a)(1)(B) and (b) by striking ''October 1, 2001'' and inserting ''December 31, 2001''.

(o) REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR RETENTION OF GRADE UPON VOLUNTARY RETIREMENT.—Section 1370(d)(5) of such title is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(p) AFFILIATION WITH GUARD AND RESERVE UNITS; WAIVER OF CERTAIN LIMITATIONS.—Section 1150(a) of such title is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

(q) RESERVE MONTGOMERY GI BILL.—Section 16133(b)(1)(B) of such title is amended by striking ''September 30, 2001'' and inserting ''December 31, 2001''.

SEC. 505. CLARIFICATION OF REQUIREMENTS FOR COMPOSITION OF ACTIVE-DUTY LIST SELECTION BOARDS WHEN RESERVE OFFICERS ARE UNDER CONSIDERATION.

(a) CLARIFICATION.—Section 612(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''who are on the active-duty list'' in the second sentence; and

(B) by inserting after the second sentence the following new sentence: ''Each member of a selection board (except as provided in paragraphs (2), (3), and (4)) shall be an officer on the active-duty list.''; and

(2) in paragraph (3)—

(A) by striking ''of that armed force, with the exact number of reserve officers to be'' and inserting ''of that armed force on active duty (whether or not on the active-duty list). The actual number of reserve officers shall be''; and

(B) by striking ''his discretion, except that'' and inserting ''the Secretary's discretion. Notwithstanding the first sentence of this paragraph,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any selection board convened under section 611(a) of title 10, United States Code, on or after August 1, 1981.

SEC. 506. VOLUNTARY SEPARATION INCENTIVE.

(a) AUTHORITY FOR TERMINATION UPON ENTITLEMENT TO RETIRED PAY.—Section 1175(e)(3) of title 10, United States Code, is amended—

(1) inserting ''(A)'' after ''(3)''; and

(2) by adding at the end the following new subparagraph:

''(B) If a member is receiving simultaneous voluntary separation incentive payments and retired or retainer pay, the member may elect to terminate the receipt of voluntary separation incentive payments. Any such election is permanent and irrevocable. The rate of monthly recoupment from retired or retainer pay of voluntary separation incentive payments received after such an election shall be reduced by a percentage that is equal to a fraction with a denominator equal to the number of months that the voluntary separation incentive payments were scheduled to be paid and a numerator equal to the number of months that would not be paid as a result of the member's decision to terminate the voluntary separation incentive.''.

(b) EFFECTIVE DATE.—Subparagraph (B) of section 1175(e)(3) of title 10, United States Code, as added by subsection (a), shall apply with respect to decisions by members to terminate voluntary separation incentive payments under section 1175 of title 10, United States Code, to be effective after September 30, 2000.

SEC. 507. CONGRESSIONAL REVIEW PERIOD FOR ASSIGNMENT OF WOMEN TO DUTY ON SUBMARINES AND FOR ANY PROPOSED RECONFIGURATION OR DESIGN OF SUBMARINES TO ACCOMMODATE FEMALE CREW MEMBERS.

(a) IN GENERAL.—(1) Chapter 555 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 6035. Female members: congressional review period for assignment to duty on submarines or for reconfiguration of submarines

''(a) No change in the Department of the Navy policy limiting service on submarines to males, as in effect on May 10, 2000, may take effect until—

''(1) the Secretary of Defense submits to Congress written notice of the proposed change; and

''(2) a period of 120 days of continuous session of Congress expires following the date on which the notice is received.

''(b) No funds available to the Department of the Navy may be expended to reconfigure any existing submarine, or to design any new submarine, to accommodate female crew members until—

''(1) the Secretary of Defense submits to Congress written notice of the proposed reconfiguration or design; and

''(2) a period of 120 days of continuous session of Congress expires following the date on which the notice is received.

''(c) For purposes of this section—

''(1) the continuity of a session of Congress is broken only by an adjournment of the Congress sine die; and

''(2) the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such 120-day period.''.

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

''6035. Female members: congressional review period for assignment to duty on submarines or for reconfiguration of submarines.''.

(b) CONFORMING AMENDMENT.—Section 542(a)(1) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 113 note) is amended by inserting ''or by section 6035 of title 10, United States Code'' after ''Except in a case covered by subsection (b)''.

Subtitle B—Reserve Component Personnel Policy

SEC. 511. EXEMPTION FROM ACTIVE-DUTY LIST FOR RESERVE OFFICERS ON ACTIVE DUTY FOR A PERIOD OF THREE YEARS OR LESS.

Section 641(1) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph:

''(D) on the reserve active-status list who are on active duty under section 12301(d) of this title, other than as provided in subparagraph (C), under a call or order to active duty specifying a period of three years or less;''.

SEC. 512. EXEMPTION OF RESERVE COMPONENT MEDICAL AND DENTAL OFFICERS FROM COUNTING IN GRADE STRENGTHS.

Section 12005(a)(1) of title 10, United States Code, is amended by adding at the end the following new sentence: ''Medical officers and dental officers shall be excluded in computing and determining the authorized strengths under this subsection.''.

SEC. 513. CONTINUATION OF OFFICERS ON THE RESERVE ACTIVE STATUS LIST WITHOUT REQUIREMENT FOR APPLICATION.

Section 14701(a) of title 10, United States Code, is amended by striking ''Upon application, a reserve officer'' and inserting ''A reserve officer''.

SEC. 514. AUTHORITY TO RETAIN RESERVE COMPONENT CHAPLAINS AND OFFICERS IN MEDICAL SPECIALTIES UNTIL SPECIFIED AGE.

Section 14703(a)(3) of title 10, United States Code, is amended by striking ''veterinary officers'' and all that follows through the period and inserting ''Air Force nurse, Medical Service Corps officer, biomedical sciences officer, or chaplain.''.

SEC. 515. AUTHORITY FOR TEMPORARY INCREASE IN NUMBER OF RESERVE COMPONENT PERSONNEL SERVING ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY IN CERTAIN GRADES.

(a) FIELD GRADE OFFICERS.—Section 12011 of title 10, United States Code, as amended by section 501(b), is amended by adding at the end the following new subsection:

''(d) Upon a determination by the Secretary of Defense that such action is in the national interest, the Secretary may increase the number of officers serving in any grade for a fiscal year pursuant to subsection (a) by not more than the percent authorized by the Secretary under section 115(c)(2) of this title.''.

(b) SENIOR ENLISTED MEMBERS.—Section 12012 of such title, as amended by section 501(c), is amended by adding at the end the following new subsection:

''(d) Upon a determination by the Secretary of Defense that such action is in the national interest, the Secretary may increase the number of enlisted members serving in any grade for a fiscal year pursuant to subsection (a) by not more than the percent authorized by the Secretary under section 115(c)(2) of this title.''.

SEC. 516. AUTHORITY FOR PROVISION OF LEGAL SERVICES TO RESERVE COMPONENT MEMBERS FOLLOWING RELEASE FROM ACTIVE DUTY.

(a) LEGAL SERVICES.—Section 1044(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) Members of a reserve component not covered by paragraph (1) or (2), but only during a period, following a release from active duty under a call or order to active duty for more than 29 days under a mobilization authority (as determined by the Secretary of Defense), that is not in excess of twice the length of time served on active duty.''.

(b) DEPENDENTS.—Paragraph (5) of such section 1044(a) (as redesignated by subsection (a)) is amended by striking ''and (3)'' and inserting ''(3), and (4)''.

(c) IMPLEMENTING REGULATIONS.—Regulations to implement the amendments made by subsections (a) and (b) shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 517. ENTITLEMENT TO SEPARATION PAY FOR RESERVE OFFICERS RELEASED FROM ACTIVE DUTY UPON DECLINING SELECTIVE CONTINUATION ON ACTIVE DUTY AFTER SECOND FAILURE OF SELECTION FOR PROMOTION.

(a) DISCHARGE OR RELEASE TO BE CONSIDERED INVOLUNTARY.—Section 1174(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) The discharge or release from active duty of an officer under a law or regulation requiring that an officer who has failed of selection for promotion to the next higher grade for the second time, or who declines continuation on active duty after such a failure, be discharged or released from active duty shall be considered to be involuntary for purposes of paragraph (1)(A).''.

(b) EFFECTIVE DATE.—Paragraph (4) of section 1174(c) of title 10, United States Code, as added by subsection (a), shall apply with respect to an offer for selective continuation on active duty that is declined on or after the date of the enactment of this Act.

SEC. 518. EXTENSION OF INVOLUNTARY CIVIL SERVICE RETIREMENT DATE FOR CERTAIN RESERVE TECHNICIANS.

(a) MANDATORY RETIREMENT NOT APPLICABLE UNTIL AGE 60.—Section 10218 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''and is age 60 or older at that time'' after ''unreduced annuity'' in paragraph (2);

(B) by inserting ''or is under age 60 at that time'' after ''unreduced annuity'' in paragraph (3)(A); and

(C) by inserting ''and becoming 60 years of age'' after ''unreduced annuity'' in paragraph (3)(B)(ii)(I); and

(2) in subsection (b)—

(A) by inserting ''and is age 60 or older'' after ''unreduced annuity'' in paragraph (1);

(B) by inserting ''or is under age 60'' after ''unreduced annuity'' in paragraph (2)(A); and

(C) by inserting ''and becoming 60 years of age'' after ''unreduced annuity'' in paragraph (2)(B)(ii)(I).

(b) TRANSITION PROVISION.—(1) An individual who before the date of the enactment of this Act was involuntarily separated or retired from employment as an Army Reserve or Air Force Reserve technician under section 10218 of title 10, United States Code, and who would not have been so separated if the provisions of subsection (c) of that section, as amended by subsection (a), had been in effect at the time of such separation may, with the approval of the Secretary concerned, be reinstated to the technician status held by that individual immediately before that separation.

(2) The authority under paragraph (1) applies only to reinstatement for which an application is received by the Secretary concerned before the end of the one-year period beginning on the date of the enactment of this Act.

Subtitle C—Education and Training

SEC. 521. COLLEGE TUITION ASSISTANCE PROGRAM FOR PURSUIT OF DEGREES BY MEMBERS OF THE MARINE CORPS PLATOON LEADERS CLASS PROGRAM.

(a) IN GENERAL.—Section 16401 of title 10, United States Code, is amended as follows:

(1) The section heading is amended to read as follows:

''§ 16401. Marine Corps Platoon Leaders Class program: college tuition assistance program''.

(2) Subsection (a) is amended—

(A) by striking ''FINANCIAL'' in the subsection heading and inserting ''COLLEGE TUITION'';

(B) by striking ''an eligible enlisted'' in the matter preceding paragraph (1) and inserting ''a''; and

(C) in paragraph (2), by striking ''three'' and inserting ''four''.

(3) Subsection (b)(1) is amended—

(A) by striking ''an enlisted'' and inserting ''a'';

(B) in subparagraph (A), by striking ''an officer candidate in'' and inserting ''a member of'';

(C) by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(D) in subparagraph (C) (as so redesignated), by striking ''(3)'' and inserting ''(2)''.

(4) Subsection (b) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(5) Subsection (f)(1) is amended by striking ''A member'' and inserting ''An enlisted member''.

(b) COMPUTATION OF CREDITABLE SERVICE.—Section 205(f) of title 37, United States Code, is amended—

(1) by striking ''section 12209'' and inserting ''section 12203''; and

(2) by striking ''a member'' and inserting ''an enlisted member''.

(c) CLERICAL AMENDMENT.—The item relating to section 16401 in the table of sections at the beginning of chapter 1611 of such title is amended to read as follows:

''16401. Marine Corps Platoon Leaders Class program: college tuition assistance program.''.

SEC. 522. REVIEW OF ALLOCATION OF JUNIOR RESERVE OFFICERS TRAINING CORPS UNITS AMONG THE SERVICES.

(a) REALLOCATION OF JROTC UNITS.—Not later than March 31, 2001, the Secretary of Defense shall—

(1) review the allocation among the military departments of the statutory maximum number of Junior Reserve Officers' Training Corps (JROTC) units; and

(2) redistribute the allocation of those units planned (as of the date of the enactment of this

Act) for fiscal years 2001 through 2006 so as to increase the number of units for a military department that proposes to more quickly eliminate the current waiting list for such units and to commit the necessary resources for that purpose.

(b) PROPOSAL FOR INCREASE IN STATUTORY MAXIMUM.—If, based on the review under subsection (a) and the redistribution of the allocation of JROTC units under that subsection, the Secretary determines that an increase in the statutory maximum number of such units is warranted, the Secretary shall include a proposal for such an increase in the budget proposal of the Department of Defense for fiscal year 2002.

SEC. 523. AUTHORITY FOR NAVAL POSTGRADUATE SCHOOL TO ENROLL CERTAIN DEFENSE INDUSTRY CIVILIANS IN SPECIFIED PROGRAMS RELATING TO DEFENSE PRODUCT DEVELOPMENT.

(a) IN GENERAL.—(1) Chapter 605 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7049. Defense industry civilians: admission to defense product development program

''(a) AUTHORITY FOR ADMISSION.—The Secretary of the Navy may permit eligible defense industry employees to receive instruction at the Naval Postgraduate School in accordance with this section. Any such defense industry employee may only be enrolled in, and may only be provided instruction in, a program leading to a masters's degree in a curriculum related to defense product development. No more than 10 such defense industry employees may be enrolled at any one time. Upon successful completion of the course of instruction in which enrolled, any such defense industry employee may be awarded an appropriate degree under section 7048 of this title.

''(b) ELIGIBLE DEFENSE INDUSTRY EMPLOYEES.—For purposes of this section, an eligible defense industry employee is an individual employed by a private firm that is engaged in providing to the Department of Defense significant and substantial defense-related systems, products, or services. A defense industry employee admitted for instruction at the school remains eligible for such instruction only so long at that person remains employed by the same firm.

''(c) ANNUAL CERTIFICATION BY THE SECRETARY OF THE NAVY.—Defense industry employees may receive instruction at the school during any academic year only if, before the start of that academic year, the Secretary of the Navy determines, and certifies to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, that providing instruction to defense industry employees under this section during that year—

''(1) will further the military mission of the school;

''(2) will enhance the ability of the Department of Defense and defense-oriented private sector contractors engaged in the design and development of defense systems to reduce the product and project lead times required to bring such systems to initial operational capability; and

''(3) will be done on a space-available basis and not require an increase in the size of the faculty of the school, an increase in the course offerings of the school, or an increase in the laboratory facilities or other infrastructure of the school.

''(d) PROGRAM REQUIREMENTS.—The Secretary of the Navy shall ensure that—

''(1) the curriculum for the defense product development program in which defense industry employees may be enrolled under this section is not readily available through other schools and concentrates on defense product development functions that are conducted by military organizations and defense contractors working in close cooperation; and

''(2) the course offerings at the school continue to be determined solely by the needs of the Department of Defense.

''(e) TUITION.—The Superintendent of the school shall charge tuition for students enrolled under this section at a rate not less than the rate charged for employees of the United States outside the Department of the Navy.

''(f) STANDARDS OF CONDUCT.—While receiving instruction at the school, students enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the school.

''(g) USE OF FUNDS.—Amounts received by the school for instruction of students enrolled under this section shall be retained by the school to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the school.''.

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

''7049. Defense industry civilians: admission to defense product development program.''.

(b) PROGRAM EVALUATION AND REPORT.—(1) Before the start of the fourth year of instruction, but no earlier than the start of the third year of instruction, of defense industry employees at the Naval Postgraduate School under section 7049 of title 10, United States Code, as added by subsection (a), the Secretary of the Navy shall conduct an evaluation of the admission of such students under that section. The evaluation shall include the following:

(A) An assessment of whether the authority for instruction of nongovernment civilians at the school has resulted in a discernible benefit for the Government.

(B) Determination of whether the receipt and disposition of funds received by the school as tuition for instruction of such civilians at the school have been properly identified in records of the school.

(C) An assessment of the disposition of those funds.

(D) An assessment of whether instruction of such civilians at the school is in the best interests of the Government.

(2) Not later than 30 days after completing the evaluation referred to in paragraph (1), the Secretary of the Navy shall submit to the Secretary of Defense a report on the program under such section. The report shall include—

(A) the results of the evaluation under paragraph (1);

(B) the Secretary's conclusions and recommendation with respect to continuing to allow nongovernment civilians to receive instruction and the Naval Postgraduate School as part of a program related to defense product development; and

(C) any proposals for legislative changes recommended by the Secretary.

(3) Not later than 60 days after receiving the report of the Secretary of the Navy under paragraph (2), the Secretary of Defense shall submit the report, together with any comments that the Secretary considers appropriate, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

Subtitle D—Decorations, Awards, and Commendations

SEC. 531. AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO ANDREW J. SMITH FOR VALOR DURING THE CIVIL WAR.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the military service, the President may award the medal of honor, posthumously, under section 3741 of that title to Andrew J. Smith of Clinton, Illinois, for the acts of valor during the Civil War described in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Andrew J. Smith during the Civil War on November 30, 1864, while serving as an infantry corporal in the 55th Massachusetts Voluntary Infantry during the Battle of Honey Hill in South Carolina.

SEC. 532. AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO ED W. FREEMAN FOR VALOR DURING THE VIETNAM CONFLICT.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the military service, the President may award the Medal of Honor, posthumously, under section 3741 of that title to Ed W. Freeman of Boise, Idaho, for the acts of valor during the Vietnam Conflict described in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Ed W. Freeman on November 14, 1965, as a flight leader and second in command of a 16-helicopter lift unit, serving in the grade of captain at Landing Zone X-Ray in the battle of the IaDrang Valley, Republic of Vietnam, with Alpha Company, 229th Assault Helicopter Battalion, 101st Cavalry Division (Airmobile).

SEC. 533. CONSIDERATION OF PROPOSALS FOR POSTHUMOUS OR HONORARY PROMOTIONS OR APPOINTMENTS OF MEMBERS OR FORMER MEMBERS OF THE ARMED FORCES AND OTHER QUALIFIED PERSONS.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1563. Consideration of proposals for posthumous and honorary promotions and appointments: procedures for review and recommendation

''(a) REVIEW BY SECRETARY CONCERNED.—Upon request of a Member of Congress, the Secretary concerned shall review a proposal for the posthumous or honorary promotion or appointment of a member or former member of the armed forces, or any other person considered qualified, that is not otherwise authorized by law. Based upon such review, the Secretary shall make a determination as to the merits of approving the posthumous or honorary promotion or appointment and the other determinations necessary to comply with subsection (b).

''(b) NOTICE OF RESULTS OF REVIEW.—Upon making a determination under subsection (a) as to the merits of approving the posthumous or honorary promotion or appointment, the Secretary concerned shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives and to the requesting Member of Congress notice in writing of one of the following:

''(1) The posthumous or honorary promotion or appointment does not warrant approval on the merits.

''(2) The posthumous or honorary promotion or appointment warrants approval and authorization by law for the promotion or appointment is recommended.

''(3) The posthumous or honorary promotion or appointment warrants approval on the merits and has been recommended to the President as an exception to policy.

''(4) The posthumous or honorary promotion or appointment warrants approval on the merits and authorization by law for the promotion or appointment is required but is not recommended.

A notice under paragraph (1) or (4) shall be accompanied by a statement of the reasons for the decision of the Secretary.

''(c) DEFINITION.—In this section, the term 'Member of Congress' means—

''(1) a Senator; or

''(2) a Representative in, or a Delegate or Resident Commissioner to, Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1563. Consideration of proposals for posthumous and honorary promotions and appointments: procedures for review and recommendation.''.

SEC. 534. WAIVER OF TIME LIMITATIONS FOR AWARD OF NAVY DISTINGUISHED FLYING CROSS TO CERTAIN PERSONS.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to the award of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, during the period beginning on October 5, 1999, and ending on the day before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

SEC. 535. ADDITION OF CERTAIN INFORMATION TO MARKERS ON GRAVES CONTAINING REMAINS OF CERTAIN UNKNOWNS FROM THE U.S.S. ARIZONA WHO DIED IN THE JAPANESE ATTACK ON PEARL HARBOR ON DECEMBER 7, 1941.

(a) INFORMATION TO BE PROVIDED SECRETARY OF VETERANS AFFAIRS.—The Secretary of the Army shall provide to the Secretary of Veterans Affairs certain information, as specified in subsection (b), pertaining to the remains of certain unknown persons that are interred in the National Memorial Cemetery of the Pacific, Honolulu, Hawaii. The Secretary of Veterans Affairs shall add to the inscriptions on the markers on the graves containing those remains the information provided.

(b) INFORMATION TO BE ADDED—The information to be added to grave markers under subsection (a)—

(1) shall be determined by the Secretary of the Army, based on a review of the information that, as of the date of the enactment of this Act, has been authenticated by the director of the Navy Historical Center, Washington, D.C., pertaining to the interment of remains of certain unknown casualties from the U.S.S. Arizona who died as a result of the Japanese attack on Pearl Harbor on December 7, 1941; and

(2) shall, at a minimum, indicate that the interred remains are from the U.S.S. Arizona.

(c) LIMITATION OF SCOPE OF SECTION.—This section does not impose any requirement on the Secretary of the Army to undertake a review of any information pertaining to the interred remains of any unknown person other than as provided in subsection (b).

SEC. 536. SENSE OF CONGRESS REGARDING FINAL CREW OF U.S.S. INDIANAPOLIS.

(a) FINDINGS.—Congress finds the following:

(1) Shortly after midnight on the night of July 30, 1945, during the closing days of World War II, the United States Navy heavy cruiser U.S.S. INDIANAPOLIS (CA–35) was torpedoed and sunk by a Japanese submarine.

(2) Of the 1,196 crew members, only 316 survived the attack and subsequent five-day ordeal adrift at sea, the rest dying from battle wounds, drowning, shark attacks, exposure, or lack of food and water, making the sinking of the INDIANAPOLIS the worst sea disaster in United States naval history.

(3) Following the rescue of the surviving crew members, the commanding officer of the INDIANAPOLIS, Captain Charles Butler McVay III, who survived the sinking and the ordeal at sea, was charged with ''suffering a vessel to be hazarded through negligence'' and was convicted by a court-martial of that charge, notwithstanding a great many extenuating circumstances, some of which were not presented at the court-martial trial.

(4) Captain McVay had an excellent record throughout his naval career before the sinking of the INDIANAPOLIS, beginning with his graduation from the United States Naval Academy in 1919 and including an excellent combat record that included participation in the landings in North Africa and award of the Silver Star for courage under fire earned during the Solomon Islands campaign.

(5) After assuming command of the INDIANAPOLIS on November 18, 1944, Captain McVay led the ship during her participation in the assaults on Iwo Jima and Okinawa.

(6) During the latter assault, the INDIANAPOLIS suffered a damaging kamikaze attack which penetrated the ship's hull, but the ship was made seaworthy and skillfully returned by Captain McVay and her crew to San Francisco for repairs.

(7) Following completion of those repairs, the INDIANAPOLIS was given the mission of transporting to the island of Tinian vital parts of the atomic bomb which was dropped on Hiroshima, a mission which was completed successfully on July 26, 1945, at a record average speed of 29 knots.

(8) Following the accomplishment of that mission, the INDIANAPOLIS sailed from Tinian to Guam and from there embarked for Leyte Gulf in the Philippines to join training with the fleet assembling for the final assault on the Japanese mainland.

(9) As the INDIANAPOLIS began its trip across the Philippine Sea on July 28, 1945, the war was virtually over in that area of the south Pacific, with hostilities having moved 1,000 miles to the north, the Japanese navy's surface fleet was nonexistent, and United States naval intelligence reported only four operational Japanese submarines in the entire Pacific theater of war, all of which resulted in the state of alert among shore-based personnel routing and tracking the INDIANAPOLIS across the Philippine Sea being affected accordingly.

(10) Before departure from Guam Captain McVay requested a destroyer escort because his ship was not equipped with antisubmarine detection devices, but, despite the fact that no capital ship such as the INDIANAPOLIS had made the transit between Guam and the Philippines without escort during World War II, that request was denied, and a 1996 report by the Navy's Judge Advocate General's office concedes that ''Captain McVay and the routing officer did not discuss the availability of an escort after the operations officer for COMMARIANNAS confirmed that an escort was not necessary''.

(11) Although Captain McVay was informed of ''submarine sightings'' in the Philippine Sea, such sightings were commonplace, and none of those reported to Captain McVay had been confirmed, and at the same time there was a failure to inform him that a submarine within range of his path had sunk the U.S.S. UNDERHILL four days before his departure from Guam.

(12) United States military intelligence activities, through a code-breaking system called ULTRA, had learned that the Japanese submarine I–58 was operating in the Philippine Sea area, but Captain McVay was not told of this intelligence, which remained classified as Top Secret until the early 1990's, and this intelligence (and the fact that it was withheld from Captain McVay when he sailed from Guam) was not brought to light at his court-martial.

(13) The INDIANAPOLIS was sunk by this same submarine.

(14) the commander of that submarine, Mochitsura Hashimoto, testified at the court-martial that once he had detected the ship, he would have been able to make a successful torpedo attack whether or not the ship was zigzagging.

(15) With visibility severely limited by a heavy overcast at approximately 11 p.m. on the night of July 29, 1945, Captain McVay gave the order to cease zigzagging and retired to his cabin and shortly after midnight the INDIANAPOLIS was struck by two torpedoes and sunk within 12 minutes.

(16) The formal charge upon which Captain McVay was convicted for ''suffering a vessel to be hazarded through negligence'' contained the phrase ''in good visibility'' in reference to the weather conditions on that night, which is contrary to the recollection of all survivors, who recall that the visibility was very poor.

(17) After the INDIANAPOLIS was sunk, various Navy shore offices compounded the previous errors which had led to the ship being placed in jeopardy by failing to report the ship's overdue arrival, thus leaving the approximately 950 members of the crew who survived the sinking of the ship adrift for four days and five nights until by chance the survivors were spotted by a routine air patrol.

(18) A court of inquiry to investigate the sinking was convened in Guam on August 13, 1945, just two weeks after the sinking and nine days after the survivors were rescued (a date so soon after the sinking that Captain William Hillbert, the Navy judge advocate for the inquiry, admitted that the inquiry was so rushed that they were ''. . . starting the proceedings without having available all the necessary data'') and recommended that Captain McVay be issued a Letter of Reprimand and that he be court-martialed.

(19) The headquarters staff of CINCPAC (commanded by Fleet Admiral Chester Nimitz) disagreed with the recommendation of the court of inquiry, stating that in not maintaining a zigzag course Captain McVay at worst was guilty only of an error in judgment and not gross negligence and concluded that the rule requiring zigzagging would not have applied in any event since Captain McVay's orders gave him discretion on that matter and took precedence over all other orders (a point that was never made by Captain McVay's attorney during the court-martial).

(20) The Department of the Navy delayed the announcement of the sinking of the INDIANAPOLIS for almost two weeks to coincide with the announcement of the surrender of Japan, thus diverting attention from the magnitude of the disaster and lessening its public impact, and then, despite opposition by Admiral Nimitz and Admiral Raymond Spruance (for whom the INDIANAPOLIS had served as flagship), it brought court-martial charges against Captain McVay in a rare instance when a commanding officer's recommendations are contravened.

(21) Captain McVay thus became the first United States Navy commanding officer brought to trial for losing his ship in combat during World War II, despite the fact that over 700 ships were lost during World War II, including some under questionable circumstances.

(22) Captain McVay was convicted on February 23, 1946, on the charge of ''suffering a vessel to be hazarded through negligence'', thus permanently damaging his career as a naval officer, although when Admiral Nimitz was advanced to the position of Chief of Naval Operations later that same year, he remitted Captain McVay's sentence and restored him to active duty.

(23) Following his court-martial conviction, Captain McVay remained on active duty until retiring in 1949 upon completion of 30 years of active naval service, with a final promotion, in accordance with then-applicable law, to the grade of rear admiral, effective upon the date of his retirement.

(24) Rear Admiral Charles Butler McVay III (retired), died on November 6, 1968, without having been exonerated from responsibility for the loss of his ship and the lives of 880 members of her crew.

(25) The survivors of the INDIANAPOLIS still living have remained steadfast in their support of the exoneration of Captain McVay.

(26) In 1993, Congress, in section 1165 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1765; 16 U.S.C. 431 note), recognized the memorial to the U.S.S. INDIANAPOLIS (CA–35) in Indianapolis, Indiana, as the national memorial to that historic warship and to her final crew.

(27) In 1994, Congress, in section 1052 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2844), stating that it was acting on behalf of the grateful people of the United States—

(A) recognized the invaluable contributions of the U.S.S. INDIANAPOLIS to the ending of World War II; and

(B) on the occasion of the 50th anniversary of her tragic sinking, and the dedication of the national memorial in Indianapolis on July 30, 1995, commended that ship and her crew for selfless and heroic service to the United States.

(b) COURT-MARTIAL CONVICTION OF CHARLES BUTLER MCVAY, III.—It is the sense of Congress that—

(1) the court-martial charges against then-Captain Charles Butler McVay III, United States Navy, arising from the sinking of the U.S.S. INDIANAPOLIS (CA–35) on July 30, 1945, while under his command were not morally sustainable;

(2) Captain McVay's conviction was a miscarriage of justice that led to his unjust humiliation and damage to his naval career; and

(3) the American people should now recognize Captain McVay's lack of culpability for the tragic loss of the U.S.S. INDIANAPOLIS and the lives of the men who died as a result of her sinking.

(c) PRESIDENTIAL UNIT CITATION.—(1) It is the sense of Congress that the President should award a Presidential Unit Citation to the final crew of the U.S.S. INDIANAPOLIS (CA–35) in recognition of the courage and fortitude displayed by the members of that crew in the face of tremendous hardship and adversity after their ship was torpedoed and sunk on July 30, 1945.

(2) A citation described in paragraph (1) may be awarded without regard to any provision of law or regulation prescribing a time limitation that is otherwise applicable with respect to recommendation for, or the award of, such a citation.

SEC. 537. POSTHUMOUS ADVANCEMENT OF REAR ADMIRAL (RETIRED) HUSBAND E. KIMMEL AND MAJOR GENERAL (RETIRED) WALTER C. SHORT ON RETIRED LISTS.

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

(1) The late Rear Admiral (retired) Husband E. Kimmel, formerly serving in the grade of admiral as the Commander in Chief of the United States Fleet and the Commander in Chief, United States Pacific Fleet, had an excellent and unassailable record throughout his career in the United States Navy prior to the December 7, 1941, attack on Pearl Harbor.

(2) The late Major General (retired) Walter C. Short, formerly serving in the grade of lieutenant general as the Commander of the United States Army Hawaiian Department, had an excellent and unassailable record throughout his career in the United States Army prior to the December 7, 1941, attack on Pearl Harbor.

(3) Numerous investigations following the attack on Pearl Harbor have documented that then Admiral Kimmel and then Lieutenant General Short were not provided necessary and critical intelligence that was available, that foretold of war with Japan, that warned of imminent attack, and that would have alerted them to prepare for the attack, including such essential communiques as the Japanese Pearl Harbor Bomb Plot message of September 24, 1941, and the message sent from the Imperial Japanese Foreign Ministry to the Japanese Ambassador in the United States from December 6–7, 1941, known as the Fourteen-Part Message.

(4) On December 16, 1941, Admiral Kimmel and Lieutenant General Short were relieved of their commands and returned to their permanent ranks of rear admiral and major general.

(5) Admiral William Harrison Standley, who served as a member of the investigating commission known as the Roberts Commission that accused Admiral Kimmel and Lieutenant General Short of ''dereliction of duty'' only six weeks after the attack on Pearl Harbor, later disavowed the report maintaining that ''these two officers were martyred'' and ''if they had been brought to trial, both would have been cleared of the charge''.

(6) On October 19, 1944, a Naval Court of Inquiry—

(A) exonerated Admiral Kimmel on the grounds that his military decisions and the disposition of his forces at the time of the December 7, 1941, attack on Pearl Harbor were proper ''by virtue of the information that Admiral Kimmel had at hand which indicated neither the probability nor the imminence of an air attack on Pearl Harbor'';

(B) criticized the higher command for not sharing with Admiral Kimmel ''during the very critical period of 26 November to 7 December 1941, important information . . . regarding the Japanese situation''; and

(C) concluded that the Japanese attack and its outcome was attributable to no serious fault on the part of anyone in the naval service.

(7) On June 15, 1944, an investigation conducted by Admiral T. C. Hart at the direction of the Secretary of the Navy produced evidence, subsequently confirmed, that essential intelligence concerning Japanese intentions and war plans was available in Washington but was not shared with Admiral Kimmel.

(8) On October 20, 1944, the Army Pearl Harbor Board of Investigation determined that—

(A) Lieutenant General Short had not been kept ''fully advised of the growing tenseness of the Japanese situation which indicated an increasing necessity for better preparation for war'';

(B) detailed information and intelligence about Japanese intentions and war plans were available in ''abundance'', but were not shared with Lieutenant General Short's Hawaii command; and

(C) Lieutenant General Short was not provided ''on the evening of December 6th and the early morning of December 7th, the critical information indicating an almost immediate break with Japan, though there was ample time to have accomplished this''.

(9) The reports by both the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation were kept secret, and Rear Admiral (retired) Kimmel and Major General (retired) Short were denied their requests to defend themselves through trial by court-martial.

(10) The joint committee of Congress that was established to investigate the conduct of Admiral Kimmel and Lieutenant General Short completed, on May 31, 1946, a 1,075-page report which included the conclusions of the committee that the two officers had not been guilty of dereliction of duty.

(11) The Officer Personnel Act of 1947, in establishing a promotion system for the Navy and the Army, provided a legal basis for the President to honor any officer of the Armed Forces of the United States who served his country as a senior commander during World War II with a placement of that officer, with the advice and consent of the Senate, on the retired list with the highest grade held while on the active duty list.

(12) On April 27, 1954, the then Chief of Naval Personnel, Admiral J. L. Holloway, Jr., recommended that Rear Admiral Kimmel be advanced in rank in accordance with the provisions of the Officer Personnel Act of 1947.

(13) On November 13, 1991, a majority of the members of the Board for the Correction of Military Records of the Department of the Army found that the late Major General (retired) Short ''was unjustly held responsible for the Pearl Harbor disaster'' and that ''it would be equitable and just'' to advance him to the rank of lieutenant general on the retired list''.

(14) In October 1994, the then Chief of Naval Operations, Admiral Carlisle Trost, withdrew his 1988 recommendation against the advancement of Rear Admiral (retired) Kimmel (by then deceased) and recommended that the case of Rear Admiral Kimmel be reopened.

(15) Although the Dorn Report, a report on the results of a Department of Defense study that was issued on December 15, 1995, did not provide support for an advancement of the late Rear Admiral (retired) Kimmel or the late Major General (retired) Short in grade, it did set forth as a conclusion of the study that ''responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared''.

(16) The Dorn Report found—

(A) that ''Army and Navy officials in Washington were privy to intercepted Japanese diplomatic communications . . . which provided crucial confirmation of the imminence of war'';

(B) that ''the evidence of the handling of these messages in Washington reveals some ineptitude, some unwarranted assumptions and misestimations, limited coordination, ambiguous language, and lack of clarification and follow-up at higher levels''; and

(C) that ''together, these characteristics resulted in failure . . . to appreciate fully and to convey to the commanders in Hawaii the sense of focus and urgency that these intercepts should have engendered''.

(17) On July 21, 1997, Vice Admiral David C. Richardson (United States Navy, retired) responded to the Dorn Report with his own study which confirmed findings of the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation and established, among other facts, that the war effort in 1941 was undermined by a restrictive intelligence distribution policy, and the degree to which the commanders of the United States forces in Hawaii were not alerted about the impending attack on Hawaii was directly attributable to the withholding of intelligence from then Admiral Kimmel and Lieutenant General Short.

(18) Rear Admiral (retired) Kimmel and Major General (retired) Short are the only two officers eligible for advancement under the Officer Personnel Act of 1947 as senior World War II commanders who were excluded from the list of retired officers presented for advancement on the retired lists to their highest wartime ranks under that Act.

(19) This singular exclusion from advancement of Rear Admiral (retired) Kimmel and Major General (retired) Short from the Navy retired list and the Army retired list, respectively, serves only to perpetuate the myth that the senior commanders in Hawaii were derelict in their duty and responsible for the success of the attack on Pearl Harbor, and is a distinct and unacceptable expression of dishonor toward two of the finest officers who have served in the Armed Forces of the United States.

(20) Major General (retired) Walter Short died on September 23, 1949, and Rear Admiral (retired) Husband Kimmel died on May 14, 1968,

without having been accorded the honor of being returned to their wartime ranks as were their fellow veterans of World War II.

(21) The Veterans of Foreign Wars, the Pearl Harbor Survivors Association, the Admiral Nimitz Foundation, the Naval Academy Alumni Association, the Retired Officers Association, the Pearl Harbor Commemorative Committee, and other associations and numerous retired military officers have called for the rehabilitation of the reputations and honor of the late Rear Admiral (retired) Kimmel and the late Major General (retired) Short through their posthumous advancement on the retired lists to their highest wartime grades.

(b) REQUEST FOR ADVANCEMENT ON RETIRED LISTS.—(1) The President is requested—

(A) to advance the late Rear Admiral (retired) Husband E. Kimmel to the grade of admiral on the retired list of the Navy; and

(B) to advance the late Major General (retired) Walter C. Short to the grade of lieutenant general on the retired list of the Army.

(2) Any advancement in grade on a retired list requested under paragraph (1) shall not increase or otherwise modify the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the officer advanced.

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

(1) the late Rear Admiral (retired) Husband E. Kimmel performed his duties as Commander in Chief, United States Pacific Fleet, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on the naval base at Pearl Harbor, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Admiral Kimmel; and

(2) the late Major General (retired) Walter C. Short performed his duties as Commanding General, Hawaiian Department, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on Hickam Army Air Field and Schofield Barracks, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Lieutenant General Short.

SEC. 538. COMMENDATION OF CITIZENS OF REMY, FRANCE, FOR WORLD WAR II ACTIONS.

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

(1) On August 2, 1944, a squadron of P–51s from the United States 364th Fighter Group strafed a German munitions train in Remy, France.

(2) The resulting explosion killed Lieutenant Houston Braly, one of the attacking pilots, and destroyed much of the village of Remy, including seven stained glass windows in the 13th Century church.

(3) Despite threats of reprisals from the occupying German authorities, the citizens of Remy recovered Lieutenant Braly's body from the wreckage, buried his body with dignity and honor in the church's cemetery, and decorated the grave site daily with fresh flowers.

(4) On Armistice Day, 1995, the village of Remy renamed the crossroads near the site of Lieutenant Braly's death in his honor.

(5) The surviving members of the 364th Fighter Group desire to express their gratitude to the brave citizens of Remy.

(6) To express their gratitude, the surviving members of the 364th Fighter Group have organized a nonprofit corporation to raise funds, through its project ''Windows for Remy'', to restore the church's stained glass windows.

(b) COMMENDATION AND RECOGNITION.—The Congress commends the bravery and honor of the citizens of Remy, France, for their actions with respect to the American fighter pilot Lieutenant Houston Braly during and after August 1944, and recognizes the efforts of the surviving members of the United States 364th Fighter Group to raise funds to restore the stained glass windows of Remy's 13th Century church.

Subtitle E—Military Justice Matters

SEC. 541. RECOGNITION BY STATES OF MILITARY TESTAMENTARY INSTRUMENTS.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1044c the following new section:

''§ 1044d. Military testamentary instruments: requirement for recognition by States

''(a) TESTAMENTARY INSTRUMENTS TO BE GIVEN LEGAL EFFECT.—A military testamentary instrument—

''(1) is exempt from any requirement of form, formality, or recording before probate that is provided for testamentary instruments under the laws of a State; and

''(2) has the same legal effect as a testamentary instrument prepared and executed in accordance with the laws of the State in which it is presented for probate.

''(b) MILITARY TESTAMENTARY INSTRUMENTS.—For purposes of this section, a military testamentary instrument is an instrument that is prepared with testamentary intent in accordance with regulations prescribed under this section and that—

''(1) is executed in accordance with subsection (c) by (or on behalf of) a person, as a testator, who is eligible for military legal assistance;

''(2) makes a disposition of property of the testator; and

''(3) takes effect upon the death of the testator.

''(c) REQUIREMENTS FOR EXECUTION OF MILITARY TESTAMENTARY INSTRUMENTS.—An instrument is valid as a military testamentary instrument only if—

''(1) the instrument is executed by the testator (or, if the testator is unable to execute the instrument personally, the instrument is executed in the presence of, by the direction of, and on behalf of the testator);

''(2) the instrument is executed in the presence of a military legal assistance counsel acting as presiding attorney;

''(3) the instrument is executed in the presence of at least two disinterested witnesses (in addition to the presiding attorney), each of whom attests to witnessing the testator's execution of the instrument by signing it; and

''(4) the instrument is executed in accordance with such additional requirements as may be provided in regulations prescribed under this section.

''(d) SELF-PROVING MILITARY TESTAMENTARY INSTRUMENTS.—(1) If the document setting forth a military testamentary instrument meets the requirements of paragraph (2), then the signature of a person on the document as the testator, an attesting witness, a notary, or the presiding attorney, together with a written representation of the person's status as such and the person's military grade (if any) or other title, is prima facie evidence of the following:

''(A) That the signature is genuine.

''(B) That the signatory had the represented status and title at the time of the execution of the will.

''(C) That the signature was executed in compliance with the procedures required under the regulations prescribed under subsection (f).

''(2) A document setting forth a military testamentary instrument meets the requirements of this paragraph if it includes (or has attached to it), in a form and content required under the regulations prescribed under subsection (f), each of the following:

''(A) A certificate, executed by the testator, that includes the testator's acknowledgment of the testamentary instrument.

''(B) An affidavit, executed by each witness signing the testamentary instrument, that attests to the circumstances under which the testamentary instrument was executed.

''(C) A notarization, including a certificate of any administration of an oath required under the regulations, that is signed by the notary or other official administering the oath.

''(e) STATEMENT TO BE INCLUDED.—(1) Under regulations prescribed under this section, each military testamentary instrument shall contain a statement that sets forth the provisions of subsection (a).

''(2) Paragraph (1) shall not be construed to make inapplicable the provisions of subsection (a) to a testamentary instrument that does not include a statement described in that paragraph.

''(f) REGULATIONS.—Regulations for the purposes of this section shall be prescribed jointly by the Secretary of Defense and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Department of the Navy.

''(g) DEFINITIONS.—In this section:

''(1) The term 'person eligible for military legal assistance' means a person who is eligible for legal assistance under section 1044 of this title.

''(2) The term 'military legal assistance counsel' means—

''(A) a judge advocate (as defined in section 801(13) of this title); or

''(B) a civilian attorney serving as a legal assistance officer under the provisions of section 1044 of this title.

''(3) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and each possession of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044c the following new item:

''1044d. Military testamentary instruments: requirement for recognition by States.''.

SEC. 542. PROBABLE CAUSE REQUIRED FOR ENTRY OF NAMES OF SUBJECTS INTO OFFICIAL CRIMINAL INVESTIGATIVE REPORTS.

(a) IN GENERAL.—(1) Chapter 80 of title 10, United States Code, is amended by adding after section 1563, as added by section 533(a), the following new section:

''§ 1564. Military criminal investigations: probable cause required for entry of names of subjects into official investigative reports

''(a) PROBABLE CAUSE REQUIRED FOR 'TITLING'.—The Secretary of Defense shall require that an employee of a military criminal investigative organization or a member of the armed forces assigned to a military criminal investigative organization, in connection with the investigation of a reported crime, may not designate any person, by name or by any other identifying information, as a suspect in the case in any official investigative report, or in a central index for potential retrieval and analysis by law enforcement organizations, unless there is probable cause to believe that that person committed the crime.

''(b) STANDARD FOR REMOVAL OF 'TITLING' INFORMATION FROM RECORDS.—The Secretary of Defense shall establish a uniform standard applicable throughout the Department of Defense for removal from an official investigative report of a reported crime, and from any applicable central index, of the name of a person (and any other identifying information about that person) that was entered in the report or index to designate that person as a suspect in the case when it is subsequently determined that there is not probable cause to believe that that person committed the crime.

''(c) CRIMINAL INVESTIGATIVE ORGANIZATION DEFINED.—In this section, the term 'criminal investigative organization' means any of the following:

''(1) The Defense Criminal Investigative Service (or any successor to that service).

''(2) The Army Criminal Investigation Command (or any successor to that command).

''(3) The Naval Criminal Investigative Service (or any successor to that service).

''(4) The Air Force Office of Special Investigations (or any successor to that office).''.

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1563, as added by section 533(b), the following new item:

''1564. Military criminal investigations: probable cause required for entry of names of subjects into official investigative reports.''.

(b) EFFECTIVE DATE.—Section 1564 of title 10, United States Code, as added by subsection (a), shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act.

SEC. 543. COLLECTION AND USE OF DNA IDENTIFICATION INFORMATION FROM VIOLENT AND SEXUAL OFFENDERS IN THE ARMED FORCES.

(a) IN GENERAL.—(1) Chapter 80 of title 10, United States Code, is amended by adding after section 1564, as added by section 542(a)(1), the end the following new section:

''§ 1565. DNA identification information: collection from violent and sexual offenders; use

''(a) COLLECTION OF DNA SAMPLES.—The Secretary concerned shall collect a DNA sample from each member of the armed forces under the Secretary's jurisdiction who is, or has been, convicted of a qualifying military offense (as determined under subsection (e)).

''(b) ANALYSIS OF SAMPLES.—The Secretary concerned shall furnish each DNA sample collected under subsection (a) to the Secretary of Defense. The Secretary of Defense shall carry out a DNA analysis on each such DNA sample.

''(c) DEFINITIONS.—In this section:

''(1) The term 'DNA sample' means a tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.

''(2) The term 'DNA analysis' means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

''(d) USE IN CODIS.—(1) The Secretary of Defense shall furnish the results of each DNA analysis carried out under subsection (b) to the Director of the Federal Bureau of Investigation for use in the Combined DNA Index System (in this section referred to as 'CODIS') of the Federal Bureau of Investigation.

''(2) The Secretary of Defense, in consultation with the Director of the Federal Bureau of Investigation, shall establish procedures providing that if a DNA sample has been collected from a person pursuant to subsection (a), and the Secretary receives notice that each conviction of that person of a qualifying military offense has been overturned, the Secretary shall promptly transmit a notice of that fact to the Director in accordance with section 210304(d) of the Violent Crime Control and Law Enforcement Act of 1994.

''(e) QUALIFYING MILITARY OFFENSES.—(1) Subject to paragraph (2), the Secretary of Defense, in consultation with the Attorney General, shall determine those violent or sexual offenses under the Uniform Code of Military Justice that shall be considered for purposes of this section as qualifying military offenses.

''(2) An offense under the Uniform Code of Military Justice that is equivalent to a serious violent felony (as that term is defined in section 3559(c)(2)(F) of title 18), as determined by the Secretary in consultation with the Attorney General, shall be considered for purposes of this section as a qualifying military offense.

''(f) WAIVER.—The Secretary of Defense may waive the requirement of subsection (a) for a member if CODIS contains a DNA analysis with respect to that member.

''(g) REGULATIONS.—This section shall be carried out under regulations prescribed by the Secretary of Defense, in consultation with the Secretary of Transportation and the Attorney General. Those regulations shall apply, to the extent practicable, uniformly throughout the armed forces.''.

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1564, as added by section 542(a)(2), the following new item:

''1565. DNA identification information: collection from violent and sexual offenders; use.''

(b) INITIAL DETERMINATION OF QUALIFYING MILITARY OFFENSES.—The initial determination of qualifying military offenses under section 1565(e) of title 10, United States Code, as added by subsection (a)(1), shall be made not later than 120 days after the date of the enactment of this Act.

(c) EXPANSION OF DNA IDENTIFICATION INDEX.—Section 811(a) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 531 note) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by inserting after paragraph (2) the following new paragraph:

''(3) the Director of the Federal Bureau of Investigation shall expand the combined DNA Identification System (CODIS) to include analyses of DNA samples collected from members of the Armed Forces convicted of a qualifying military offense in accordance with section 1565 of title 10, United States Code.''.

(d) INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.—Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(C) by inserting after paragraph (4) the following new paragraph:

''(5) analyses of DNA samples collected from members of the Armed Forces convicted of a qualifying military offense in accordance with section 1565 of title 10, United States Code.'';

(2) in subsection (b)(2), by striking '', at regular intervals of not to exceed 180 days,'' and inserting ''semiannual''; and

(3) by adding at the end the following new subsection:

''(d) EXPUNGEMENT OF RECORDS OF MILITARY OFFENDERS.—If the Director of the Federal Bureau of Investigation receives a notice transmitted under section 1565(d)(2) of title 10, United States Code, the Director shall promptly expunge from the index described in subsection (a) any DNA analysis furnished under section 1565(d)(1) of such title with respect to the person described in the notice.''.

SEC. 544. LIMITATION ON SECRETARIAL AUTHORITY TO GRANT CLEMENCY FOR MILITARY PRISONERS SERVING SENTENCE OF CONFINEMENT FOR LIFE WITHOUT ELIGIBILITY FOR PAROLE.

(a) LIMITATION.—Section 874(a) of title 10, United States Code (article 74(a) of the Uniform Code of Military Justice), is amended by adding at the end the following new sentence: ''However, in the case of a sentence of confinement for life without eligibility for parole, after the sentence is ordered executed, the authority of the Secretary concerned under the preceding sentence (1) may not be delegated, and (2) may be exercised only after the service of a period of confinement of not less than 20 years.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall not apply with respect to a sentence of confinement for life without eligibility for parole that is adjudged for an offense committed before the date of the enactment of this Act.

SEC. 545. AUTHORITY FOR CIVILIAN SPECIAL AGENTS OF MILITARY DEPARTMENT CRIMINAL INVESTIGATIVE ORGANIZATIONS TO EXECUTE WARRANTS AND MAKE ARRESTS.

(a) DEPARTMENT OF THE ARMY.—(1) Chapter 373 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 4027. Civilian special agents of the Criminal Investigation Command: authority to execute warrants and make arrests

''(a) AUTHORITY.—The Secretary of the Army may authorize any Department of the Army civilian employee described in subsection (b) to have the same authority to execute and serve warrants and other processes issued under the authority of the United States and to make arrests without a warrant as may be authorized under section 1585a of this title for special agents of the Defense Criminal Investigative Service.

''(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any employee of the Department of the Army who is a special agent of the Army Criminal Investigation Command (or a successor to that command) whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Army.

''(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of the Army and approved by the Secretary of Defense and the Attorney General and any other applicable guidelines prescribed by the Secretary of the Army, the Secretary of Defense, or the Attorney General.''.

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

''4027. Civilian special agents of the Criminal Investigation Command: authority to execute warrants and make arrests.''.

(b) DEPARTMENT OF THE NAVY.—(1) Chapter 643 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 7451. Special agents of the Naval Criminal Investigative Service: authority to execute warrants and make arrests

''(a) AUTHORITY.—The Secretary of the Navy may authorize any Department of the Navy civilian employee described in subsection (b) to have the same authority to execute and serve warrants and other processes issued under the authority of the United States and to make arrests without a warrant as may be authorized under section 1585a of this title for special agents of the Defense Criminal Investigative Service.

''(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any employee of the Department of the Navy who is a special agent of the Naval Criminal Investigative Service (or any successor to that service) whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Navy.

''(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of the Navy and approved by the Secretary of Defense and the Attorney General and any other applicable guidelines prescribed by the Secretary of the Navy, the Secretary of Defense, or the Attorney General.''.

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

''7451. Special agents of the Naval Criminal Investigative Service: authority to execute warrants and make arrests.''.

(c) DEPARTMENT OF THE AIR FORCE.—(1) Chapter 873 of title 10, United States Code, is

amended by adding at the end the following new section:

''§ 9027. Civilian special agents of the Office of Special Investigations: authority to execute warrants and make arrests

''(a) AUTHORITY.—The Secretary of the Air Force may authorize any Department of the Air Force civilian employee described in subsection (b) to have the same authority to execute and serve warrants and other processes issued under the authority of the United States and to make arrests without a warrant as may be authorized under section 1585a of this title for special agents of the Defense Criminal Investigative Service.

''(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any employee of the Department of the Air Force who is a special agent of the Air Force Office of Special Investigations (or a successor to that office) whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Air Force.

''(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of the Air Force and approved by the Secretary of Defense and the Attorney General and any other applicable guidelines prescribed by the Secretary of the Air Force, the Secretary of Defense, or the Attorney General.''.

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

''9027. Civilian special agents of the Office of Special Investigations: authority to execute warrants and make arrests.''.

Subtitle F—Other Matters

SEC. 551. FUNERAL HONORS DUTY COMPENSATION.

(a) COMPENSATION OF MEMBERS OF THE NATIONAL GUARD.—Section 115(b)(2) of title 32, United States Code, is amended by inserting before the period at the end the following: ''or compensation at the rate prescribed in section 206 of title 37''.

(b) COMPENSATION OF MEMBERS OF A RESERVE COMPONENT.—Section 12503(b)(2) of title 10, United States Code, is amended by inserting before the period at the end the following: ''or compensation at the rate prescribed in section 206 of title 37''.

(c) CONFORMING AMENDMENT.—Section 435(c) of title 37, United States Code, is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to funeral honors duty performed on or after October 1, 2000.

SEC. 552. TEST OF ABILITY OF RESERVE COMPONENT INTELLIGENCE UNITS AND PERSONNEL TO MEET CURRENT AND EMERGING DEFENSE INTELLIGENCE NEEDS.

(a) TEST PROGRAM REQUIRED.—(1) Beginning not later than June 1, 2001, the Secretary of Defense shall conduct a three-year test program of reserve component intelligence units and personnel. The purpose of the test program shall be—

(A) to determine the most effective peacetime structure and operational employment of reserve component intelligence assets for meeting current and future Department of Defense peacetime operational intelligence requirements; and

(B) to establish a means to coordinate and transition that peacetime intelligence operational support network into use for meeting wartime requirements.

(2) The test program shall be carried out using the Joint Reserve Intelligence Program and appropriate reserve component intelligence units and personnel.

(3) In conducting the test program, the Secretary of Defense shall expand the current Joint Reserve Intelligence Program as needed to meet the objectives of the test program.

(b) OVERSIGHT PANEL.—The Secretary shall establish an oversight panel to structure the test program so as to achieve the objectives of the test program, ensure proper funding for the test program, and oversee the conduct and evaluation of the test program. The panel members shall include—

(1) the Assistant Secretary of Defense for Command, Control, Communications and Intelligence;

(2) the Assistant Secretary of Defense for Reserve Affairs; and

(3) representatives from the Defense Intelligence Agency, the Army, Navy, Air Force, and Marine Corps, the Joint Staff, and the combatant commands.

(c) TEST PROGRAM OBJECTIVES.—The test program shall have the following objectives:

(1) To identify the range of peacetime roles and missions that are appropriate for reserve component intelligence units and personnel, including the following missions: counterdrug, counterintelligence, counterterrorism, information operations, information warfare, and other emerging threats.

(2) To recommend a process for justifying and validating reserve component intelligence force structure and manpower to support the peacetime roles and missions identified under paragraph (1) and to establish a means to coordinate and transition that peacetime operational support network and structure into wartime requirements.

(3) To provide, pursuant to paragraphs (1) and (2), the basis for new or revised intelligence and reserve component policy guidelines for the peacetime use, organization, management, infrastructure ,and funding of reserve component intelligence units and personnel.

(4) To determine the most effective structure, organization, manning, and management of Joint Reserve Intelligence Centers to enable them to be both reserve training facilities and virtual collaborative production facilities in support of Department of Defense peacetime operational intelligence requirements.

(5) To determine the most effective uses of technology for virtual collaborative intelligence operational support during peacetime and wartime.

(6) To determine personnel and career management initiatives or modifications that are required to improve the recruiting and retention of personnel in the reserve component intelligence specialties and occupational skills.

(7) To identify and make recommendations for the elimination of statutory prohibitions and barriers to using reserve component intelligence units and individuals to carry out peacetime operational requirements.

(d) REPORTS.—The Secretary of Defense shall submit to Congress—

(1) interim reports on the status of the test program not later than July 1, 2002, and July 1, 2003; and

(2) a final report, with such recommendations for changes as the Secretary considers necessary, not later than December 1, 2004.

SEC. 553. NATIONAL GUARD CHALLENGE PROGRAM.

(a) EXPENDITURE LIMITATIONS.—Subsection (b) of section 509 of title 32, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary of Defense'';

(2) by striking '', except that Federal expenditures under the program may not exceed $62,500,000 for any fiscal year''; and

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

''(2) The Secretary shall carry out the National Guard Challenge Program using funds appropriated directly to the Secretary for the program and nondefense Federal funds made available or transferred to the Secretary by other Federal agencies to support the program. However, the amount of funds appropriated directly to the Secretary of Defense and expended for the program in a fiscal year may not exceed $62,500,000.''.

(b) REGULATIONS.—Such section is further amended by adding at the end the following new subsection:

''(m) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the National Guard Challenge Program. The regulations shall address at a minimum the following:

''(1) The terms to be included in the program agreements required by subsection (d).

''(2) The qualifications for persons to participate in the program, as required by subsection (e).

''(3) The benefits authorized for program participants, as required by subsection (f).

''(4) The status of National Guard personnel assigned to duty in support of the program.

''(5) The conditions for the use of National Guard facilities and equipment to carry out the program, as required by subsection (h).

''(6) The status of program participants, as described in subsection (i).

''(7) The procedures to be used by the Secretary when communicating with States about the program.''.

(c) CONFORMING AMENDMENT.—Section 2033 of title 10, United States Code, is amended by striking ''appropriated for'' and inserting ''appropriated directly to the Secretary of Defense for''.

SEC. 554. STUDY OF USE OF CIVILIAN CONTRACTOR PILOTS FOR OPERATIONAL SUPPORT MISSIONS.

(a) STUDY.—The Secretary of Defense shall conduct a study to determine the feasibility and cost, as well as the advantages and disadvantages, of using civilian contractor personnal as pilots and other air crew members to fly nonmilitary Government aircraft (referred to as ''operational support aircraft'') to perform noncombat personnel transportation missions worldwide. In carrying out the study, the Secretary shall consider the views and recommendations of the Chairman of the Joint Chiefs and the other members of the Joint Chiefs of Staff.

(b) MATTERS TO BE INCLUDED.—The study shall, as a minimum—

(1) determine whether use of civilian contractor personnel as pilots and other air crew members for such operational support missions would be a cost effective means of freeing for duty in units with combat and combat support missions those military pilots and other personnel who now perform such operational support missions; and

(2) the effect on retention of military pilots and other personnel if they are no longer required to fly operational support missions.

(c) SUBMISSION OF REPORT.—The Secretary shall submit a report containing the results of the study to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives not later than six months after the date of the enactment of this Act.

SEC. 555. PILOT PROGRAM TO ENHANCE MILITARY RECRUITING BY IMPROVING MILITARY AWARENESS OF SCHOOL COUNSELORS AND EDUCATORS.

(a) IN GENERAL.—The Secretary of Defense shall conduct a pilot program to determine if cooperation with military recruiters by local educational agencies and by institutions of higher education could be enhanced by improving the understanding of school counselors and educators about military recruiting and military career opportunities. The pilot program shall be conducted during a three-year period beginning not later than 180 days after the date of the enactment of this Act.

(b) CONDUCT OF PILOT PROGRAM THROUGH PARTICIPATION IN INTERACTIVE INTERNET SITE.—(1) The pilot program shall be conducted by means of participation by the Department of Defense in a qualifying interactive Internet site.

(2) For purposes of this section, a qualifying interactive Internet site is an Internet site in existence as of the date of the enactment of this

Act that is designed to provide to employees of local educational agencies and institutions of higher education participating in the Internet site—

(A) systems for communicating;

(B) resources for individual professional development;

(C) resources to enhance individual on-the-job effectiveness; and

(D) resources to improve organizational effectiveness.

(3) Participation in an Internet site by the Department of Defense for purposes of this section shall include—

(A) funding;

(B) assistance; and

(C) access by other Internet site participants to Department of Defense aptitude testing programs, career development information, and other resources, in addition to information on military recruiting and career opportunities.

(c) REPORT.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report providing the Secretary's findings and conclusions on the pilot program not later than 180 days after the end of the three-year program period.

SEC. 556. REIMBURSEMENT FOR EXPENSES INCURRED BY MEMBERS IN CONNECTION WITH CANCELLATION OF LEAVE ON SHORT NOTICE.

(a) IN GENERAL.—(1) Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2647. Reimbursement for expenses incurred in connection with leave canceled due to contingency operations

''(a) AUTHORIZATION TO REIMBURSE.—The Secretary concerned may reimburse a member of the armed forces under the jurisdiction of the Secretary for travel and related expenses (to the extent not otherwise reimbursable under law) incurred by the member as a result of the cancellation of previously approved leave when the leave is canceled in connection with the member's participation in a contingency operation and the cancellation occurs within 48 hours of the time the leave would have commenced.

''(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to establish the criteria for the applicability of subsection (a).

''(c) CONCLUSIVENESS OF SETTLEMENT.—The settlement of an application for reimbursement under subsection (a) is final and conclusive.''.

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

''2647. Reimbursement for expenses incurred in connection with leave canceled due to contingency operations.''.

(b) EFFECTIVE DATE.—Section 2647 of title 10, United States Code, as added by subsection (a) shall apply with respect to any travel and related expenses incurred by a member in connection with leave canceled after the date of the enactment of this Act.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2001.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2001 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2001, the rates of monthly basic pay for members of the uniformed services are increased by 3.7 percent.

SEC. 602. REVISED METHOD FOR CALCULATION OF BASIC ALLOWANCE FOR SUBSISTENCE.

(a) ANNUAL REVISION OF RATE.—Section 402(b)(1) of title 37, United States Code, is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) The monthly rate of basic allowance for subsistence to be in effect for an enlisted member for a year (beginning on January 1 of that year) shall be equal to the sum of—

''(A) the monthly rate of basic allowance for subsistence that was in effect for an enlisted member for the preceding year; plus

''(B) the product of the monthly rate under subparagraph (A) and the percentage increase in the monthly cost of a liberal food plan for a male in the United States who is between 20 and 50 years of age over the preceding fiscal year, as determined by the Secretary of Agriculture each October 1.''.

(b) EARLY TERMINATION OF BAS TRANSITIONAL AUTHORITY.—Subsections (c) through (f) of section 602 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 37 U.S.C. 402 note) are repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001.

SEC. 603. FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE FOR LOW-INCOME MEMBERS OF THE ARMED FORCES.

(a) SUPPLEMENTAL ALLOWANCE AUTHORIZED.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 402 the following new section:

"§ 402a. Supplemental subsistence allowance for low-income members with dependents

''(a) SUPPLEMENTAL ALLOWANCE AUTHORIZED.—(1) The Secretary concerned may increase the basic allowance for subsistence to which a member of the armed forces described in subsection (b) is otherwise entitled under section 402 of this title by an amount (in this section referred to as the 'supplemental subsistence allowance') designed to remove the member's household from eligibility for benefits under the food stamp program.

''(2) The supplemental subsistence allowance may not exceed $500 per month. In establishing the amount of the supplemental subsistence allowance to be paid an eligible member under this paragraph, the Secretary shall take into consideration the amount of the basic allowance for housing that the member receives under section 403 of this title or would otherwise receive under such section, in the case of a member who is not entitled to that allowance as a result of assignment to quarters of the United States or a housing facility under the jurisdiction of a uniformed service.

''(3) In the case of a member described in subsection (b) who establishes to the satisfaction of the Secretary concerned that the allotment of the member's household under the food stamp program, calculated in the absence of the supplemental subsistence allowance, would exceed the amount established by the Secretary concerned under paragraph (2), the amount of the supplemental subsistence allowance for the member shall be equal to the lesser of the following:

''(A) The value of that allotment.

''(B) $500.

''(b) ELIGIBLE MEMBERS.—(1) Subject to subsection (d), a member of the armed forces is eligible to receive the supplemental subsistence allowance if the Secretary concerned determines that the member's income, together with the income of the rest of the member's household (if any), is within the highest income standard of eligibility, as then in effect under section 5(c) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)) and without regard to paragraph (1) of such section, for participation in the food stamp program.

''(2) In determining whether a member meets the eligibility criteria under paragraph (1), the Secretary—

''(A) shall not take into consideration the amount of the supplemental subsistence allowance payable under this section; but

''(B) shall take into consideration the amount of the basic allowance for housing that the member receives under section 403 of this title or would otherwise receive under such section, in the case of a member who is not entitled to that allowance as a result of assignment to quarters of the United States or a housing facility under the jurisdiction of a uniformed service.

''(c) APPLICATION FOR ALLOWANCE.—To request the supplemental subsistence allowance, a member shall submit an application to the Secretary concerned in such form and containing such information as the Secretary concerned may prescribe. A member applying for the supplemental subsistence allowance shall furnish such evidence regarding the member's satisfaction of the eligibility criteria under subsection (b) as the Secretary concerned may require.

''(d) EFFECTIVE PERIOD.—The eligibility of a member to receive the supplemental subsistence allowance terminates upon the occurrence of any of the following events, even though the member continues to meet the eligibility criteria described in subsection (b):

''(1) Payment of the supplemental subsistence allowance for 12 consecutive months.

''(2) Promotion of the member to a higher grade.

''(3) Transfer of the member in a permanent change of station.

''(e) REAPPLICATION.—Upon the termination of the effective period of the supplemental subsistence allowance for a member, or in anticipation of the imminent termination of the allowance, a member may reapply for the allowance under subsection (c) if the member continues to meet, or once again meets, the eligibility criteria described in subsection (b).

''(f) REPORTING REQUIREMENT.—Not later than March 1 of each year after 2001, the Secretary of Defense shall submit to Congress a report specifying the number of members of the armed forces who received, at any time during the preceding year, the supplemental subsistence allowance. In preparing the report, the Secretary of Defense shall consult with the Secretary of Transportation. No report is required under this subsection after March 1, 2006.

''(g) DEFINITIONS.—In this section:

''(1) The term 'Secretary concerned' means the Secretary of Defense, and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy.

''(2) The terms 'allotment' and 'household' have the meanings given those terms in section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012).

''(3) The term 'food stamp program' means the program established pursuant to section 4 of the Food Stamp Act of 1977 (7 U.S.C. 2013).

''(h) TERMINATION OF AUTHORITY.—No supplemental subsistence allowance may be made under this section after September 30, 2006.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 402 the following:

''402a. Supplemental subsistence allowance for low-income members with dependents.''.

(b) EFFECTIVE DATE.—Section 402a of title 37, United States Code, as added by subsection (a), shall take effect on the first day of the first month that begins not less than 180 days after the date of the enactment of this Act.

SEC. 604. CALCULATION OF BASIC ALLOWANCE FOR HOUSING FOR INSIDE THE UNITED STATES.

(a) SECRETARY OF DEFENSE TO PRESCRIBE RATES.—Paragraph (2) of section 403(b) of title 37, United States Code, is amended to read as follows:

''(2) The Secretary of Defense shall prescribe the monthly amount of the basic allowance for housing for a member of a uniformed service who is entitled to the allowance in a military housing area in the United States at a rate based upon the costs of adequate housing in the area determined under paragraph (1).''.

(b) MINIMUM ANNUAL AMOUNT AVAILABLE FOR HOUSING ALLOWANCES.—Paragraph (3) of such section is amended to read as follows:

''(3) The total amount that may be paid for a fiscal year for the basic allowance for housing under this subsection may not be less than the product of—

''(A) the total amount authorized to be paid for such allowance for the preceding fiscal year; and

''(B) a fraction—

''(i) the numerator of which is the index of the national average monthly cost of housing for June of the preceding fiscal year; and

''(ii) the denominator of which is the index of the national average monthly cost of housing for June of the second preceding fiscal year.''.

(c) REPEAL OF REQUIRED ADJUSTMENT.—Paragraph (5) of such section is repealed.

(d) BASIS FOR REDUCTION IN MEMBER'S ALLOWANCE.—Paragraph (6) of such section is amended by striking '', changes in the national average monthly cost of housing,''.

(e) EXTENSION OF TRANSITION PERIOD.—Section 603(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 37 U.S.C. 403 note) is amended by striking ''six years'' and inserting ''eight years''.

(f) READJUSTMENT OF ALLOWANCE FOR CERTAIN PERIOD.—A member of the uniformed services who was entitled to the basic allowance for housing for a military housing area in the United States during the period that began on January 1, 2000, and ended on March 1, 2000, shall be paid the allowance at a monthly rate not less than the rate in effect on December 31, 1999, in that area for members serving in the same pay grade and with the same dependency status as the member.

SEC. 605. EQUITABLE TREATMENT OF JUNIOR ENLISTED MEMBERS IN COMPUTATION OF BASIC ALLOWANCE FOR HOUSING.

(a) DETERMINATION OF COSTS OF ADEQUATE HOUSING.—Subsection (b)(1) of section 403 of title 37, United States Code, is amended by adding at the end the following new sentence: ''In determining what constitutes adequate housing for members, the Secretary may not differentiate between members with dependents in pay grades E–1 through E–4.''.

(b) SINGLE RATE; MINIMUM.—Subsection (b) of such section, as amended by section 604(c) of this Act, is further amended by inserting after paragraph (4) the following new paragraph:

''(5) The Secretary shall establish a single monthly rate for members of the uniformed services with dependents in pay grades E–1 through E–4 in the same military housing area. The rate shall be consistent with the rates paid to members in pay grades other than pay grades E–1 through E–4 and shall be based on the following:

''(A) The average cost of a two-bedroom apartment in that military housing area.

''(B) One-half of the difference between the average cost of a two-bedroom townhouse in that area and the amount determined in subparagraph (A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2001.

SEC. 606. BASIC ALLOWANCE FOR HOUSING AUTHORIZED FOR ADDITIONAL MEMBERS WITHOUT DEPENDENTS WHO ARE ON SEA DUTY.

(a) PAYMENT AUTHORIZED.—Subsection (f)(2)(B) of section 403 of title 37, United States Code, is amended by striking ''E–5'' both places it appears and inserting ''E–4 or E–5''.

(b) CONFORMING AMENDMENT.—Subsection (m)(1)(B) of such section is amended by striking ''E–4'' and inserting ''E–3''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001.

SEC. 607. PERSONAL MONEY ALLOWANCE FOR SENIOR ENLISTED MEMBERS OF THE ARMED FORCES.

(a) AUTHORITY.—Section 414 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(c) ALLOWANCE FOR SENIOR ENLISTED MEMBERS.—In addition to other pay or allowances authorized by this title, a noncommissioned officer is entitled to a personal money allowance of $2,000 a year while serving as the Sergeant Major of the Army, the Master Chief Petty Officer of the Navy, the Chief Master Sergeant of the Air Force, the Sergeant Major of the Marine Corps, or the Master Chief Petty Officer of the Coast Guard.''.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''ALLOWANCE FOR OFFICERS SERVING IN CERTAIN RANKS OR POSITIONS.—'' after ''(a)''; and

(2) in subsection (b), by inserting ''ALLOWANCE FOR CERTAIN NAVAL OFFICERS.—'' after ''(b)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

SEC. 608. ALLOWANCE FOR OFFICERS FOR PURCHASE OF REQUIRED UNIFORMS AND EQUIPMENT.

(a) INITIAL ALLOWANCE FOR OFFICERS.—Section 415(a) of title 37, United States Code, is amended by striking ''$200'' and inserting ''$400''.

(b) ADDITIONAL ALLOWANCE.—Section 416(a) of such title is amended by striking ''$100'' and inserting ''$200''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

SEC. 609. INCREASE IN MONTHLY SUBSISTENCE ALLOWANCE FOR MEMBERS OF PRECOMMISSIONING PROGRAMS.

(a) MINIMUM AND MAXIMUM RATES.—Subsection (a) of section 209 of title 37, United States Code, is amended—

(1) by inserting ''(1)'' before ''Except'';

(2) by striking ''subsistence allowance of $200 a month'' and inserting ''monthly subsistence allowance at a rate prescribed under paragraph (2)'';

(3) by striking ''Subsistence'' and inserting the following:

''(3) A subsistence''; and

(4) by inserting after the first sentence the following:

''(2) The Secretary of Defense shall prescribe by regulation the monthly rates for subsistence allowances provided under this section. The rate may not be less than $250 per month, but may not exceed $600 per month.''.

(b) CONFORMING AMENDMENTS.—(1) Subsection (b) of such section is amended by striking ''in the amount provided in subsection (a)'' and inserting ''at a rate prescribed under subsection (a)(2)''.

(2) Subsection (d) of such section is amended by striking ''the same rate as that prescribed by subsection (a),'' and inserting ''the monthly rate prescribed under subsection (a)(2)''.

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''SENIOR ROTC MEMBERS IN ADVANCED TRAINING.—'' after ''(a)'';

(2) in subsection (b), by inserting ''SENIOR ROTC MEMBERS APPOINTED IN RESERVES.—'' after ''(b)'';

(3) in subsection (c), by inserting ''PAY WHILE ATTENDING TRAINING OR PRACTICE CRUISE.—'' after ''(c)'' the first place it appears; and

(4) in subsection (d), by inserting ''MEMBERS OF MARINE CORPS OFFICER CANDIDATE PROGRAM.—'' after ''(d)''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect October 1, 2001.

SEC. 610. ADDITIONAL AMOUNT AVAILABLE FOR FISCAL YEAR 2001 INCREASE IN BASIC ALLOWANCE FOR HOUSING INSIDE THE UNITED STATES.

In addition to the amount determined by the Secretary of Defense under section 403(b)(3) of title 37, United States Code (as amended by section 604(b)), to be the total amount to be paid during fiscal year 2001 for the basic allowance for housing for military housing areas inside the United States, $30,000,000 of the amount authorized to be appropriated by section 421 for military personnel shall be used by the Secretary to further increase the total amount available for the basic allowance for housing for military housing areas inside the United States.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of title 37, United States Code, is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking ''January 1, 2001'' and inserting ''January 1, 2002''.

SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

SEC. 613. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2000,'' and inserting ''December 31, 2001,''.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(c) ENLISTMENT BONUS FOR PERSONS WITH CRITICAL SKILLS.—Section 308a(d) of such title

is amended by striking ''December 31, 2000'' and inserting ''September 30, 2001''.

(d) ARMY ENLISTMENT BONUS.—Section 308f(c) of such title is amended by striking ''December 31, 2000'' and inserting ''September 30, 2001''.

(e) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(f) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

(g) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2000'' and inserting ''December 31, 2001''.

SEC. 614. CONSISTENCY OF AUTHORITIES FOR SPECIAL PAY FOR RESERVE MEDICAL AND DENTAL OFFICERS.

(a) CONSISTENT DESCRIPTIONS OF ACTIVE DUTY.—Section 302(h)(1) of title 37, United States Code, is amended by inserting before the period at the end the following: '', including active duty in the form of annual training, active duty for training, and active duty for special work''.

(b) RELATION TO OTHER SPECIAL PAY AUTHORITIES.—Subsection (d) of section 302f of such title is amended to read as follows:

''(d) EXCEPTION.—While a reserve medical or dental officer receives a special pay under section 302 or 302b of this title by reason of subsection (a), the officer shall not be entitled to special pay under section 302(h) or 302b(h) of this title.''.

SEC. 615. SPECIAL PAY FOR COAST GUARD PHYSICIAN ASSISTANTS.

Section 302c(d)(1) of title 37, United States Code, is amended by inserting ''an officer in the Coast Guard or Coast Guard Reserve designated as a physician assistant,'' after ''nurse,''.

SEC. 616. SPECIAL DUTY ASSIGNMENT PAY FOR ENLISTED MEMBERS.

(a) INCREASE IN MONTHLY RATE.—Subsection (a) of section 307 of title 37, United States Code, is amended by striking ''$275'' and inserting ''$600''.

(b) ELIMINATION OF SEPARATE RATE FOR RECRUITERS.—Such subsection is further amended by striking the last sentence.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001, and shall apply with respect to months beginning on or after that date.

SEC. 617. REVISION OF CAREER SEA PAY.

(a) IN GENERAL.—Section 305a of title 37, United States Code, is amended by striking subsections (a), (b), and (c) and inserting the following new subsections:

''(a) AVAILABILITY OF SPECIAL PAY.—A member of a uniformed service who is entitled to basic pay is also entitled, while on sea duty, to career sea pay at a monthly rate prescribed by the Secretary concerned, but not to exceed $750 per month.

''(b) ELIGIBILITY FOR PREMIUM.—A member of a uniformed service entitled to career sea pay under subsection (a) who has served 36 consecutive months of sea duty is also entitled to a career sea pay premium for the 37th consecutive month and each subsequent consecutive month of sea duty served by the member. The monthly amount of the premium shall be prescribed by the Secretary concerned, but may not exceed $350 per month.

''(c) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.''.

(b) STYLISTIC AMENDMENT.—Subsection (d) of such section is amended by striking ''(d)'' and inserting ''(d) DEFINITION OF SEA DUTY.—''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2001, and shall apply with respect to months beginning on or after that date.

SEC. 618. REVISION OF ENLISTMENT BONUS AUTHORITY.

(a) BONUS AUTHORIZED.—(1) Title 37, United States Code, is amended by inserting after section 308i the following new section:

''§ 309. Special pay: enlistment bonus

''(a) BONUS AUTHORIZED; BONUS AMOUNT.—A person who enlists in an armed force for a period of at least two years may be paid a bonus in an amount not to exceed $20,000. The bonus may be paid in a single lump sum or in periodic installments.

''(b) REPAYMENT OF BONUS.—(1) A member of the armed forces who voluntarily, or because of the member's misconduct, does not complete the term of enlistment for which a bonus was paid under this section, or a member who is not technically qualified in the skill for which the bonus was paid, if any (other than a member who is not qualified because of injury, illness, or other impairment not the result of the member's misconduct), shall refund to the United States that percentage of the bonus that the unexpired part of member's enlistment is of the total enlistment period for which the bonus was paid.

''(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

''(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an enlistment for which a bonus was paid under this section does not discharge the person receiving the bonus from the debt arising under paragraph (1).

''(c) RELATION TO PROHIBITION ON BOUNTIES.—The enlistment bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10.

''(d) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary of Defense and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

''(e) DURATION OF AUTHORITY.—No bonus shall be paid under this section with respect to any enlistment in the armed forces made before October 1, 2001, or after December 31, 2001.''.

(2) The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 308i the following new item:

''309. Special pay: enlistment bonus.''.

(b) REPEAL OF SUPERSEDED ENLISTMENT BONUS AUTHORITIES.—(1) Sections 308a and 308f of title 37, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 5 of such title is amended by striking the items relating to sections 308a and 308f.

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect on October 1, 2001.

SEC. 619. AUTHORIZATION OF RETENTION BONUS FOR MEMBERS OF THE ARMED FORCES QUALIFIED IN A CRITICAL MILITARY SKILL.

(a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 323. Special pay: retention incentives for members qualified in a critical military skill

''(a) RETENTION BONUS AUTHORIZED.—An officer or enlisted member of the armed forces who is serving on active duty and is qualified in a designated critical military skill may be paid a retention bonus as provided in this section if—

''(1) in the case of an officer, the member executes a written agreement to remain on active duty for at least one year; or

''(2) in the case of an enlisted member, the member reenlists or voluntarily extends the member's enlistment for a period of at least one year.

''(b) DESIGNATION OF CRITICAL SKILLS.—(1) A designated critical military skill referred to in subsection (a) is a military skill designated as critical by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

''(2) The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall notify Congress, in advance, of each military skill to be designated by the Secretary as critical for purposes of this section. The notice shall be submitted at least 90 days before any bonus with regard to that critical skill is offered under subsection (a) and shall include a discussion of the necessity for the bonus, the amount and method of payment of the bonus, and the retention results that the bonus is expected to achieve.

''(c) PAYMENT METHODS.—A bonus under this section may be paid in a single lump sum or in periodic installments.

''(d) MAXIMUM BONUS AMOUNT.—A member may enter into an agreement under this section, or reenlist or voluntarily extend the member's enlistment, more than once to receive a bonus under this section. However, a member may not receive a total of more than $200,000 in payments under this section.

''(e) CERTAIN MEMBERS INELIGIBLE.—A retention bonus may not be provided under subsection (a) to a member of the armed forces who—

''(1) has completed more than 25 years of active duty; or

''(2) will complete the member's 25th year of active duty before the end of the period of active duty for which the bonus is being offered.

''(f) RELATIONSHIP TO OTHER INCENTIVES.—A retention bonus paid under this section is in addition to any other pay and allowances to which a member is entitled.

''(g) REPAYMENT OF BONUS.—(1) If an officer who has entered into a written agreement under subsection (a) fails to complete the total period of active duty specified in the agreement, or an enlisted member who voluntarily or because of misconduct does not complete the term of enlistment for which a bonus was paid under this section, the Secretary of Defense, and the Secretary of Transportation with respect to members of the Coast Guard when it is not operating as a service in the Navy, may require the member to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid under this section.

''(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

''(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the member from a debt arising under paragraph (2).

''(h) ANNUAL REPORT.—Not later than February 15 of each year, the Secretary of Defense and the Secretary of Transportation shall submit to Congress a report—

''(1) analyzing the effect, during the preceding fiscal year, of the provision of bonuses under this section on the retention of members qualified in the critical military skills for which the bonuses were offered; and

''(2) describing the intentions of the Secretary regarding the continued use of the bonus authority during the current and next fiscal years.

''(i) TERMINATION OF BONUS AUTHORITY.—No bonus may be paid under this section with respect to any reenlistment, or voluntary extension of an enlistment, in the armed forces entered into after December 31, 2001, and no agreement under this section may be entered into after that date.''.

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

''323. Special pay: retention incentives for members qualified in critical military skill.''.

(b) EFFECTIVE DATE.—Section 323 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2000.

SEC. 620. ELIMINATION OF REQUIRED CONGRESSIONAL NOTIFICATION BEFORE IMPLEMENTATION OF CERTAIN SPECIAL PAY AUTHORITY.

(a) RETENTION SPECIAL PAY FOR OPTOMETRISTS.—(1) Section 302a(b)(1) of title 37, United States Code, is amended by striking ''an officer described in paragraph (2) may be paid'' and inserting ''the Secretary concerned may pay an officer described in paragraph (2) a''.

(2) Section 617 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1578) is amended by striking subsection (b).

(b) SPECIAL PAY FOR OFFICERS IN NURSING SPECIALTIES.—(1) Section 302e(b)(2)(A) of title 37, United States Code, is amended by striking ''the Secretary'' and inserting ''the Secretary of the military department concerned''.

(2) Section 614 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1577) is amended by striking subsection (c).

Subtitle C—Travel and Transportation Allowances

SEC. 631. ADVANCE PAYMENTS FOR TEMPORARY LODGING OF MEMBERS AND DEPENDENTS.

(a) SUBSISTENCE EXPENSES.—Section 404a of title 37, United States Code, is amended—

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

(2) by striking subsection (a) and inserting the following:

''(a) PAYMENT OR REIMBURSEMENT OF SUBSISTENCE EXPENSES.—(1) Under regulations prescribed by the Secretaries concerned, a member of a uniformed service who is ordered to make a change of permanent station described in paragraph (2) shall be paid or reimbursed for subsistence expenses of the member and the member's dependents for the period (subject to subsection (c)) for which the member and dependents occupy temporary quarters incident to that change of permanent station.

''(2) Paragraph (1) applies to the following:

''(A) A permanent change of station from any duty station to a duty station in the United States (other than Hawaii or Alaska).

''(B) A permanent change of station from a duty station in the United States (other than Hawaii or Alaska) to a duty station outside the United States or in Hawaii or Alaska.

''(C) In the case of an enlisted member who is reporting to the member's first permanent duty station, the change from the member's home of record or initial technical school to that first permanent duty station.

''(b) PAYMENT IN ADVANCE.—The Secretary concerned may make any payment for subsistence expenses to a member under this section in advance of the member actually incurring the expenses. The amount of an advance payment made to a member shall be computed on the basis of the Secretary's determination of the average number of days that members and their dependents occupy temporary quarters under the circumstances applicable to the member and the member's dependents.

''(c) MAXIMUM PAYMENT PERIOD.—(1) In the case of a change of permanent station described in subparagraph (A) or (C) of subsection (a)(2), the period for which subsistence expenses are to be paid or reimbursed under this section may not exceed 10 days.

''(2) In the case of a change of permanent station described in subsection (a)(2)(B)—

''(A) the period for which such expenses are to be paid or reimbursed under this section may not exceed five days; and

''(B) such payment or reimbursement may be provided only for expenses incurred before leaving the United States (other than Hawaii or Alaska).''.

(b) PER DIEM.—Section 405 of such title is amended to read as follows:

''§ 405. Travel and transportation allowances: per diem while on duty outside the United States or in Hawaii or Alaska

''(a) PER DIEM AUTHORIZED.—Without regard to the monetary limitation of this title, the Secretary concerned may pay a per diem to a member of the uniformed services who is on duty outside of the United States or in Hawaii or Alaska, whether or not the member is in a travel status. The Secretary may pay the per diem in advance of the accrual of the per diem.

''(b) DETERMINATION OF PER DIEM.—In determining the per diem to be paid under this section, the Secretary concerned shall consider all elements of the cost of living to members of the uniformed services under the Secretary's jurisdiction and their dependents, including the cost of quarters, subsistence, and other necessary incidental expenses. However, dependents may not be considered in determining the per diem allowance for a member in a travel status.

''(c) TREATMENT OF HOUSING COST AND ALLOWANCE.—Housing cost and allowance may be disregarded in prescribing a station cost of living allowance under this section.''.

(c) STYLISTIC AMENDMENTS.—Section 404a of such title is further amended—

(1) in subsection (d), as redesignated by subsection (a), by striking ''(d)'' and inserting ''(d) DAILY SUBSISTENCE RATES.—''; and

(2) in subsection (e), as redesignated by subsection (a), by striking ''(e)'' and inserting ''(e) MAXIMUM DAILY PAYMENT.—''.

SEC. 632. ADDITIONAL TRANSPORTATION ALLOWANCE REGARDING BAGGAGE AND HOUSEHOLD EFFECTS.

(a) PET QUARANTINE FEES.—Section 406(a)(1) of title 37, United States Code, is amended by adding at the end the following new sentence: ''The Secretary concerned may also reimburse the member for mandatory pet quarantine fees for household pets, but not to exceed $275 per change of station, when the member incurs the fees incident to such change of station.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2000.

SEC. 633. EQUITABLE DISLOCATION ALLOWANCES FOR JUNIOR ENLISTED MEMBERS.

Section 407(c)(1) of title 37, United States Code, is amended by inserting before the period the following: '', except that the Secretary concerned may not differentiate between members with dependents in pay grades E–1 through E–5''.

SEC. 634. AUTHORITY TO REIMBURSE MILITARY RECRUITERS, SENIOR ROTC CADRE, AND MILITARY ENTRANCE PROCESSING PERSONNEL FOR CERTAIN PARKING EXPENSES.

(a) REIMBURSEMENT AUTHORITY.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 411h the following new section:

''§ 411i. Travel and transportation allowances: parking expenses

''(a) REIMBURSEMENT AUTHORITY.—The Secretary of Defense may reimburse a member of the Army, Navy, Air Force, or Marine Corps described in subsection (b) for expenses incurred by the member in parking a privately owned vehicle being used by the member to commute to the member's place of duty.

''(b) ELIGIBLE MEMBERS.—A member referred to in subsection (a) is a member who is—

''(1) assigned to duty as a recruiter for any of the armed forces;

''(2) assigned to duty with a military entrance processing facility of the armed forces; or

''(3) detailed for instructional and administrative duties at any institution where a unit of the Senior Reserve Officers' Training Corps is maintained.

''(c) INCLUSION OF CERTAIN CIVILIAN EMPLOYEES.—The Secretary of Defense may extend the reimbursement authority provided by subsection (a) to civilian employees of the Department of Defense whose employment responsibilities include performing activities related to the duties specified in subsection (b).''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 411h the following new item:

''411i. Travel and transportation allowances: parking expenses.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

SEC. 635. EXPANSION OF FUNDED STUDENT TRAVEL FOR DEPENDENTS.

Section 430 of title 37, United States Code, is amended—

(1) in subsections (a)(3) and (b)(1), by striking ''for the purpose of obtaining a secondary or undergraduate college education'' and inserting ''for the purpose of obtaining a formal education''; and

(2) in subsection (f)—

(A) by striking ''In this section, the term'' and inserting the following:

''In this section:

''(1) The term''; and

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

''(2) The term 'formal education' means the following:

''(A) A secondary education.

''(B) An undergraduate college education.

''(C) A graduate education pursued on a full-time basis at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

''(D) Vocational education pursued on a full-time basis at a post-secondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c))).''.

Subtitle D—Retirement and Survivor Benefit Matters

SEC. 641. INCREASE IN MAXIMUM NUMBER OF RESERVE RETIREMENT POINTS THAT MAY BE CREDITED IN ANY YEAR.

Section 12733(3) of title 10, United States Code, is amended by striking ''but not more than'' and all that follows and inserting ''but not more than—

''(A) 60 days in any one year of service before the year of service that includes September 23, 1996;

''(B) 75 days in the year of service that includes September 23, 1996, and in any subsequent year of service before the year of service that includes the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001; and

''(C) 90 days in the year of service that includes the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001 and in any subsequent year of service.''.

SEC. 642. RESERVE COMPONENT SURVIVOR BENEFIT PLAN SPOUSAL CONSENT REQUIREMENT.

(a) ELIGIBLE PARTICIPANTS.—Subsection (a)(2)(B) of section 1448 of title 10, United States Code, is amended to read as follows:

''(B) RESERVE-COMPONENT ANNUITY PARTICIPANTS.—A person who (i) is eligible to participate in the Plan under paragraph (1)(B), and (ii) is married or has a dependent child when he is notified under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay, unless the person elects (with his spouse's concurrence, if required under paragraph (3)) not to participate in the Plan before the end of the 90-day period beginning on the date on which he receives that notification.''.

(b) SUBSEQUENT ELECTION TO PARTICIPATE.—Subsection (a)(3)(B) of such section is amended—

(1) by striking ''who elects to provide'' and inserting ''who is eligible to provide'';

(2) by redesignating clauses (i) and (ii) as clauses (iii) and (iv), respectively; and

(3) by inserting before clause (iii) (as so redesignated) the following new clauses:

''(i) not to participate in the Plan;

''(ii) to designate under subsection (e)(2) the effective date for commencement of annuity payments under the Plan in the event that the member dies before becoming 60 years of age to be the 60th anniversary of the member's birth (rather than the day after the date of the member's death);''.

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a)(2), by striking ''described in clauses (i) and (ii)'' in the sentence following subparagraph (B) (as amended by subsection (a)) and all that follows through ''that clause'' and inserting ''who elects under subparagraph (B) not to participate in the Plan'';

(2) in subsection (a)(4)—

(A) by striking ''not to participate in the Plan'' in subparagraph (A); and

(B) by striking ''to participate in the Plan'' in subparagraph (B); and

(3) in subsection (e), by striking ''making such election''.

(d) EFFECTIVE DATE.—The amendments made by this section apply only with respect to a notification under section 12731(d) of title 10, United States Code, made after January 1, 2001, that a member of a reserve component has completed the years of service required for eligibility for reserve-component retired pay.

Subtitle E—Other Matters

SEC. 651. PARTICIPATION IN THRIFT SAVINGS PLAN.

For purposes of subtitle F of title VI of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 670), both of the conditions under section 663(b)(1) of such Act shall be considered met on July 15, 2001 (unless earlier met).

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. TWO-YEAR EXTENSION OF AUTHORITY FOR USE OF CONTRACT PHYSICIANS AT MILITARY ENTRANCE PROCESSING STATIONS AND ELSEWHERE OUTSIDE MEDICAL TREATMENT FACILITIES.

Section 1091(a)(2) of title 10, United States Code, is amended by striking ''December 31, 2000'' in the second sentence and inserting ''December 31, 2002''.

SEC. 702. MEDICAL AND DENTAL CARE FOR MEDAL OF HONOR RECIPIENTS.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074g the following new section:

''§ 1074h. Medical and dental care: medal of honor recipients; dependents

''(a) MEDAL OF HONOR RECIPIENTS.—A former member of the armed forces who is a Medal of Honor recipient and who is not otherwise entitled to medical and dental benefits under this chapter may, upon request, be given medical and dental care provided by the administering Secretaries in the same manner as if entitled to retired pay.

''(b) DEPENDENTS.—A person who is a dependent of a Medal of Honor recipient and who is not otherwise entitled to medical and dental benefits under this chapter may, upon request, be given medical and dental care provided by the administering Secretaries in the same manner as if the Medal of Honor recipient were, or (if deceased) was at the time of death, entitled to retired pay.

''(c) DEFINITIONS—In this section:

''(1) The term 'Medal of Honor recipient' means a member or former member of the armed forces who has been awarded a medal of honor under section 3741, 6241, or 8741 of this title or section 491 of title 14.

''(2) The term 'dependent' has the meaning given that term in subparagraphs (A), (B), (C), and (D) of section 1072(2) of this title.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074g the following new item:

''1074h. Medical and dental care: medal of honor recipients; dependents.''.

(b) EFFECTIVE DATE.—Section 1074h of title 10, United States Code, shall apply with respect to medical and dental care provided on or after the date of the enactment of this Act.

SEC. 703. PROVISION OF DOMICILIARY AND CUSTODIAL CARE FOR CHAMPUS BENEFICIARIES AND CERTAIN FORMER CHAMPUS BENEFICIARIES.

(a) IN GENERAL.—Section 703(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 682; 10 U.S.C. 1077 note) is amended by adding at the end the following:

''(4) The Secretary may provide payment for domiciliary or custodial care services provided to an eligible beneficiary for which payment was discontinued by reason of section 1086(d) of title 10, United States Code, and subsequently reestablished under other legal authority. Such payment is authorized for the period beginning on the date of discontinuation of payment for domiciliary or custodial care services and ending on the date of reestablishment of payment for such services.''.

(b) COST LIMITATION FOR INDIVIDUAL CASE MANAGEMENT PROGRAM.—(1) Section 1079(a)(17) of title 10, United States Code, is amended—

(A) by inserting ''(A)'' after ''(17)''; and

(B) by adding at the end the following:

''(B) The total amount expended under subparagraph (A) for a fiscal year may not exceed $100,000,000.''.

(2) Section 703 of the National Defense Authorization Act for Fiscal Year 2000 is amended by adding at the end the following:

''(e) COST LIMITATION.—The total amount paid for services for eligible beneficiaries under subsection (a) for a fiscal year (together with the costs of administering the authority under that subsection) shall be included in the expenditures limited by section 1079(a)(17)(B) of title 10, United States Code.''.

(3) The amendments made by paragraphs (1) and (2) shall apply to fiscal years after fiscal year 1999.

SEC. 704. DEMONSTRATION PROJECT FOR EXPANDED ACCESS TO MENTAL HEALTH COUNSELORS.

(a) REQUIREMENT TO CONDUCT DEMONSTRATION PROJECT.—The Secretary of Defense shall conduct a demonstration project under which licensed and certified professional mental health counselors who meet eligibility requirements for participation as providers under the Civilian Health and Medical Program of the Uniformed Services (hereinafter in this section referred to as ''CHAMPUS'') or the TRICARE program may provide services to covered beneficiaries under chapter 55 of title 10, United States Code, without referral by physicians or adherence to supervision requirements.

(b) DURATION AND LOCATION OF PROJECT.—The Secretary shall conduct the demonstration project required by subsection (a)—

(1) during the 2-year period beginning October 1, 2001; and

(2) in one established TRICARE region.

(c) REGULATIONS.—The Secretary shall prescribe regulations regarding participation in the demonstration project required by subsection (a).

(d) PLAN FOR PROJECT.—Not later than March 31, 2001, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to carry out the demonstration project. The plan shall include, but not be limited to, a description of the following:

(1) The TRICARE region in which the project will be conducted.

(2) The estimated funds required to carry out the demonstration project.

(3) The criteria for determining which professional mental health counselors will be authorized to participate under the demonstration project.

(4) The plan of action, including critical milestone dates, for carrying out the demonstration project.

(e) REPORT.—Not later than February 1, 2003, the Secretary shall submit to Congress a report on the demonstration project carried out under this section. The report shall include the following:

(1) A description of the extent to which expenditures for reimbursement of licensed or certified professional mental health counselors change as a result of allowing the independent practice of such counselors.

(2) Data on utilization and reimbursement regarding non-physician mental health professionals other than licensed or certified professional mental health counselors under CHAMPUS and the TRICARE program.

(3) Data on utilization and reimbursement regarding physicians who make referrals to, and supervise, mental health counselors.

(4) A description of the administrative costs incurred as a result of the requirement for documentation of referral to mental health counselors and supervision activities for such counselors.

(5) For each of the categories described in paragraphs (1) through (4), a comparison of data for a one-year period for the area in which the demonstration project is being implemented with corresponding data for a similar area in which the demonstration project is not being implemented.

(6) A description of the ways in which allowing for independent reimbursement of licensed or certified professional mental health counselors affects the confidentiality of mental health and substance abuse services for covered beneficiaries under CHAMPUS and the TRICARE program.

(7) A description of the effect, if any, of changing reimbursement policies on the health and treatment of covered beneficiaries under CHAMPUS and the TRICARE program, including a comparison of the treatment outcomes of covered beneficiaries who receive mental health services from licensed or certified professional mental health counselors acting under physician referral and supervision, other non-physician mental health providers recognized under the program, and physicians, with treatment outcomes under the demonstration project allowing independent practice of professional counselors on the same basis as other non-physician mental health providers.

(8) The effect of policies of the Department of Defense on the willingness of licensed or certified professional mental health counselors to participate as health care providers in CHAMPUS and the TRICARE program.

(9) Any policy requests or recommendations regarding mental health counselors made by health care plans and managed care organizations participating in CHAMPUS or the TRICARE program.

SEC. 705. TELERADIOLOGY DEMONSTRATION PROJECT.

(a) REQUIREMENT TO CONDUCT PROJECT.—(1) The Secretary of Defense shall conduct a demonstration project for the purpose of increasing efficiency of operations with respect to teleradiology at a military medical treatment facility and supporting remote clinics and increasing coordination with respect to teleradiology between such facility and clinics. Under the project, a military medical treatment facility and each clinic supported by such facility shall be linked by a digital radiology network through which digital radiology X-rays may be sent electronically from clinics to the military medical treatment facility.

(2) The demonstration project shall be conducted at a multi-specialty tertiary-care military medical treatment facility affiliated with a university medical school, that is supported by at least five geographically dispersed remote clinics of the Departments of the Army, Navy, and Air Force, and clinics of the Department of Veterans Affairs and the Coast Guard.

(b) DURATION OF PROJECT.—The Secretary shall conduct the project during the two-year period beginning on the date of the enactment of this Act.

Subtitle B—TRICARE Program

SEC. 711. ADDITIONAL BENEFICIARIES UNDER TRICARE PRIME REMOTE PROGRAM IN THE CONTINENTAL UNITED STATES.

(a) COVERAGE OF OTHER UNIFORMED SERVICES.—(1) Section 1074(c) of title 10, United States Code, is amended—

(A) by striking ''armed forces'' each place it appears, except in paragraph (3)(A), and inserting ''uniformed services'';

(B) in paragraph (1), by inserting after ''military department'' in the first sentence the following: '', the Department of Transportation (with respect to the Coast Guard when it is not operating as a service in the Navy), or the Department of Health and Human Services (with respect to the National Oceanic and Atmospheric Administration and the Public Health Service)'';

(C) in paragraph (2), by adding at the end the following:

''(C) The Secretary of Defense shall consult with the other administering Secretaries in the administration of this paragraph.''; and

(D) in paragraph (3)(A), by striking ''The Secretary of Defense may not require a member of the armed forces described in subparagraph (B)'' and inserting ''A member of the uniformed services described in subparagraph (B) may not be required''.

(2)(A) Subsections (b), (c), and (d)(3) of section 731 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1811; 10 U.S.C. 1074 note) are amended by striking ''Armed Forces'' and inserting ''uniformed services''.

(B) Subsection (b) of such section is further amended by adding at the end the following:

''(4) The Secretary of Defense shall consult with the other administering Secretaries in the administration of this subsection.''.

(C) Subsection (f) of such section is amended by adding at the end the following:

''(3) The terms 'uniformed services' and 'administering Secretaries' have the meanings given those terms in section 1072 of title 10, United States Code.''.

(3) Section 706(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 684) is amended by striking ''Armed Forces'' and inserting ''uniformed services (as defined in section 1072(1) of title 10, United States Code)''.

(b) COVERAGE OF IMMEDIATE FAMILY.—(1) Section 1079 of title 10, United States Code, is amended by adding at the end the following:

''(p)(1) Subject to such exceptions as the Secretary of Defense considers necessary, coverage for medical care under this section for the dependents referred to in subsection (a) of a member of the uniformed services referred to in section 1074(c)(3) of this title who are residing with the member, and standards with respect to timely access to such care, shall be comparable to coverage for medical care and standards for timely access to such care under the managed care option of the TRICARE program known as TRICARE Prime.

''(2) The Secretary of Defense shall enter into arrangements with contractors under the TRICARE program or with other appropriate contractors for the timely and efficient processing of claims under this subsection.

''(3) The Secretary of Defense shall consult with the other administering Secretaries in the administration of this subsection.''.

(2) Section 731(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1811; 10 U.S.C. 1074 note) is amended—

(A) in paragraph (1), by adding at the end the following: ''A dependent of the member, as described in subparagraph (A), (D), or (I) of section 1072(2) of title 10, United States Code, who is residing with the member shall have the same entitlement to care and to waiver of charges as the member.''; and

(B) in paragraph (2), by inserting ''or dependent of the member, as the case may be,'' after ''(2) A member''.

(c) EFFECTIVE DATE.—(1) The amendments made by subsection (a)(2), with respect to members of the uniformed services, and the amendments made by subsection (b)(2), with respect to dependents of members, shall take effect on the date of the enactment of this Act and shall expire with respect to a member or the dependents of a member, respectively, on the later of the following:

(A) The date that is one year after the date of the enactment of this Act.

(B) The date on which the amendments made by subsection (a)(1) or (b)(1) apply with respect to the coverage of medical care for and provision of such care to the member or dependents, respectively.

(2) Section 731(b)(3) of Public Law 105–85 does not apply to a member of the Coast Guard, the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the Public Health Service, or to a dependent of a member of a uniformed service.

SEC. 712. ELIMINATION OF COPAYMENTS FOR IMMEDIATE FAMILY.

(a) NO COPAYMENT FOR IMMEDIATE FAMILY.—Section 1097a of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) NO COPAYMENT FOR IMMEDIATE FAMILY.—No copayment shall be charged a member for care provided under TRICARE Prime to a dependent of a member of the uniformed services described in subparagraph (A), (D), or (I) of section 1072(2) of this title.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2000, and shall apply with respect to care provided on or after that date.

SEC. 713. MODERNIZATION OF TRICARE BUSINESS PRACTICES AND INCREASE OF USE OF MILITARY TREATMENT FACILITIES.

(a) REQUIREMENT TO IMPLEMENT INTERNET-BASED SYSTEM.—Not later than October 1, 2001, the Secretary of Defense shall implement a system to simplify and make accessible through the use of the Internet, through commercially available systems and products, critical administrative processes within the military health care system and the TRICARE program. The purpose of the system shall be to enhance efficiency, improve service, and achieve commercially recognized standards of performance.

(b) REQUIREMENTS OF SYSTEM.—The system required by subsection (a) —

(1) shall comply with patient confidentiality and security requirements, and incorporate data requirements, that are currently widely used by insurers under medicare and commercial insurers;

(2) shall be designed to achieve improvements with respect to—

(A) the availability and scheduling of appointments;

(B) the filing, processing, and payment of claims;

(C) marketing and information initiatives;

(D) the continuation of enrollments without expiration; and

(E) the portability of enrollments nationwide; and

(3) may be implemented through a contractor under TRICARE Prime.

(c) AREAS OF IMPLEMENTATION.—The Secretary shall implement the system required by subsection (a) in at least one region under the TRICARE program.

(d) PLAN FOR IMPROVED PORTABILITY OF BENEFITS.—Not later than March 15, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to provide portability and reciprocity of benefits for all enrollees under the TRICARE program throughout all TRICARE regions.

(e) INCREASE OF USE OF MILITARY MEDICAL TREATMENT FACILITIES.—The Secretary shall initiate a program to maximize the use of military medical treatment facilities by improving the efficiency of health care operations in such facilities.

(f) DEFINITION.—In this section the term ''TRICARE program'' shall have the meaning given such term in section 1072 of title 10, United States Code.

SEC. 714. CLAIMS PROCESSING IMPROVEMENTS.

Beginning on the date of the enactment of this Act, the Secretary of Defense shall take all necessary actions to implement the following improvements with respect to processing of claims under the TRICARE program:

(1) Use of the TRICARE encounter data information system rather than the health care service record in maintaining information on covered beneficiaries under chapter 55 of title 10, United States Code.

(2) Elimination of all delays in payment of claims to health care providers that may result from the development of the health care service record or TRICARE encounter data information.

(3) Require all health care providers under the TRICARE program that the Secretary determines are high-volume providers to submit claims electronically.

(4) Process 50 percent of all claims by health care providers and institutions under the TRICARE program by electronic means.

(5) Authorize managed care support contractors under the TRICARE program to require providers to access information on the status of claims through the use of telephone automated voice response units.

SEC. 715. PROHIBITION AGAINST REQUIREMENT FOR PRIOR AUTHORIZATION FOR CERTAIN REFERRALS; REPORT ON NONAVAILABILITY-OF-HEALTH-CARE STATEMENTS.

(a) PROHIBITION REGARDING PRIOR AUTHORIZATION FOR REFERRALS.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1095e the following new section:

''§ 1095f. TRICARE program: referrals for specialty health care

''The Secretary of Defense shall provide that no contract for managed care support under the TRICARE program shall require a managed care support contractor to require a primary care provider or specialty care provider to obtain prior authorization before referring a patient to a specialty care provider that is part of the network of health care providers or institutions of the contractor.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1095e the following new item:

''1095f. TRICARE program: referrals for specialty health care.''.

(b) REPORT.—Not later than February 1, 2001, the Comptroller General shall submit to Congress a report on the financial and management implications of eliminating the requirement to obtain nonavailability-of-health-care statements under section 1080 of title 10, United States Code.

(c) EFFECTIVE DATE.—Section 1095f of title 10, United States Code, as added by subsection (a), shall apply with respect to a managed care support contract entered into by the Department of

Defense after the date of the enactment of this Act.

SEC. 716. AUTHORITY TO ESTABLISH SPECIAL LOCALITY-BASED REIMBURSEMENT RATES; REPORTS.

(a) IN GENERAL.—Section 1079(h) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) To assure access to care for all covered beneficiaries, the Secretary of Defense, in consultation with the other administering Secretaries, shall designate specific rates for reimbursement for services in certain localities if the Secretary determines that without payment of such rates access to health care services would be severely impaired. Such a determination shall be based on consideration of the number of providers in a locality who provide the services, the number of such providers who are CHAMPUS participating providers, the number of covered beneficiaries under CHAMPUS in the locality, the availability of military providers in the location or a nearby location, and any other factors determined to be relevant by the Secretary.''.

(b) REPORTS.—(1) Not later than March 31, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate and the General Accounting Office a report on actions taken to carry out section 1079(h)(5) of title 10, United States Code (as added by subsection (a)) and section 1097b of such title.

(2) Not later than May 1, 2001, the Comptroller General shall submit to Congress a report analyzing the utility of—

(A) increased reimbursement authorities with respect to ensuring the availability of network providers and nonnetwork providers under the TRICARE Program to covered beneficiaries under chapter 55 of such title; and

(B) requiring a reimbursement limitation of 70 percent of usual and customary rates rather than 115 percent of maximum allowable charges under the Civilian Health and Medical Program of the Uniformed Services.

SEC. 717. REIMBURSEMENT FOR CERTAIN TRAVEL EXPENSES.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074h (as added by section 702) the following new section:

''§ 1074i. Reimbursement for certain travel expenses

''In any case in which a covered beneficiary is referred by a primary care physician to a specialty care provider who provides services more than 100 miles from the location in which the primary care provider provides services to the covered beneficiary, the Secretary shall provide reimbursement for reasonable travel expenses for the covered beneficiary.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074h the following new item:

''1074i. Reimbursement for certain travel expenses.''.

SEC. 718. REDUCTION OF CATASTROPHIC CAP.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended in section 1095d by adding at the end the following new subsection:

''(c) REDUCTION OF CATASTROPHIC CAP.—The Secretary shall reduce the catastrophic cap for covered beneficiaries under TRICARE Standard and TRICARE Extra to $3,000.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 1095d. TRICARE program: waiver of certain deductibles; reduction of catastrophic cap''.

(2) The item relating to section 1095d in the table of sections at the beginning of such chapter 55 is amended to read as follows:

''1095d. TRICARE program: waiver of certain deductibles; reduction of catastrophic cap.''.

SEC. 719. REPORT ON PROTECTIONS AGAINST HEALTH CARE PROVIDERS SEEKING DIRECT REIMBURSEMENT FROM MEMBERS OF THE UNIFORMED SERVICES.

Not later than January 31, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report recommending practices to discourage or prohibit health care providers under the TRICARE Program from inappropriately seeking direct reimbursement from members of the uniformed services or their dependents for health care received by such members or dependents.

SEC. 720. DISENROLLMENT PROCESS FOR TRICARE RETIREE DENTAL PROGRAM.

Section 1076c of title 10, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

''(i) DISENROLLMENT PROCESS FOR TRICARE RETIREE DENTAL PROGRAM.—With respect to the provision of dental care to a retired member of the uniformed services or the dependent of such a member under the TRICARE program, the Secretary of Defense—

''(A) shall require that any TRICARE dental insurance contract allow for a period of up to 30 days, beginning on the date of the submission of an application for enrollment by the member or dependent, during which the member or dependent may disenroll;

''(B) shall provide for limited circumstances under which disenrollment shall be permitted during the 24-month initial enrollment period, without jeopardizing the fiscal integrity of the dental program.

''(2) The circumstances described in paragraph (1)(B) shall include—

''(A) a case in which a retired member or dependent who is also a Federal employee is assigned to a location overseas which prevents utilization of dental benefits in the United States;

''(B) a case in which such a member or dependent provides medical documentation with regard to a diagnosis of a serious or terminal illness which precludes the member or dependent from obtaining dental care;

''(C) a case in which severe financial hardship would result; and

''(D) any other instances which the Secretary considers appropriate.

''(3) A retired member or dependent described in paragraph (1)—

''(A) shall make any initial requests for disenrollment under this subsection to the TRICARE dental insurance contractor; and

''(B) may appeal a decision by the contractor, or policies with respect to the provision of dental care to retirees and their dependents under the TRICARE program, to the TRICARE Management Activity.

''(4) In a case of an appeal described in paragraph (3)(B) the contractor shall refer all relevant information collected by the contractor to the TRICARE Management Activity.''.

Subtitle C—Health Care Programs for Medicare-Eligible Department of Defense Beneficiaries

SEC. 721. IMPLEMENTATION OF TRICARE SENIOR PHARMACY PROGRAM.

Section 723 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2068; 10 U.S.C. 1073 note) is amended—

(1) in subsection (a)—

(A) by striking ''October 1, 1999'' and inserting ''April 1, 2001''; and

(B) by striking ''who reside in an area selected under subsection (f)'';

(2) by amending subsection (b) to read as follows:

''(b) PROGRAM REQUIREMENTS.—The same coverage for pharmacy services and the same procedures for cost sharing and reimbursement as are applicable under section 1086 of title 10, United States Code, shall apply with respect to the program required by subsection (a).'';

(3) in subsection (d)—

(A) by striking ''December 31, 2000'' and inserting ''December 31, 2001''; and

(B) by striking ''December 31, 2002'' and inserting ''December 31, 2003'';

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting ''and'' after the semicolon;

(ii) in subparagraph (C), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (D); and

(B) in paragraph (2), by striking ''at the time'' and all that follows through ''facility'' and inserting ''before April 1, 2001, has attained the age of 65 and did not enroll in the program described in such paragraph''; and

(5) by striking subsection (f).

SEC. 722. STUDY ON HEALTH CARE OPTIONS FOR MEDICARE-ELIGIBLE MILITARY RETIREES.

(a) REQUIREMENT TO CONDUCT STUDY.—The Secretary of Defense shall enter into an agreement with a federally funded research and development center for the purpose of having such center conduct an independent study on alternatives for providing continued health care benefits for medicare-eligible military retirees.

(b) MATTERS TO BE INCLUDED.—(1) The study shall consider the possibility of providing health care to such retirees through at least the following alternatives, either individually or in combination, and shall include an analysis of the mandatory and discretionary funding requirements for implementation of each alternative for each year of a ten-year period:

(A) The use of mandatory enrollments in any health care option.

(B) The creation, integration, and coordination of a Department of Defense-Medicare supplemental plan that—

(i) includes benefits similar to those covered under a standard medicare supplemental health insurance policy; and

(ii) requires participation in, and coordination with, available medicare prescription drug benefits.

(C) Space-available health care in military medical treatment facilities and participation in the standard prescription drug plan under the TRICARE program.

(D) Increased participation in, and coordination with, managed care programs of the Veterans Health Administration.

(2) The study shall consider—

(A) the findings and recommendations in all reports prepared by the Comptroller General on demonstration programs of the Department of Defense involving medicare-eligible military retirees; and

(B) the existence of multiple overlapping benefits for such retirees, including benefits available through the Veterans Health Administration, medicare, and private insurance.

(c) INDEPENDENT ADVISORY COMMITTEE.—(1) The Secretary shall establish an independent advisory committee to assist the federally funded research and development center described in subsection (a) in conducting the study required by this section. The Secretary shall appoint the members of the committee from among individuals who—

(A) are not members of the uniformed services or civilian employees of the Department of Defense;

(B) possess expertise in health insurance matters, including matters regarding medigap plans and TRICARE supplemental insurance policies;

(C) are representative of nongovernmental organizations and associations that represent the views and interests of covered beneficiaries under chapter 55 of title 10, United States Code;

(D) are knowledgeable regarding the medicare system, the military health care system, and the Veterans' Health Administration; and

(E) represent associations of major health care providers and institutions.

(2) Members of the committee shall be appointed for the life of the committee.

(3)(A) Each member of the committee who is not an employee of the Government shall be paid 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 performing the duties of the committee.

(B) Members of the committee may travel on aircraft, vehicles, or other conveyances of the Armed Forces when travel is necessary in the performance of a duty of the committee except when the cost of commercial transportation is less expensive.

(C) The members of the committee may 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 committee.

(D)(i) A member of the committee who is an annuitant otherwise covered by section 8344 or 8468 of title 5, United States Code, by reason of membership on the committee shall not be subject to the provisions of such section with respect to such membership.

(ii) A member of the committee who is a member or former member of a uniformed service shall not be subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the committee.

(4) The committee shall terminate 60 days after the date on which the final report is submitted under subsection (d).

(d)(1) DEADLINE FOR COMPLETION.—Not later than September 30, 2002, the federally funded research and development center described in subsection (a) shall submit to the Secretary a report on the study, including its findings and conclusions concerning each of the matters described in subsection (b).

(2) Not later than December 31, 2002, the Secretary shall submit the report, together and any comments of the Secretary, to Congress, the Secretary of Veterans Affairs, and the Secretary of Health and Human Services.

(e) COOPERATION BY DEPARTMENT OF DEFENSE.—The Secretary shall require that all components of the Department of Defense cooperate fully with the federally funded research and development center carrying out the study.

SEC. 723. EXTENDED COVERAGE UNDER FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.

(a) EXPANSION OF COVERAGE FOR RETIREES OVER AGE 65.—Section 1108 of title 10, United States Code, is amended by adding at the end the following:

''(m) EXPANSION OF COVERAGE FOR RETIREES OVER AGE 65.—(1) Eligible beneficiaries referred to in subsection (b)(1) shall be permitted to enroll, or to extend a previous enrollment entered into under subsection (d)(2), during a period of open enrollment for the year 2003 (conducted in the fall of 2002).

''(2) Subject to paragraphs (2) and (3) of subsection (f), the period of enrollment, or extension of enrollment, of an eligible beneficiary under paragraph (1) shall be one year unless the beneficiary disenrolls before the termination of the demonstration project.''.

(b) EXTENSION OF PROJECT PERIOD.—(1) Subsection (d) of such section is amended—

(A) in paragraph (1), by striking ''three contract years'' and inserting ''four contract years''; and

(B) in paragraph (2), by striking ''December 31, 2002'' in the second sentence and inserting ''December 31, 2003''.

(2) Subsection (f)(1) of such section is amended by striking ''three'' and inserting ''four''.

(3) Subsection (k) of such section is amended by striking ''December 31, 2002'' and inserting ''December 31, 2003''.

(4) Subsection (l)(2) of such section is amended by striking ''36 months'' and inserting ''48 months''.

(c) ADDITIONAL AREAS OF COVERAGE.—Subsection (c) of such section is amended—

(1) by striking '', but not more than ten,''; and

(2) by striking the third sentence and inserting the following: ''In establishing the areas, the Secretary and the Director of the Office of Personnel Management shall include an area that includes the catchment area of one or more military medical treatment facilities, an area that is not located in the catchment area of a military medical treatment facility, an area in which there is a Medicare Subvention Demonstration project area under section 1896 of title XVIII of the Social Security Act (42 U.S.C. 1395ggg), and one area for each TRICARE region.''.

SEC. 724. EXTENSION OF TRICARE SENIOR SUPPLEMENT PROGRAM.

Section 722(a)(2) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2065; 10 U.S.C. 1073 note) is amended by striking ''December 31, 2002'' and inserting ''December 31, 2003''.

SEC. 725. EXTENSION OF TRICARE SENIOR PRIME DEMONSTRATION PROJECT.

(a) EXTENSION OF PROJECT.—Section 1896 of the Social Security Act (42 U.S.C. 1395ggg) is amended in subsection (b)(4) by striking ''3-year period beginning on January 1, 1998'' and inserting ''period beginning on January 1, 1998, and ending on December 31, 2003'';

(b) IMPLEMENTATION OF UTILIZATION REVIEW PROCEDURES.—Subsection (b) of such section is further amended by adding at the end the following:

''(6) UTILIZATION REVIEW PROCEDURES.—The Secretary of Defense shall develop and implement procedures to review utilization of health care services by medicare-eligible military retirees and dependents under this section in order to enable the Secretary of Defense to more effectively manage the use of military medical treatment facilities by such retirees and dependents.''.

(c) REPORTS.—(1) Such section 1896 is further amended in subsection (k)(1)—

(1) by striking ''3½ years'' and inserting ''4½ years''; and

(2) by adding at the end the following new subparagraphs:

''(P) Which interagency funding mechanisms would be most appropriate if the project under this section is made permanent.

''(Q) The ability of the Department of Defense to operate an effective and efficient managed care system for medicare beneficiaries.

''(R) The ability of the Department of Defense to meet the managed care access and quality of care standards under medicare.

''(S) The adequacy of the data systems of the Department of Defense for providing timely, necessary, and accurate information required to properly manage the demonstration project.''.

(2) Section 724 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 10 U.S.C. 1108 note) is amended by inserting ''the demonstration project conducted under section 1896 of the Social Security Act (42 U.S.C. 1395ggg),'' after ''section 722,''.

Subtitle D—Other Matters

SEC. 731. TRAINING IN HEALTH CARE MANAGEMENT AND ADMINISTRATION.

(a) EXPANSION OF PROGRAM.—Section 715(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat 375; 10 U.S.C. 1073 note) is amended—

(1) in paragraph (1)—

(A) by inserting '', deputy commander, and managed care coordinator'' after ''commander''; and

(B) by inserting ''and any other person'' after ''Defense'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection:

''(b) LIMITATION ON ASSIGNMENT UNTIL COMPLETION OF TRAINING.—No person may be assigned as the commander, deputy commander, or managed care coordinator of a military medical treatment facility or as a TRICARE lead agent or senior member of the staff of a TRICARE lead agent office until the Secretary of the military department concerned submits a certification to the Secretary of Defense that such person has completed the training described in subsection (a).''.

(b) REPORT REQUIREMENT.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on progress in meeting the requirements in such section regarding implementation of a professional educational program to provide appropriate training in health care management and administration.

(2) The report required by paragraph (1) shall include, but shall not be limited to, the following:

(A) A survey of professional civilian certifications and credentials which demonstrate achievement of the requirements of such section.

(B) A description of the continuing education activities required to obtain initial certification and periodic required recertification.

(C) A description of the prominence of such credentials or certifications among senior civilian health care executives.

SEC. 732. STUDY OF ACCRUAL FINANCING FOR HEALTH CARE FOR MILITARY RETIREES.

(a) STUDY REQUIRED.—The Secretary of Defense shall carry out a study to assess the feasibility and desirability of financing the military health care program for retirees of the uniformed services on an accrual basis. The study shall be conducted by one or more Department of Defense organizations designated by the Secretary.

(b) REPORT.—Not later than February 8, 2001, the Secretary shall submit to Congress a report on the study, including any comments on the matters studied that the Secretary considers appropriate.

SEC. 733. TRACKING PATIENT SAFETY IN MILITARY MEDICAL TREATMENT FACILITIES.

(a) CENTRALIZED TRACKING PROCESS.—The Secretary of Defense shall implement a centralized process for the reporting, compiling, and analysis of errors in the provision of health care in military medical treatment facilities that endanger patients beyond the normal risks associated with the care and treatment of the patients.

(b) SAFETY INDICATORS, STANDARDS, AND PROTOCOLS.—The process shall include such indicators, standards, and protocols as the Secretary of Defense considers necessary for the establishment and administration of an effective process.

SEC. 734. PHARMACEUTICAL IDENTIFICATION TECHNOLOGY.

(a) BAR CODE IDENTIFICATION TECHNOLOGY.—The Secretary of Defense shall develop a system for the use of bar codes for the identification of pharmaceuticals in order to provide for the safest use possible of such pharmaceuticals.

(b) USE IN NATIONAL MAIL ORDER PHARMACEUTICALS DEMONSTRATION PROJECT.—The Secretary shall implement the use of bar code identification of pharmaceuticals in the administration of the mail order pharmaceutical demonstration project being carried out under section 702 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2431; 10 U.S.C. 1079 note).

SEC. 735. MANAGEMENT OF VACCINE IMMUNIZATION PROGRAM.

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

"§ 1110. Policies and procedures for immunization program

''(a) SYSTEM AND PROCEDURES FOR TRACKING SEPARATIONS.—(1) The Secretary of each military department shall establish a system for tracking, recording, and reporting separations of members of the armed forces that result from procedures initiated as a result of a refusal to participate in the anthrax vaccine immunization program.

''(2) The Secretary of Defense shall consolidate the information recorded under the system described in paragraph (1) and shall submit to the Committees on Armed Services of the House of Representatives and the Senate on an annual basis a report on such information. Such reports shall include a description of—

''(A) the number of personnel separated, categorized by military department, rank, and active-duty or reserve status; and

''(B) any other information determined appropriate by the Secretary.

''(b) EMERGENCY ESSENTIAL CIVILIAN PERSONNEL.—The Secretary of Defense shall—

''(1) prescribe regulations for the purpose of ensuring that any civilian employee of the Department of Defense who is determined to be an emergency essential employee and who is required to participate in the anthrax vaccination program is notified of the requirement to participate in the program and the consequences of a decision not to participate; and

''(2) ensure that any individual who is being considered for a position as such an employee is notified of the obligation to participate in the program before being offered employment in such position.

''(c) PROCEDURES FOR MEDICAL AND ADMINISTRATIVE EXEMPTIONS.—(1) The Secretary of Defense shall establish uniform procedures under which members of the armed forces may be exempted from participating in the anthrax vaccination program for either administrative or medical reasons.

''(2) The Secretaries of the military departments shall provide for notification of all members of the armed forces of the procedures described in paragraph (1).

''(d) SYSTEM FOR MONITORING ADVERSE REACTIONS.—(1) The Secretary of Defense shall establish a system for monitoring adverse reactions of members of the armed forces to the anthrax vaccine which shall include the following:

''(A) Independent review of Vaccine Adverse Event Reporting System reports.

''(B) Periodic surveys of personnel to whom the vaccine is administered.

''(C) A continuing longitudinal study of a preidentified group of members of the armed forces (including men and women and members from all services).

''(D) Active surveillance of a sample of members to whom the anthrax vaccine has been administered that is sufficient to identify, at the earliest opportunity, any patterns of adverse reactions, the discovery of which might be delayed by reliance solely on the Vaccine Adverse Event Reporting System.

''(2) The Secretary may extend or expand any ongoing or planned study or analysis of trends in adverse reactions of members of the armed forces to the anthrax vaccine in order to meet any of the requirements in paragraph (1).

''(3) The Secretary shall establish guidelines under which members of the armed forces who are determined by an independent expert panel to be experiencing unexplained adverse reactions may obtain access to a Department of Defense Center of Excellence treatment facility for expedited treatment and follow up.

''(e) VACCINE DEVELOPMENT AND PROCUREMENT.—(1) The Secretary of Defense shall develop a plan, including milestones, for modernizing all vaccines used or anticipated to be used as part of the protection strategy for members of the armed forces.

''(2) The Secretary—

''(A) shall, to the maximum extent possible, be the sole purchaser of a vaccine to immunize members of the armed forces and employees of all Federal agencies;

''(B) shall, to the maximum extent possible, procure such a vaccine from more than one manufacturer; and

''(C) in any case in which the Secretary determines that sole source procurement of such a vaccine is necessary, may not enter into a contract to purchase such vaccine until 30 days after providing notification to the Committees on Armed Services of the House of Representatives and the Senate that the Secretary intends to enter into a sole source contract for the vaccine.''.

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

''1110. Policies and procedures for immunization program.''.

(b) COMPTROLLER GENERAL REPORTS.—(1)(A) Not later than April 1, 2002, the Comptroller General shall submit to the Committees on Armed Service of the House of Representatives and the Senate a report on the impact of the anthrax vaccination program on the recruitment and retention of active duty and reserve military personnel and civilian personnel of the Armed Forces. The study shall cover the period beginning on the date of the enactment of this Act and ending on December 31, 2001.

(B) The Comptroller General shall include in the report required by paragraph (1) a description of any personnel actions (including transfer, termination, or reassignment of any personnel) taken as a result of the refusal of any civilian employee of the Department of Defense to participate in the anthrax vaccination program.

(2) Not later than March 1 of each of years 2001 through 2004, the Comptroller General shall review and submit to the Committees on Armed Service of the House of Representatives and the Senate a report on the financial operations of the manufacturer of the anthrax vaccine administered through the anthrax vaccine immunization program of the Department of Defense. Under such review, the Comptroller General shall—

(A) consider the findings and observations of any other Federal or State reports relating to such financial operations;

(B) examine the compliance of the Department of Defense and its contractors with the Federal Acquisition Regulation; and

(C) make recommendations for improving the financial stability of the manufacturer.

(c) DOD REPORTS ON MANAGEMENT OF ANTHRAX VACCINE IMMUNIZATION PROGRAM.—(1) Not later than April 1 of each of years 2001 through 2004, the Secretary of Defense shall submit to the Committees on Armed Service of the House of Representatives and the Senate a report describing, with respect to each contract relating to the anthrax vaccination program, the costs incurred by, and payments made to, each contractor or other entity engaged in the production, storage, distribution, or marketing of the anthrax vaccine administered by the Department of Defense.

(B) The first report submitted under subparagraph (A) shall include the following:

(i) An estimate of the life-cycle cost for the anthrax vaccination program.

(ii) A description of the acquisition strategy for the program, including the applicable acquisition category.

(iii) An assessment of the Governmentwide requirements with respect to the anthrax vaccine and the financial and manufacturing ability of the manufacturer of the anthrax vaccine to meet such requirements.

(iv) A description of the status of supplements to the anthrax vaccine licenses of the contractors and whether the Food and Drug Administration has approved or is anticipated to approve all anthrax vaccine doses manufactured.

(v) A summary of all audits by the Defense Contract Audit Agency or the Inspector General of the Department of Defense of anthrax vaccine contracts of the Department of Defense and a description of any actions taken or planned to be taken in response to recommendations regarding such audits.

(vi) A review of all actions taken by the Department of Defense to coordinate with other Federal agencies to ensure the facility of a manufacturer of the anthrax vaccine is compliant with all Federal requirements.

SEC. 736. STUDY ON FEASIBILITY OF SHARING BIOMEDICAL RESEARCH FACILITY.

(a) STUDY REQUIRED.—The Secretary of the Army shall conduct a study on the feasibility of the Tripler Army Medical Center, Hawaii, sharing a biomedical research facility with the Department of Veterans Affairs and the School of Medicine at the University of Hawaii for the purpose of making more efficient use of funding for biomedical research. Such facility would include a clinical research center and facilities for educational, academic, and laboratory research.

(b) REPORT.—Not later than March 1, 2001, the Secretary of the Army shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the study conducted under this section.

SEC. 737. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON ACTIVE DUTY.

(a) PLAN REQUIRED.—(1) Not later than March 31, 2001, the Secretary of Defense shall complete development of a plan to provide chiropractic health care services and benefits, as a permanent part of the Defense Health Program (including the TRICARE program), for all members of the uniformed services who are entitled to care under section 1074(a) of title 10, United States Code.

(2) The plan shall provide for the following:

(A) Direct access, at designated military medical treatment facilities, to the scope of chiropractic services as determined by the Secretary, which includes, at a minimum, care for neuromusculoskeletal conditions typical among military personnel on active duty.

(B) A detailed analysis of the projected costs of fully integrating chiropractic health care services into the military health care system.

(C) An examination of the proposed military medical treatment facilities at which such services would be provided.

(D) An examination of the military readiness requirements for chiropractors who would provide such services.

(E) An examination of any other relevant factors that the Secretary considers appropriate.

(F) Phased-in implementation of the plan over a five-year period, beginning on October 1, 2001.

(b) CONSULTATION REQUIREMENTS.—The Secretary of Defense shall consult with the other administering Secretaries described in section 1073 of title 10, United States Code, and the oversight advisory committee established under section 731 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1092 note) regarding the following:

(1) The development and implementation of the plan required under subsection (a).

(2) Each report that the Secretary is required to submit to Congress regarding the plan.

(3) The selection of the military medical treatment facilities at which the chiropractic services described in subsection (a)(2)(A) are to be provided.

(c) CONTINUATION OF CURRENT SERVICES.—Until the plan required under subsection (a) is implemented, the Secretary shall continue to furnish the same level of chiropractic health care services and benefits under the Defense Health Program that is provided during fiscal year 2000 at military medical treatment facilities that provide such services and benefits.

(d) REPORT REQUIRED.—Not later than January 31, 2001, the Secretary of Defense shall submit a report on the plan required under subsection (a), together with appropriate appendices and attachments, to the Committees on Armed Services of the Senate and the House of Representatives.

(e) GAO REPORTS.—The Comptroller General shall monitor the development and implementation of the plan required under subsection (a), including the administration of services and benefits under the plan, and periodically submit to the committees referred to in subsection (d) written reports on such development and implementation.

(f) FUNDING.—The Secretary of Defense shall transfer $3,000,000 from the Foreign Currency Fluctuations, Defense account to the Defense Health Program account, which amount shall only be available for purposes of carrying out this section.

SEC. 738. VA-DOD SHARING AGREEMENTS FOR HEALTH SERVICES.

(a) PRIMACY OF SHARING AGREEMENTS.—The Secretary of Defense shall—

(1) give full force and effect to any agreement into which the Secretary or the Secretary of a military department entered under section 8111 of title 38, United States Code, or under section 1535 of title 31, United States Code, which was in effect on September 30, 1999; and

(2) ensure that the Secretary of the military department concerned directly reimburses the Secretary of Veterans Affairs for any services or resources provided under such agreement in accordance with the terms of such an agreement, including terms providing for reimbursement from funds available for that military department.

(b) MODIFICATION OR TERMINATION.—Any agreement described in subsection (a) shall remain in effect in accordance with such subsection unless, during the 12-month period following the date of the enactment of this Act, such agreement is modified or terminated in accordance with the terms of such agreement.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

SEC. 801. EXTENSION OF AUTHORITY FOR DEPARTMENT OF DEFENSE ACQUISITION PILOT PROGRAMS; REPORTS REQUIRED.

(a) IN GENERAL.—Notwithstanding section 5064(d) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 10 U.S.C. 2430 note), the special authorities provided under section 5064(c) of such Act shall continue to apply with respect to programs designated under section 5064(a) of such Act through September 30, 2005.

(b) JDAM PILOT PROGRAM.—The Secretary of Defense may award Joint Direct Attack Munition contracts and modifications on the same terms and conditions as contained in the Joint Direct Attack Munition contract F08626–94–C–0003.

(c) REPORTS REQUIRED.—(1) Not later than January 1, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the acquisition pilot programs of the Department of Defense. Such report shall include a description of the following with respect to each acquisition program participating in the pilot program:

(A) Each quantitative measure and goal established for each item described in paragraph (2), which of such goals have been achieved, and the extent to which the use of the authorities in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2430 note) and section 5064 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 10 U.S.C. 2430 note) were a factor in achieving each of such goals.

(B) Each of the regulations and statutes waived, as authorized under such sections, in order to achieve such goals.

(C) Recommended revisions to statutes or the Federal Acquisition Regulation as a result of participation in the pilot program.

(D) Any other acquisition programs which could benefit from participation in the pilot program, and the reasons why such programs could benefit from such participation.

(E) Any innovative business practices developed as a result of participation in the pilot program, whether such business practices could be applied to other acquisition programs, and any impediments to application of such practices to other programs.

(F) Technological changes to the program, and to what extent those changes affected the items in paragraph (2).

(G) Any other information determined appropriate by the Secretary.

(2) The items under this paragraph are, with respect to defense acquisition programs, the following:

(A) The acquisition management costs.

(B) The unit cost of the items procured.

(C) The acquisition cycle.

(D) The total cost of carrying out the contract.

(E) Staffing necessary to carry out the program.

SEC. 802. TECHNICAL DATA RIGHTS FOR ITEMS DEVELOPED EXCLUSIVELY AT PRIVATE EXPENSE.

(a) AMENDMENTS TO TITLE 10.—Section 2320(a)(2) of title 10, United States Code, is amended—

(1) in subparagraph (C)—

(A) by amending clause (iii) to read as follows:

''(iii) is necessary for normal operation (other than detailed manufacturing or processing data), maintenance, installation, or training when such services are to be provided by an entity other than the contractor or its subcontractor;'';

(B) by redesignating clause (iv) as (v); and

(C) by inserting after clause (iii) the following new clause (iv):

''(iv) is necessary for critical operation, maintenance, installation of deployed equipment, or training, when such services are to be provided by an entity other than the contractor or its subcontractor; or'';

(2) in subparagraph (F)(i)—

(A) in subclause (I)—

(i) by inserting ''clause (i), (ii), (iv), or (v) of'' before ''subparagraph (C)''; and

(ii) by striking ''or'' at the end; and

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

''(III) under the conditions described in subsection (a)(2)(C)(iii), reaching agreement in negotiations concerning provision of the rights involved may not be required as a condition of being responsive to a solicitation, but may be a condition for the award of a contract; or''; and

(3) by adding at the end the following new subparagraphs:

''(H) In a case described in subparagraph (C)(iii), the provision of the rights involved shall be subject to negotiations between the Government and the contractor or contractors involved.

''(I) A description of the difference between 'normal operation' and 'critical operation', as such terms are used in subparagraph (C).''.

(b) DEADLINE FOR PROPOSAL OF CERTAIN REGULATIONS.—The Secretary of Defense shall propose, before initiating notice and opportunity for public comment, initial regulations regarding section 2320(a)(2)(I) of title 10, United States Code (as added by subsection (a)(3)), not later than 60 days after the date of the enactment of this Act.

SEC. 803. MANAGEMENT OF ACQUISITION OF MISSION-ESSENTIAL SOFTWARE FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) DESIGNATION OF DIRECTOR OF MISSION-ESSENTIAL SOFTWARE MANAGEMENT.—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 144. Director of Mission-Essential Software Management

''(a) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall designate within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics a Director of Mission-Essential Software Management.

''(b) The Director of Mission-Essential Software Management shall provide effective oversight of, and shall seek to improve mechanisms for, the management, development, and maintenance of mission-essential software for major defense acquisition programs described in subsection (c).

''(c) For purposes of this section, mission-essential software for major defense acquisition programs is software—

''(1) that is an integral part of software-intensive major defense acquisition programs; and

''(2) that is physically part of, dedicated to, or essential to the mission performance of a weapons system.

''(d) The Director of Mission-Essential Software Management shall be responsible for—

''(1) reviewing the policies and practices of the military departments and Defense Agencies for developing software described in subsection (c);

''(2) reviewing planning and progress in the management of such software; and

''(3) recommending goals and plans to improve management with respect to such software.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''144. Director of Mission-Essential Software Management.''.

SEC. 804. EXTENSION OF WAIVER PERIOD FOR LIVE-FIRE SURVIVABILITY TESTING FOR MH–47E AND MH–60K HELICOPTER MODIFICATION PROGRAMS.

(a) EXISTING WAIVER PERIOD NOT APPLICABLE.—Section 2366(c)(1) of title 10, United States Code, shall not apply with respect to survivability and lethality tests for the MH–47E and MH–60K helicopter modification programs. Except as provided in the previous sentence, the provisions and requirements in section 2366(c) of such title shall apply with respect to such programs, and the certification required by subsection (b) shall comply with the requirements in paragraph (3) of such section.

(b) EXTENDED PERIOD FOR WAIVER.—With respect to the MH–47E and MH–60K helicopter modification programs, the Secretary of Defense may waive the application of the survivability and lethality tests described in section 2366(a) of title 10, United States Code, if the Secretary, before full materiel release of the MH–47E and MH–60K helicopters for operational use, certifies to Congress that live-fire testing of the programs would be unreasonably expensive and impracticable.

(c) CONFORMING AMENDMENT.—Section 142(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2338) is amended by striking ''and survivability testing'' in paragraphs (1) and (2).

SEC. 805. THREE-YEAR EXTENSION OF AUTHORITY OF DEFENSE ADVANCED RESEARCH PROJECTS AGENCY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845(c) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2004''.

SEC. 806. CERTIFICATION OF MAJOR AUTOMATED INFORMATION SYSTEMS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.

(a) MILESTONE APPROVAL.—(1) During fiscal years 2001, 2002, and 2003, a major automated information system may not receive Milestone I approval, Milestone II approval, or Milestone III approval within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-

Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees notification of each certification under paragraph (1). Each such notification shall be submitted not later than 10 days after the date of the Milestone approval to which the certification relates and shall include, at a minimum, the funding baseline and milestone schedule for the system covered by the certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance (C⁴ISR) Architecture Framework.

(b) NOTICE OF DESIGNATION OF SYSTEMS AS SPECIAL INTEREST MAJOR TECHNOLOGY INITIATIVES.—(1) Whenever during fiscal year 2001, 2002, or 2003 the Chief Information Officer designates a major automated information system of the Department of Defense as a ''special interest major technology initiative'', the Chief Information Officer shall notify the congressional defense committees of such designation. Such notice shall be provided not later than 30 days after the date of the designation. Any such notice shall include the rationale for the decision to make the designation and a description of the program management oversight that will be implemented for the system so designated.

(2) Not later than 60 days after the date of the enactment of this Act, the Chief Information Officer shall submit to the congressional defense committees a report specifying each information system of the Department of Defense currently designated as a ''special interest major technology initiative''. The report shall include for each such system the information specified in the third sentence of paragraph (1).

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

(1) The term ''Chief Information Officer'' means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term ''major automated information system'' has the meaning given that term in Department of Defense Directive 5000.1.

SEC. 807. LIMITATIONS ON PROCUREMENT OF CERTAIN ITEMS.

Section 2534 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(6) POLYACRYLONITRILE CARBON FIBER.—Polyacrylonitrile carbon fiber in accordance with subpart 225.71 of part 225 of the Defense Federal Acquisition Regulation Supplement, as in effect on April 1, 2000.''; and

(2) in subsection (c)—

(A) by striking paragraph (2)(C) and inserting the following:

''(C)(i) Subsection (a)(4)(B), subparagraph (B), and this clause shall cease to be effective on October 1, 1996.

''(ii) Subsection (a)(4)(A), subparagraph (A), and this clause shall cease to be effective on October 1, 2003.'';

(B) by striking paragraph (3);

(C) by redesignating paragraph (4) as paragraph (3); and

(D) by adding at the end the following new paragraph (4):

''(4) POLYACRYLONITRILE CARBON FIBER.—Subsection (a)(6) and this paragraph shall cease to be effective on October 1, 2003.''.

SEC. 808. MULTIYEAR SERVICES CONTRACTS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended—

(1) in section 2306(g), by striking paragraph (3) and inserting the following:

''(3) Additional provisions regarding mulityear contracts for the purchase of services are provided in section 2306b of this title.'';

(2) in section 2306b—

*(A) in the heading, by inserting ''**or services**'' after ''**property**'';*

(B) in subsection (a)—

(i) in the matter following the subsection heading, by striking ''for the purchase of property'';

(ii) in paragraph (2), by inserting ''or services'' after ''property''; and

(iii) in paragraph (4)—

(I) by striking ''That'' and inserting ''In the case of a contract for the purchase of property, that''; and

(II) by inserting ''or services'' after ''property'' the last place such term appears; and

(C) in subsection (f)(2), by inserting ''or services'' after ''property''; and

(3) by amending the item relating to section 2306b in the table of sections at the beginning of such chapter to read as follows:

''2306b. Multiyear contracts: acquisition of property or services.''.

(b) APPLICABILITY.—The amendments made by this section shall apply with respect to a contract entered into after the date the enactment of this Act.

SEC. 809. STUDY ON IMPACT OF FOREIGN SOURCING OF SYSTEMS ON LONG-TERM MILITARY READINESS AND RELATED INDUSTRIAL INFRASTRUCTURE.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study analyzing in detail—

(1) the amount and source of parts, components, and materials of the systems described in subsection (b) that are obtained—

(A) from domestic sources; and

(B) from foreign sources;

(2) the impact of obtaining such parts, components, and materials from foreign sources on the long-term readiness of the Armed Forces and on the economic viability of the industrial infrastructure of the United States that supports defense needs;

(3) the impact on military readiness that would result from the loss of the ability to obtain parts, components, and materials identified pursuant to paragraph (1) from foreign sources; and

(4) the availability of domestic sources for parts, components, and materials identified as being obtained from foreign sources pursuant to paragraph (1).

(b) SYSTEMS.—The systems referred to in subsection (a) are the following:

(1) AH–64D Apache helicopter.

(2) F/A–18 E/F aircraft.

(3) M1A2 Abrams tank.

(4) AIM–120 AMRAAM missile.

(5) Patriot missile ground station.

(6) Hellfire missile.

(7) M–16 A3 rifle.

(8) AN/VPS–2 radar.

(c) SOURCE OF INFORMATION.—The Secretary shall collect information to be analyzed under the study from prime contractors and first and second tier subcontractors.

(d) REQUIREMENT TO CREATE DATABASE.—The Secretary shall create an interactive database for the purpose of compiling, analyzing, and updating data gathered for the study required by this section.

(e) REPORT REQUIRED.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study required by this section.

(f) FOREIGN SOURCE DEFINED.—In this section, the term ''foreign source'' means a country other than the United States.

SEC. 810. PROHIBITION AGAINST USE OF DEPARTMENT OF DEFENSE FUNDS TO GIVE OR WITHHOLD A PREFERENCE TO A MARKETER OR VENDOR OF FIREARMS OR AMMUNITION.

(a) IN GENERAL.—No funds authorized to be appropriated for the Department of Defense may be used to give or withhold a preference to a marketer or vendor of firearms or ammunition based on whether the manufacturer or vendor is a party to a covered agreement.

(b) COVERED AGREEMENT DEFINED.—For purposes of this section, the term ''covered agreement'' means any agreement requiring a person engaged in a business licensed under chapter 44 of title 18, United States Code, to abide by a designated code of conduct, operating practice, or product design respecting importing, manufacturing, or dealing in firearms or ammunition.

SEC. 811. STUDY AND REPORT ON PRACTICE OF CONTRACT BUNDLING IN MILITARY CONSTRUCTION CONTRACTS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study regarding the use of the practice known as ''contract bundling'' with respect to military construction contracts.

(b) REPORT.—Not later than February 1, 2001, the Comptroller General shall submit to the congressional defense committees a report on the results of the study conducted under subsection (a).

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. CHANGE OF TITLE OF CERTAIN POSITIONS IN THE HEADQUARTERS, MARINE CORPS.

(a) INSTITUTION OF POSITIONS AS DEPUTY COMMANDANTS.—Section 5041(b) of title 10, United States Code, is amended—

(1) by striking paragraphs (3) through (5) and inserting the following:

''(3) The Deputy Commandants.''; and

(2) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5), respectively.

(b) DESIGNATION OF DEPUTY COMMANDANTS.—(1) Section 5045 of such title is amended to read as follows:

''§ 5045. Deputy Commandants

''There are in the Headquarters Marine Corps, not more than five Deputy Commandants, detailed by the Secretary of the Navy from officers on the active-duty list of the Marine Corps.''.

(2) The item relating to section 5045 in the table of sections at the beginning of chapter 506 of such title is amended to read as follows:

''5045. Deputy Commandants.''.

(c) CONFORMING AMENDMENT.—Section 1502(7)(D) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401) is amended to read as follows:

''(D) the Deputy Commandant of the Marine Corps with responsibility for personnel matters.''.

SEC. 902. FURTHER REDUCTIONS IN DEFENSE ACQUISITION AND SUPPORT WORKFORCE.

(a) REDUCTION OF DEFENSE ACQUISITION AND SUPPORT WORKFORCE.—The Secretary of Defense shall accomplish reductions in defense acquisition and support personnel positions during fiscal year 2001 so that the total number of such personnel as of October 1, 2001, is less than the total number of such personnel as of October 1, 2000, by at least 13,000.

(b) IMPLEMENTATION PLAN.—(1) The Secretary of Defense shall develop an implementation plan for reshaping, recruiting, and sustaining the defense acquisition and support workforce in the future.

(2) Not later than May 1, 2001, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the plan developed under paragraph (1). The Secretary shall include in the report a

proposal for any recommended changes in law that are necessary to implement the plan.

(c) DEFENSE ACQUISITION WORKFORCE DEFINED.—For purposes of this section, the term ''defense acquisition and support workforce'' has the meaning given that term in section 931(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2106).

SEC. 903. CLARIFICATION OF SCOPE OF INSPECTOR GENERAL AUTHORITIES UNDER MILITARY WHISTLEBLOWER LAW.

(a) CLARIFICATION OF RESPONSIBILITIES.—Subsection (c)(3)(A) of section 1034 of title 10, United States Code, is amended by inserting '', in accordance with regulations prescribed under subsection (h),'' after ''shall expeditiously determine''.

(b) REDEFINITION OF INSPECTOR GENERAL.—Subsection (i)(2) of such section is amended—

(1) by inserting ''any of'' in the matter preceding subparagraph (A) after ''means'';

(2) by striking subparagraphs (C), (D), (E), (F) and (G); and

(3) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) Any officer of the armed forces or employee of the Department of Defense who is assigned or detailed to serve as an Inspector General at any level in the Department of Defense.''.

SEC. 904. REPORT ON NUMBER OF PERSONNEL ASSIGNED TO LEGISLATIVE LIAISON FUNCTIONS.

(a) REPORT.—Not later than December 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the number of personnel of the Department of Defense performing legislative liaison functions as of April 1, 2000.

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

(1) The number of military and civilian personnel of the Department of Defense assigned to full-time legislative liaison functions, shown by organizational entity and by pay grade.

(2) The number of military and civilian personnel of the Department not covered by paragraph (1) (other than personnel described in subsection (d)) who perform legislative liaison functions as part of their assigned duties, shown by organizational entity and by pay grade.

(c) LEGISLATIVE LIAISON FUNCTIONS.—For purposes of this section, a legislative liaison function is a function (regardless of how characterized within the Department of Defense) that has been established or designated to principally provide advice, information, and assistance to the legislative branch on Department of Defense policies, plans, and programs.

(d) ORGANIZATIONAL ENTITIES.—The display of information under subsection (b) by organizational entity shall be for the Department of Defense and for each military department as a whole and separately for each organization at the level of major command or Defense Agency or higher.

(e) PERSONNEL NOT COVERED.—Subsection (b)(2) does not apply to civilian officers appointed by the President, by and with the advice and consent of the Senate, or to general or flag officers.

SEC. 905. JOINT REPORT ON ESTABLISHMENT OF NATIONAL COLLABORATIVE INFORMATION ANALYSIS CAPABILITY.

(a) REPORT.—The Secretary of Defense and the Director of Central Intelligence shall submit to the congressional defense committees and the congressional intelligence committees a joint report assessing alternatives for the establishment of a national collaborative information analysis capability. The report shall include the following:

(1) An assessment of alternative architectures to establish a national collaborative information analysis capability to conduct data mining and profiling of information from a wide array of electronic data sources.

(2) Identification, from among the various architectures assessed under paragraph (1), of the preferred architecture and a detailed description of that architecture and of a program to acquire and implement the capability that would be provided through that architecture.

(b) COMPLETION AND USE OF ARMY LAND INFORMATION WARFARE ACTIVITY.—The Secretary of Defense—

(1) shall ensure that the data mining, profiling, and analysis capability of the Army's Land Information Warfare Activity is completed and is fully operational as soon as possible; and

(2) shall make maximum use of that capability to provide intelligence support to the Department of Defense, the military services, the Intelligence Community, and other agencies of the Government until a national collaborative information analysis capability is operational.

(c) FUNDING RESTRICTION FOR A NATIONAL COLLABORATIVE INFORMATION ANALYSIS CAPABILITY.—No funds available to the Department of Defense may be expended to establish, support, or implement a program to establish a national, multi-agency data mining and analysis capability until such a program is specifically authorized by law.

SEC. 906. ORGANIZATION AND MANAGEMENT OF CIVIL AIR PATROL.

(a) IN GENERAL.—Chapter 909 of title 10, United States Code, is amended to read as follows:

''CHAPTER 909—CIVIL AIR PATROL

''Sec.
''9441. Status as federally chartered corporation; purposes.
''9442. Status as volunteer civilian auxiliary of the Air Force.
''9443. Activities not performed as auxiliary of the Air Force.
''9444. Activities performed as auxiliary of the Air Force.
''9445. Funds appropriated for the Civil Air Patrol.
''9446. Miscellaneous personnel authorities.
''9447. Board of Governors.
''9448. Regulations.

''§ 9441. Status as federally chartered corporation; purposes

''(a) STATUS.—(1) The Civil Air Patrol is a nonprofit corporation that is federally chartered under section 40301 of title 36.

''(2) Except as provided in section 9442(b)(2) of this title, the Civil Air Patrol is not an instrumentality of the Federal Government for any purpose.

''(b) PURPOSES.—The purposes of the Civil Air Patrol are set forth in section 40302 of title 36.

''§ 9442. Status as volunteer civilian auxiliary of the Air Force

''(a) VOLUNTEER CIVILIAN AUXILIARY.—The Civil Air Patrol is a volunteer civilian auxiliary of the Air Force when the services of the Civil Air Patrol are used by any department or agency in any branch of the Federal Government.

''(b) USE BY AIR FORCE.—(1) The Secretary of the Air Force may use the services of the Civil Air Patrol to fulfill the noncombat programs and missions of the Department of the Air Force.

''(2) The Civil Air Patrol shall be deemed to be an instrumentality of the United States with respect to any act or omission of the Civil Air Patrol, including any member of the Civil Air Patrol, in carrying out a mission assigned by the Secretary of the Air Force.

''§ 9443. Activities not performed as auxiliary of the Air Force

''(a) SUPPORT FOR STATE AND LOCAL AUTHORITIES.—The Civil Air Patrol may, in its status as a federally chartered nonprofit corporation and not as an auxiliary of the Air Force, provide assistance requested by State or local governmental authorities to perform disaster relief missions and activities, other emergency missions and activities, and nonemergency missions and activities. Missions and activities carried out under this section shall be consistent with the purposes of the Civil Air Patrol.

''(b) USE OF FEDERALLY PROVIDED RESOURCES.—(1) To perform any mission or activity authorized under subsection (a), the Civil Air Patrol may use any equipment, supplies, and other resources provided to it by the Air Force or by any other department or agency of the Federal Government or acquired by or for the Civil Air Patrol with appropriated funds, without regard to whether the Civil Air Patrol has reimbursed the Federal Government source for the equipment, supplies, other resources, or funds, as the case may be.

''(2) The use of equipment, supplies, or other resources under paragraph (1) is subject to—

''(A) the terms and conditions of the applicable agreement entered into under chapter 63 of title 31; and

''(B) the laws and regulations that govern the use by nonprofit corporations of federally provided assets or of assets purchased with appropriated funds, as the case may be.

''(c) AUTHORITY NOT CONTINGENT ON REIMBURSEMENT.—The authority for the Civil Air Patrol to provide assistance under subsections (a) and (b) is not contingent on the Civil Air Patrol being reimbursed for the cost of providing the assistance. If the Civil Air Patrol requires reimbursement for the provision of assistance under such subsections, the Civil Air Patrol may establish the reimbursement rate at a rate less than the rates charged by private sector sources for equivalent services.

''(d) LIABILITY INSURANCE.—The Secretary of the Air Force may provide the Civil Air Patrol with funds for paying the cost of liability insurance for missions and activities carried out under this section.

''§ 9444. Activities performed as auxiliary of the Air Force

''(a) AIR FORCE SUPPORT FOR ACTIVITIES.—The Secretary of the Air Force may furnish to the Civil Air Patrol in accordance with this section any equipment, supplies, and other resources that the Secretary determines necessary to enable the Civil Air Patrol to fulfill the missions assigned by the Secretary to the Civil Air Patrol as an auxiliary of the Air Force.

''(b) FORMS OF AIR FORCE SUPPORT.—The Secretary of the Air Force may, under subsection (a)—

''(1) give, lend, or sell to the Civil Air Patrol without regard to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)—

''(A) major items of equipment (including aircraft, motor vehicles, computers, and communications equipment) that are excess to the military departments; and

''(B) necessary related supplies and training aids that are excess to the military departments;

''(2) permit the use, with or without charge, of services and facilities of the Air Force;

''(3) furnish supplies (including fuel, lubricants, and other items required for vehicle and aircraft operations) or provide funds for the acquisition of supplies;

''(4) establish, maintain, and supply liaison officers of the Air Force at the national, regional, State, and territorial headquarters of the Civil Air Patrol;

''(5) detail or assign any member of the Air Force or any officer, employee, or contractor of the Department of the Air Force to any liaison office at the national, regional, State, or territorial headquarters of the Civil Air Patrol;

''(6) detail any member of the Air Force or any officer, employee, or contractor of the Department of the Air Force to any unit or installation of the Civil Air Patrol to assist in the training programs of the Civil Air Patrol;

''(7) authorize the payment of travel expenses and allowances, at rates not to exceed those

paid to employees of the United States under subchapter I of chapter 57 of title 5, to members of the Civil Air Patrol while the members are carrying out programs or missions specifically assigned by the Air Force;

''(8) provide funds for the national headquarters of the Civil Air Patrol, including—

''(A) funds for the payment of staff compensation and benefits, administrative expenses, travel, per diem and allowances, rent, utilities, other operational expenses of the national headquarters; and

''(B) to the extent considered necessary by the Secretary of the Air Force to fulfill Air Force requirements, funds for the payment of compensation and benefits for key staff at regional, State, or territorial headquarters;

''(9) authorize the payment of expenses of placing into serviceable condition, improving, and maintaining equipment (including aircraft, motor vehicles, computers, and communications equipment) owned or leased by the Civil Air Patrol;

''(10) provide funds for the lease or purchase of items of equipment that the Secretary determines necessary for the Civil Air Patrol;

''(11) support the Civil Air Patrol cadet program by furnishing—

''(A) articles of the Air Force uniform to cadets without cost; and

''(B) any other support that the Secretary of the Air Force determines is consistent with Air Force missions and objectives; and

''(12) provide support, including appropriated funds, for the Civil Air Patrol aerospace education program to the extent that the Secretary of the Air Force determines appropriate for furthering the fulfillment of Air Force missions and objectives.

''(c) ASSISTANCE BY OTHER AGENCIES.—(1) The Secretary of the Air Force may arrange for the use by the Civil Air Patrol of such facilities and services under the jurisdiction of the Secretary of the Army, the Secretary of the Navy, or the head of any other department or agency of the United States as the Secretary of the Air Force considers to be needed by the Civil Air Patrol to carry out its mission.

''(2) An arrangement for use of facilities or services of a military department or other department or agency under this subsection shall be subject to the agreement of the Secretary of the military department or head of the other department or agency, as the case may be.

''(3) Each arrangement under this subsection shall be made in accordance with regulations prescribed under section 9448 of this title.

''§ 9445. Funds appropriated for the Civil Air Patrol

''Funds appropriated for the Civil Air Patrol shall be available only for the exclusive use of the Civil Air Patrol.

''§ 9446. Miscellaneous personnel authorities

''(a) USE OF RETIRED AIR FORCE PERSONNEL.—(1) Upon the request of a person retired from service in the Air Force, the Secretary of the Air Force may enter into a personal services contract with that person providing for the person to serve as an administrator or liaison officer for the Civil Air Patrol. The qualifications of a person to provide the services shall be determined and approved in accordance with regulations prescribed under section 9448 of this title.

''(2) To the extent provided in a contract under paragraph (1), a person providing services under the contract may accept services on behalf of the Air Force and commit and obligate appropriated funds as necessary to perform the services.

''(3) A person, while providing services under a contract authorized under paragraph (1), may receive the person's retired pay and an additional amount for such services that is not less than the amount equal to the excess of—

''(A) the pay and allowances that the person would be entitled to receive if ordered to active duty in the grade in which the person retired from service in the Air Force, over

''(B) the amount of the person's retired pay.

''(4) A person, while providing services under a contract authorized under paragraph (1), may not be considered to be on active duty or inactive-duty training for any purpose.

''(b) USE OF CIVIL AIR PATROL CHAPLAINS.—The Secretary of the Air Force may use the services of Civil Air Patrol chaplains in support of the Air Force active duty and reserve component forces to the extent and under conditions that the Secretary determines appropriate.

''§ 9447. Board of Governors

''(a) GOVERNING BODY.—The Board of Governors of the Civil Air Patrol is the governing body of the Civil Air Patrol.

''(b) COMPOSITION.—The Board of Governors is composed of 11 members as follows:

''(1) Four members appointed by the Secretary of the Air Force, who may be active or retired officers of the Air Force (including reserve components of the Air Force), employees of the United States, or private citizens.

''(2) Four members of the Civil Air Patrol, elected from among the members of the Civil Air Patrol in the manner provided in regulations prescribed under section 9448 of this title.

''(3) Three members appointed or selected as provided in subsection (c) from among personnel of any Federal Government agencies, public corporations, nonprofit associations, and other organizations that have an interest and expertise in civil aviation and the Civil Air Patrol mission.

''(c) APPOINTMENTS FROM INTERESTED ORGANIZATIONS.—(1) Subject to paragraph (2), the members of the Board of Governors referred to in subsection (b)(3) shall be appointed jointly by the Secretary of the Air Force and the National Commander of the Civil Air Patrol.

''(2) Any vacancy in the position of a member referred to in paragraph (1) that is not filled under that paragraph within 90 days shall be filled by majority vote of the other members of the Board.

''(d) CHAIRPERSON.—(1) The Chairperson of the Board of Governors shall be chosen by the members of the Board of Governors from among the members of the Board eligible for selection under paragraph (2) and shall serve for a term of two years.

''(2) The position of Chairperson shall be held on a rotating basis, first by a member of the Board selected from among those appointed by the Secretary of the Air Force under paragraph (1) of subsection (b) and then by a member of the Board selected from among the members elected by the Civil Air Patrol under paragraph (2) of that subsection. Upon the expiration of the term of a Chairperson selected from among the members referred to in one of those paragraphs, the selection of a successor to that position shall be made from among the members who are referred to in the other paragraph.

''(e) POWERS.—(1) The Board of Governors shall, subject to paragraphs (2) and (3), exercise the powers granted under section 40304 of title 36.

''(2) Any exercise by the Board of the power to amend the constitution or bylaws of the Civil Air Patrol or to adopt a new constitution or bylaws shall be subject to approval by a majority of the members of the Board.

''(3) Neither the Board of Governors nor any other component of the Civil Air Patrol may modify or terminate any requirement or authority set forth in this section.

''(f) PERSONAL LIABILITY FOR BREACH OF A FIDUCIARY DUTY.—(1) The Board of Governors shall, subject to paragraph (2), take such action as is necessary to eliminate or limit the personal liability of a member of the Board of Governors to the Civil Air Patrol or to any of its members for monetary damages for a breach of fiduciary duty while serving as a member of the Board.

''(2) The Board may not eliminate or limit the liability of a member of the Board of Governors to the Civil Air Patrol or to any of its members for monetary damages for any of the following:

''(A) A breach of the member's duty of loyalty to the Civil Air Patrol or its members.

''(B) Any act or omission that is not in good faith or that involves intentional misconduct or a knowing violation of law.

''(C) Participation in any transaction from which the member directly or indirectly derives an improper personal benefit.

''(3) Nothing in this subsection shall be construed as rendering section 207 or 208 of title 18 inapplicable in any respect to a member of the Board of Governors who is a member of the Air Force on active duty, an officer on a retired list of the Air Force, or an employee of the United States.

''(g) PERSONAL LIABILITY FOR BREACH OF A FIDUCIARY DUTY.—(1) Except as provided in paragraph (2), no member of the Board of Governors or officer of the Civil Air Patrol shall be personally liable for damages for any injury or death or loss or damage of property resulting from a tortious act or omission of an employee or member of the Civil Air Patrol.

''(2) Paragraph (1) does not apply to a member of the Board of Governors or officer of the Civil Air Patrol for a tortious act or omission in which the member or officer, as the case may be, was personally involved, whether in breach of a civil duty or in commission of a criminal offense.

''(3) Nothing in this subsection shall be construed to restrict the applicability of common law protections and rights that a member of the Board of Governors or officer of the Civil Air Patrol may have.

''(4) The protections provided under this subsection are in addition to the protections provided under subsection (f).

''§ 9448. Regulations

''(a) AUTHORITY.—The Secretary of the Air Force shall prescribe regulations for the administration of this chapter.

''(b) REQUIRED REGULATIONS.—The regulations shall include the following:

''(1) Regulations governing the conduct of the activities of the Civil Air Patrol when it is performing its duties as a volunteer civilian auxiliary of the Air Force under section 9442 of this title.

''(2) Regulations for providing support by the Air Force and for arranging assistance by other agencies under section 9444 of this title.

''(3) Regulations governing the qualifications of retired Air Force personnel to serve as an administrator or liaison officer for the Civil Air Patrol under a personal services contract entered into under section 9446(a) of this title.

''(4) Procedures and requirements for the election of members of the Board of Governors under section 9447(b)(2) of this title.

''(c) APPROVAL BY SECRETARY OF DEFENSE.—The regulations required by subsection (b)(2) shall be subject to the approval of the Secretary of Defense.''.

(b) CONFORMING AMENDMENTS.—(1) Section 40302 of title 36, United States Code, is amended—

(A) by striking ''to—'' in the matter preceding paragraph (1) and inserting ''as follows:'';

(B) by inserting ''To'' after the paragraph designation in each of paragraphs (1), (2), (3), and (4);

(C) by striking the semicolon at the end of paragraphs (1)(B) and (2) and inserting a period;

(D) by striking ''; and'' at the end of paragraph (3) and inserting a period; and

(E) by adding at the end the following:

''(5) To assist the Department of the Air Force in fulfilling its noncombat programs and missions.''.

(2)(A) Section 40303 of such title is amended—

(i) by inserting ''(a) MEMBERSHIP.—'' before ''Eligibility''; and

(ii) by adding at the end the following:

''(b) GOVERNING BODY.—The Civil Air Patrol has a Board of Governors. The composition and responsibilities of the Board of Governors are set forth in section 9447 of title 10.''.

(B) The heading for such section is amended to read as follows:

"§ 40303. Membership and governing body".

(C) The item relating to such section in the table of sections at the beginning of chapter 403 of title 36, United States Code, is amended to read as follows:

''40303. Membership and governing body.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 907. REPORT ON NETWORK CENTRIC WARFARE.

(a) REPORT REQUIRED.—Not later than October 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report describing the Department's views on Network Centric Warfare (NCW) and the role of Network Centric Warfare in the strategy of the Department of Defense for military transformation. The Secretary of Defense shall prepare the report in consultation with the Chairman of the Joint Chiefs of Staff.

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

(1) A definition of Network Centric Warfare.

(2) A discussion of the theory, nature, and principles of Network Centric Warfare and how they relate to the revolution in military affairs.

(3) A discussion of the conceptual, doctrinal, and operational concepts related to Network Centric Warfare.

(4) A discussion of how the concept of Network Centric Warfare is related to the strategy of the Department of Defense for military transformation as outlined in the document entitled ''Joint Vision 2010'' and other key strategy documents.

(5) The current and planned acquisition programs of the Department of Defense that relate to Network Centric Warfare and the extent to which those programs are interoperable with each other.

(6) The experimentation activities inside the joint experimentation program and the service experimentation programs, if any, which are designed to explore and evaluate the emerging concepts of Network Centric Warfare.

SEC. 908. DEFENSE INSTITUTE FOR HEMISPHERIC SECURITY COOPERATION.

(a) AUTHORITY FOR INSTITUTE.—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2166. Defense Institute for Hemispheric Security Cooperation

''(a) AUTHORITY.—The Secretary of Defense may operate an education and training facility known as the 'Defense Institute for Hemispheric Security Cooperation'. The Secretary of Defense may designate the Secretary of the Army as the Department of Defense executive agent for carrying out the responsibilities of the Secretary of Defense under this section.

''(b) PURPOSE.—(1) The Institute shall be operated for the purpose of providing education and training to military, law enforcement, and civilian personnel of nations of the Western Hemisphere in defense and security matters.

''(2) For purposes of paragraph (1), defense and security matters include—

''(A) professional military education;

''(B) leadership development;

''(C) counter-drug operations;

''(D) peace support operations; and

''(E) disaster relief.

''(c) CURRICULUM.—The education and training programs provided by the Institute shall include (for each person attending the Institute under subsection (b)) instruction totaling not less than eight hours relating to each of the following subjects:

''(1) Human rights.

''(2) The rule of law.

''(3) Due process.

''(4) Civilian control of the military.

''(5) The role of the military in a democratic society.

''(d) BOARD OF VISITORS.—(1) There is a Board of Visitors for the Institute. The Board shall be composed of members appointed by the Secretary of Defense (or the Secretary of the Army as the Secretary's designee). In selecting members of the Board, the Secretary shall consider recommendations by—

''(A) the Speaker and the minority leader of the House of Representatives;

''(B) the majority leader and the minority leader of the Senate;

''(C) the Secretary of State;

''(D) the commander of the unified command with geographic responsibility for Latin America; and

''(E) representatives from academic institutions, religious institutions, and human rights organizations.

''(2) Members shall serve for two years and shall meet at least annually.

''(3)(A) The Board shall inquire into—

''(i) the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Institute that the Board decides to consider; and

''(ii) any other matters relating to the Institute that the Secretary considers appropriate.

''(B) The Board shall review the curriculum of the Institute to ensure that the curriculum—

''(i) complies with applicable United States law and regulations;

''(ii) is consistent with United States policy goals toward Latin America and the Caribbean; and

''(iii) adheres to current United States doctrine.

''(4)(A) Not later than 60 days after its annual meeting, the Board shall submit to the Secretary a written report of its action and of its views and recommendations pertaining to the Institute.

''(B) Within 30 days of receipt of the Board's report for any year, the Secretary shall transmit the report, with the Secretary's comments, to Congress.

''(5) While performing duties as a member of or adviser to the Board, each member of the Board and each adviser shall be reimbursed for travel expenses under Government travel regulations. Board members shall not be compensated by reason of service on the Board.

''(e) SOURCE OF FUNDS.—The fixed costs of operating and maintaining the Institute may be paid from funds available for operation and maintenance.

''(f) TUITION.—Tuition fees charged for persons who attend the Institute may not include the fixed costs of operating and maintaining the Institute.''.

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

''2166. Defense Institute for Hemispheric Security Cooperation.''.

(b) TRANSITION FROM UNITED STATES ARMY SCHOOL OF THE AMERICAS.—(1) The Secretary of Defense shall take such steps as necessary to ensure that the Secretary of the Army provides for the transition of the United States Army School of the Americas located at Fort Benning, Georgia, into the Defense Institute for Hemispheric Security Cooperation established pursuant to section 2166 of title 10, United States Code, as added by subsection (a).

(2)(A) Section 4415 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 407 of such title is amended by striking the item relating to section 4415.

SEC. 909. DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 184. Regional Centers for Security Studies

''(a) IN GENERAL.—(1) Subject to paragraph (2), the Secretary of Defense may operate in the Department of Defense regional centers for security studies, each of which is established for a specified geographic region of the world. Any such regional center shall serve as a forum for bilateral and multilateral communication and military and civilian exchanges with nations in the region for which the center is established. A regional center may, as the Secretary considers appropriate, use professional military education, civilian defense education, and related academic and other activities to pursue such communication and exchanges.

''(2) After the date of the enactment of this section, a regional center for security studies as described in paragraph (1) may not be established in the Department of Defense until at least 90 days after the date on which the Secretary of Defense submits to Congress a notification of the intent of the Secretary to establish the center. The notification shall contain a description of the mission and functions of the proposed center and a justification for the proposed center.

''(b) EMPLOYMENT AND COMPENSATION OF FACULTY.—Section 1595 of this title provides authority for the Secretary of Defense to employ certain civilian personnel at certain Department of Defense regional center for security studies without regard to certain provisions of title 5.

''(c) ACCEPTANCE OF FOREIGN GIFTS AND DONATIONS.—Section 2611 of this title provides authority for the Secretary of Defense to accept foreign gifts and donations in order to defray the costs of, or enhance the operations of, certain Department of Defense regional centers for security studies.

''(d) ANNUAL REPORT TO CONGRESSIONAL COMMITTEES.—The Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an annual report on the status, objectives, and operations of the Department of Defense regional centers for security studies. Each such report shall include information on international participation in the programs of the centers and on foreign gifts and donations accepted under section 2611 of this title.

''(e) PROVISIONS RELATING SPECIFICALLY TO MARSHALL CENTER.—(1) The Secretary of Defense may waive reimbursement of the costs of conferences, seminars, courses of instruction, or similar educational activities of the George C. Marshall European Center for Security Studies for military officers and civilian officials of cooperation partner states of the North Atlantic Cooperation Council or the Partnership for Peace if the Secretary determines that attendance by such personnel without reimbursement is in the national security interest of the United States. Costs for which reimbursement is waived pursuant to this paragraph shall be paid from appropriations available for the Center.

''(2)(A) Notwithstanding any other provision of law, the Secretary of Defense may authorize participation by a European or Eurasian nation in Marshall Center programs if the Secretary determines, after consultation with the Secretary of State, that such participation is in the national interest of the United States.

''(B) Not later than January 31 of each year, the Secretary shall submit to Congress a report setting forth the names of the foreign nations permitted to participate in programs of the Marshall Center during the preceding year under paragraph (1). Each such report shall be prepared by the Secretary with the assistance of the Director of the Marshall Center.''.

(b) ACCEPTANCE OF FOREIGN GIFTS AND DONATIONS.—(1) Subsection (a) of section 2611 of such title is amended to read as follows:

''(a) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—(1) Subject to subsection (b), the Secretary of Defense may accept foreign gifts or donations in order to defray the costs of, or enhance the operation of, one of the specified defense regional centers for security studies.

''(2) For purposes of this section, a specified defense regional center for security studies is any of the following:

''(A) The Asia-Pacific Center for Security Studies.

''(B) The George C. Marshall European Center for Security Studies.''.

(2) Subsection (d) of such section is amended—

(A) in the first sentence, by striking ''the Asia-Pacific Center'' and inserting ''the regional center intended to benefit from the gift or donation of such funds''; and

(B) in the second sentence, by striking ''the Asia-Pacific Center'' and inserting ''such regional center''.

(3) Subsection (e) of such section is amended by inserting ''with respect to a defense regional center for security studies'' after ''in any fiscal year''.

(c) REPEAL OF CODIFIED PROVISIONS RELATING TO THE MARSHALL CENTER.—(1) Section 1306 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2892) is repealed.

(2) Section 1065 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2653) is amended—

(A) by striking subsections (a) and (b) and inserting the following:

''(a) DEFINITION.—In this section, the term 'Marshall Center Board of Visitors' means the Board of Visitors of the George C. Marshall European Center for Security Studies''; and

(B) by redesignating subsection (c) as subsection (b).

(d) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 7 of such title is amended by adding at the end the following new item:

''184. Regional Centers for Security Studies.''.

(2)(A) The heading of section 2611 of such title is amended to read as follows:

''§2611. Regional centers for security studies: acceptance of foreign gifts and donations''.

(B) The item relating to section 2611 in the table of sections at the beginning of chapter 155 of such title is amended to read as follows: .

''2611. Regional centers for security studies: acceptance of foreign gifts and donations.''.

SEC. 910. CHANGE IN NAME OF ARMED FORCES STAFF COLLEGE TO JOINT FORCES STAFF COLLEGE.

(a) CHANGE IN NAME.—The Armed Forces Staff College of the Department of Defense is hereby renamed the ''Joint Forces Staff College''.

(b) CONFORMING AMENDMENT.—Section 2165(b)(3) of title 10, United States Code, is amended by striking ''Armed Forces Staff College'' and inserting ''Joint Forces Staff College''.

(c) REFERENCES.—Any reference to the Armed Forces Staff College in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Joint Forces Staff College.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2001 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services of the House of Representatives to accompany its report on the bill H.R. 4205 of the One Hundred Sixth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1003. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2000.

(a) ADJUSTMENT OF FISCAL YEAR 2000 AUTHORIZATIONS TO REFLECT SUPPLEMENTAL APPROPRIATIONS.—Subject to subsections (b) and (c), amounts authorized to be appropriated to the Department of Defense for fiscal year 2000 in the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the 2000 Emergency Supplemental Appropriations Act.

(b) LIMITATION.—(1) In the case of a pending defense contingent emergency supplemental appropriation, an adjustment may be made under subsection (a) in the amount of an authorization of appropriations by reason of that supplemental appropriation only if, and to the extent that, the President transmits to Congress an official amended budget request for that appropriation that designates the entire amount requested as an emergency requirement for the specific purpose identified in the 2000 Emergency Supplemental Appropriations Act as the purpose for which the supplemental appropriation was made.

(2) For purposes of this subsection, the term ''pending defense contingent emergency supplemental appropriation'' means a contingent emergency supplemental appropriation for the Department of Defense contained in the 2000 Emergency Supplemental Appropriations Act for which an official budget request that includes designation of the entire amount of the request as an emergency requirement has not been transmitted to Congress as of the date of the enactment of this Act.

(3) For purposes of this subsection, the term ''contingent emergency supplemental appropriation'' means a supplemental appropriation that—

(A) is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(B) by law is available only to the extent that the President transmits to the Congress an official budget request for that appropriation that includes designation of the entire amount of the request as an emergency requirement.

(c) EXCEPTION.—No adjustment may be made under subsection (a) by reason of any appropriation under the provisions contained in sections 2207 through 2211 of the 2000 Emergency Supplemental Appropriations Act, as passed the House of Representatives on March 30, 2000.

SEC. 1004. CONTINGENT REPEAL OF CERTAIN PROVISIONS SHIFTING CERTAIN OUTLAYS FROM ONE FISCAL YEAR TO ANOTHER.

(a) CONTINGENT REPEAL.—Subject to subsection (b)—

(1) sections 305 and 306 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106–113, are repealed;

(2) section 1001(a) of Public Law 106–113 is amended, effective immediately after the enactment of such Public Law, by striking ''paragraph 4 of subsection 1000(a)'' and inserting ''paragraph (5) of section 1000(a), and the provisions of titles V, VI, and VII of the legislation enacted in this division by reference in such paragraph (5),''; and

(3) sections 8175 and 8176 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79), as amended by sections 214 and 215, respectively, of H.R. 3425 of the 106th Congress (113 Stat. 1501A–297), as enacted into law by section 1000(a)(5) of Public Law 106–113, are repealed.

(b) CONTINGENCY.—The provisions of subsection (a) shall be effective only to the extent provided in an appropriations Act that is enacted after this Act.

SEC. 1005. LIMITATION ON FUNDS FOR BOSNIA AND KOSOVO PEACEKEEPING OPERATIONS FOR FISCAL YEAR 2001.

(a) LIMITATION.—Of the amounts authorized to be appropriated by section 301(24) for the Overseas Contingency Operations Transfer Fund—

(1) no more than $1,387,800,000 may be obligated for incremental costs of the Armed Forces for Bosnia peacekeeping operations; and

(2) no more than $1,650,400,000 may be obligated for incremental costs of the Armed Forces for Kosovo peacekeeping operations.

(a) PRESIDENTIAL WAIVER.—The President may waive the limitation in subsection (a)(1), or the limitation in subsection (a)(2), after submitting to Congress the following:

(1) The President's written certification that the waiver is necessary in the national security interests of the United States.

(2) The President's written certification that exercising the waiver will not adversely affect the readiness of United States military forces.

(3) A report setting forth the following:

(A) The reasons that the waiver is necessary in the national security interests of the United States.

(B) The specific reasons that additional funding is required for the continued presence of United States military forces participating in, or supporting, Bosnia peacekeeping operations, or Kosovo peacekeeping operations, as the case may be, for fiscal year 2001.

(C) A discussion of the impact on the military readiness of United States Armed Forces of the continuing deployment of United States military forces participating in, or supporting, Bosnia peacekeeping operations, or Kosovo peacekeeping operations, as the case may be.

(4) A supplemental appropriations request for the Department of Defense for such amounts as are necessary for the additional fiscal year 2001 costs associated with United States military

forces participating in, or supporting, Bosnia or Kosovo peacekeeping operations peacekeeping operations.

(c) PEACEKEEPING OPERATIONS DEFINED.—For the purposes of this section:

(1) The term ''Bosnia peacekeeping operations'' has the meaning given such term in section 1004(e) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2112).

(2) The term ''Kosovo peacekeeping operations''—

(A) means the operation designated as Operation Joint Guardian and any other operation involving the participation of any of the Armed Forces in peacekeeping or peace enforcement activities in and around Kosovo; and

(B) includes, with respect to Operation Joint Guardian or any such other operation, each activity that is directly related to the support of the operation.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. NATIONAL DEFENSE FEATURES PROGRAM.

Section 2218(k) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new sentence: ''As consideration for a contract with the Secretary of Defense or the Secretary of a military department under this subsection, the company entering into the contract shall agree with the Secretary to make any vessel covered by the contract available to the Secretary, fully crewed and ready for sea, at any time at any port determined by the Secretary, and for whatever duration the Secretary determines necessary.''; and

(2) by adding at the end of paragraph (2) the following new subparagraph:

''(E) Payments of such sums as the Government would otherwise expend, if the vessel were placed in the Ready Reserve Fleet, for maintaining the vessel in the status designated as 'ROS–4 status' in the Ready Reserve Fleet for 25 years.''.

Subtitle C—Counter-Drug Activities

SEC. 1021. REPORT ON DEPARTMENT OF DEFENSE EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Not later than January 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report detailing the expenditure of funds by the Secretary during fiscal year 2000 in direct or indirect support of the counter-drug activities of foreign governments. The report shall include the following for each foreign government:

(1) The total amount of assistance provided to, or expended on behalf of, the foreign government.

(2) A description of the types of counter-drug activities conducted using the assistance.

(3) An explanation of the legal authority under which the assistance was provided.

SEC. 1022. REPORT ON TETHERED AEROSTAT RADAR SYSTEM.

(a) REPORT REQUIRED.—Not later than May 1, 2001, The Secretary of Defense shall submit to Congress a report on the status of the Tethered Aerostat Radar System used to conduct counter-drug detection and monitoring and border security and air sovereignty operations. The report shall include the following:

(1) The status and operational availability of each of the existing sites of the Tethered Aerostat Radar System.

(2) A discussion of any plans to close, during the next 5 years, currently operational sites, including a review of the justification for each proposed closure.

(3) A review of the requirements of other agencies, especially the United States Customs Service, for data derived from the Tethered Aerostat Radar System.

(4) An assessment of the value of the Tethered Aerostat Radar System in the conduct of counter-drug detection and monitoring and border security and air sovereignty operations.

(5) The costs associated with the planned standardization of the Tethered Aerostat Radar System and the Secretary's analysis of that standardization.

(b) CONSULTATION.—The Secretary of Defense shall prepare the report in consultation with the Commissioner of Customs.

Subtitle D—Other Matters

SEC. 1031. FUNDS FOR ADMINISTRATIVE EXPENSES UNDER DEFENSE EXPORT LOAN GUARANTEE PROGRAM.

(a) AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS ON AN INTERIM BASIS.—Section 2540c(d) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''FEES.—''; and

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

''(2)(A) If for any fiscal year amounts in the special account established under paragraph (1) are not available (or are not anticipated to be available) in a sufficient amount for administrative expenses of the Department of Defense for that fiscal year that are directly attributable to the administration of the program under this subchapter, the Secretary may use amounts currently available for operations and maintenance for Defense-wide activities, not to exceed $500,000 in any fiscal year, for those expenses.

''(B) The Secretary shall, from funds in the special account established under paragraph (1), replenish operations and maintenance accounts for amounts expended under subparagraph (A) as soon as the Secretary determines practicable.''.

(b) EFFECTIVE DATE.—Paragraph (2) of section 2540c(d) of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2000.

SEC. 1032. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 628(c)(2) is amended by striking ''section'' in the second sentence after ''the provisions of'' and inserting ''sections''.

(2) Section 702(b)(2) is amended by striking ''section 230(c)'' and inserting ''section 203(c)''.

(3) Section 706(c) is amended—

(A) by striking ''(1)'' after ''(c)''; and

(B) by striking paragraph (2).

(4) Section 1074g is amended—

(A) in subsection (a)(6), by striking ''as part of the regulations established'' and inserting ''in the regulations prescribed'';

(B) in subsection (a)(7), by striking ''not included on the uniform formulary, but,'' and inserting ''that are not included on the uniform formulary but that are'';

(C) in subsection (b)(1), by striking ''required by'' in the last sentence and inserting ''prescribed under'';

(D) in subsection (d)(2), by striking ''Not later than'' and all that follows through ''utilize'' and inserting ''Effective not later than April 5, 2000, the Secretary shall use'';

(E) in subsection (e)—

(i) by striking ''Not later than April 1, 2000, the'' and inserting ''The''; and

(ii) by inserting ''in'' before ''the TRICARE'' and before ''the national'';

(F) in subsection (f)—

(i) by striking ''As used in this section—'' and inserting ''In this section:'';

(ii) by striking ''the'' at the beginning of paragraphs (1) and (2) and inserting ''The''; and

(iii) by striking ''; and'' at the end of paragraph (1) and inserting a period; and

(G) in subsection (g), by striking ''promulgate'' and inserting ''prescribe''.

(5) Section 1109(b) is amended by striking ''(1)'' before ''The Secretaries''.

(6) Section 1448(b)(3)(E)(ii) is amended by striking the second comma after ''October 16, 1998''.

(7) Section 2401(b)(1)(B) is amended by striking ''Committees on Appropriations'' and inserting ''Committee on Appropriations''.

(8) Section 5143(c)(2) is amended by striking ''has a grade'' and inserting ''has the grade of''.

(9) Section 5144(c)(2) is amended by striking ''has a grade'' and inserting ''has the grade of''.

(10) Section 10218 is amended—

(A) in subsections (a)(1), (b)(1), (b)(2)(A), and (b)(2)(B)(ii), by striking ''the date of the enactment of this section'' each place it appears and inserting ''October 5, 1999,'';

(B) in subsections (a)(3)(B)(i) and (b)(2)(B)(i), by striking ''the end of the one-year period beginning on the date of the enactment of this subsection'' and inserting ''October 5, 2000'';

(C) in subsection (b)(1), by striking ''six months after the date of the enactment of this section'' and inserting ''April 5, 2000''; and

(D) in subsection (b)(3), by striking ''within six months of the date of the enactment of this section'' and inserting ''during the period beginning on October 5, 1999, and ending on April 5, 2000,''.

(11) Section 12552 is amended by inserting a period at the end.

(b) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Section 301b(j)(2) is amended by striking ''section 301a(a)(6)(A)'' and inserting ''section 301a(a)(6)(B)''.

(2) Section 404(b)(2) is amended by striking ''section 402(e)'' and inserting ''section 403(f)(3)''.

(3) The table of sections at the beginning of chapter 7 is amended by inserting after the item relating to section 434 the following new item:

''435. Funeral honors duty: allowance.''.

(4) The section 435 added by section 586(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 638) is redesignated as section 436, and the item relating to that section in the table of sections at the beginning of chapter 7 is revised to conform to such redesignation.

(5) Section 1012 is amended by striking ''section 402(b)(3)'' and inserting ''section 402(e)''.

(c) PUBLIC LAW 106–65.—Effective as of October 5, 1999, and as if included therein as enacted, section 601(c) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 645) is amended—

(1) in the first table, relating to commissioned officers, by striking ''$12,441.00'' in footnote 2 and inserting ''$12,488.70''; and

(2) in the fourth table, relating to enlisted members, by striking ''$4,701.00'' in footnote 2 and inserting ''$4,719.00''.

(d) PUBLIC LAW 105–261.—Effective as of October 17, 1998, and as if included therein as enacted, the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1920 et seq.) is amended as follows:

(1) Section 503(b)(1) (112 Stat. 2003) is amended by inserting ''its'' after ''record of'' in the first quoted matter therein.

(2) Section 645(b) (112 Stat. 2050) is amended by striking ''a member'' and inserting ''member'' in the quoted matter therein.

(3) Section 701 (112 Stat. 2056) is amended—

(A) in subsection (a), by inserting ''(1)'' before ''Section 1076a(b)(2)''; and

(B) in subsection (b), by inserting ''of such title'' after ''1076a''.

(4) Section 802(b) (112 Stat. 2081) is amended by striking ''Administrative'' in the first quoted matter therein and inserting ''Administration''.

(5) Section 1101(e)(2)(C) (112 Stat. 2140; 5 U.S.C. 3104 note) is amended by striking ''subsection (c)(1)'' and inserting ''subsection (c)(2)''.

(e) PUBLIC LAW 105–85.—The National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended as follows:

(1) Section 602(d)(1)(A) (111 Stat. 1773; 37 U.S.C. 402 note) is amended by striking ''of'' the first place it appears in the matter preceding clause (ii).

(2) Section 1221(a)(3) (22 U.S.C. 1928 note), as amended by section 1233(a)(2)(A) of Public Law 105–261 (112 Stat. 2156), is amended by striking the second close parenthesis after ''relief efforts''.

(f) OTHER LAWS.—

(1) Section 834(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is amended by striking the second period after ''2000''.

(2) Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by transferring subparagraph (G) so as to appear immediately before subparagraph (H), as added by section 2821(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 853).

(3) Section 686(b) of title 14, United States Code, is amended—

(A) in paragraph (1), by striking ''section 403(b)'' and inserting ''section 403(e)''; and

(B) in paragraph (2), by striking ''a basic allowance for quarters under section 403 of title 37, and, if in a high housing cost area, a variable housing allowance under section 403a of that title'' and inserting ''a basic allowance for housing under section 403 of title 37''.

(4) Section 405(f)(6)(B) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999 (as contained in section 101(f) of division A of Public Law 105–277; 112 Stat. 2681–430), is amended by striking ''Act of title'' in the first quoted matter therein and inserting ''Act or title''.

(5) Section 1403(c)(6) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 922(c)(6)) is amended by striking ''the'' before ''Assistant Secretary of Defense''.

(6) Effective as of October 5, 1999, section 224 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2274(b)) is amended by striking ''$500,000'' and inserting ''$50,000''.

SEC. 1033. TRANSFER OF VIETNAM ERA TA–4 AIRCRAFT TO NONPROFIT FOUNDATION.

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may convey, without consideration, to the nonprofit Collings Foundation of Stow, Massachusetts (in this section referred to as the ''foundation''), all right, title, and interest of the United States in and to one surplus TA–4 aircraft that is flyable or that can be readily restored to flyable condition. The conveyance shall be made by means of a conditional deed of gift.

(b) CONDITION OF AIRCRAFT.—The Secretary may not convey ownership of an aircraft under subsection (a) until the Secretary determines that the foundation has altered the aircraft in such manner as the Secretary determines necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing munitions or any other combat capability that it was designed to have. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) REVERTER UPON BREACH OF CONDITIONS.—The Secretary shall include in the instrument of conveyance of the aircraft—

(1) a condition that the foundation not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary;

(2) a condition that the foundation operate and maintain the aircraft in compliance with all applicable limitations and maintenance requirements imposed by the Administrator of the Federal Aviation Administration; and

(3) a condition that if the Secretary determines at any time that the foundation has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, or has failed to comply with the condition set forth in paragraph (2), all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(d) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of the aircraft under subsection (a) shall be made at no cost to the United States. Any costs associated with the conveyance, costs of determining compliance with subsection (b), and costs of operation and maintenance of the aircraft conveyed shall be borne by the foundation.

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

(f) CLARIFICATION OF LIABILITY.—Notwithstanding any other provision of law, upon the conveyance of ownership of a TA–4 aircraft to the foundation under subsection (a), the United States shall not be liable for any death, injury, loss, or damage that results from any use of that aircraft by any person other than the United States.

SEC. 1034. TRANSFER OF 19TH CENTURY CANNON TO MUSEUM.

(a) DONATION REQUIRED.—The Secretary of the Army shall convey, without consideration, to the Cannonball House Museum located in Macon, Georgia (in this section referred to as the ''recipient''), all right, title, and interest of the United States in and to a 12-pounder Napoleon cannon bearing the following markings:

(1) On the top ''CS'',

(2) On the face of the muzzle: ''Macon Arsenal, 1864/No.41/1164 ET''.

(3) On the right trunnion: ''Macon Arsenal GEO/1864/No.41/WT.1164/E.T.''.

(b) CONDITIONS ON CONVEYANCE.—The Secretary shall include in the instrument of conveyance of the cannon under subsection (a)—

(1) a condition that the recipient not convey any ownership interest in, or transfer possession of, the cannon to any other party without the prior approval of the Secretary; and

(2) a condition that if the Secretary determines at any time that the recipient has conveyed an ownership interest in, or transferred possession of, the cannon to any other party without the prior approval of the Secretary, all right, title, and interest in and to the cannon shall revert to the United States, and the United States shall have the right of immediate possession of the cannon.

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

(d) ACQUISITION OF REPLACEMENT MACON CANNON.—The Secretary shall seek to acquire, by donation or purchase with funds made available for this purpose, one or more cannons documented as having been manufactured in Macon, Georgia, during the Civil War in order to replace in the Army's inventory the cannon conveyed under subsection (a).

SEC. 1035. EXPENDITURES FOR DECLASSIFICATION ACTIVITIES.

(a) IDENTIFICATION IN BUDGET MATERIALS OF AMOUNTS FOR DECLASSIFICATION ACTIVITIES.—Section 230 of title 10, United States Code, is amended—

(1) by striking '', as a budgetary line item''; and

(2) by adding at the end the following new sentence: ''Identification of such amounts in such budget justification materials shall be in a single display that shows the total amount for the Department of Defense and the amount for each military department and Defense Agency.''.

(b) LIMITATION ON EXPENDITURES.—The total amount expended by the Department of Defense during fiscal year 2001 to carry out declassification activities under the provisions of sections 3.4, 3.5, and 3.6 of Executive Order 12958 (50 U.S.C. 435 note) and for special searches (including costs for document search, copying, and review and imagery analysis) may not exceed $30,000,000.

(c) COMPILATION AND ORGANIZATION OF RECORDS.—The Department of Defense may not be required, when conducting a special search, to compile or organize records that have already been declassified and placed into the public domain.

(d) SPECIAL SEARCHES.—For the purpose of this section, the term ''special search'' means the response of the Department of Defense to any of the following:

(1) A statutory requirement to conduct a declassification review on a specified set of agency records.

(2) An Executive order to conduct a declassification review on a specified set of agency records.

(3) An order from the President or an official with delegated authority from the President to conduct a declassification review on a specified set of agency records.

SEC. 1036. AUTHORITY TO PROVIDE LOAN GUARANTEES TO IMPROVE DOMESTIC PREPAREDNESS TO COMBAT CYBERTERRORISM.

(a) AUTHORITY.—Subject to subsection (b), the Secretary of Defense may guarantee the repayment of any loan made to a qualified commercial firm to fund, in whole or in part, any of the following activities:

(1) The improvement of the protection of the critical infrastructure of that commercial firm.

(2) The refinancing of improvements previously made to the protection of the critical infrastructure of that commercial firm.

(b) SUBJECT TO APPROPRIATIONS OF BUDGET AUTHORITY.—Loan guarantees under this section may not be committed except to the extent that appropriations of budget authority to cover their costs are made in advance, as required by section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

(c) LOAN LIMITS.—The maximum amount of loan principal guaranteed during a fiscal year under this section may not exceed $10,000,000, with respect to all borrowers.

(d) QUALIFIED COMMERCIAL FIRMS.—For purposes of this section, a qualified commercial firm is a company or other business entity (including a consortium of such companies or other business entities, as determined by the Secretary) that the Secretary determines—

(1) conducts a significant level of its research, development, engineering, and manufacturing activities in the United States;

(2) is a company or other business entity the majority ownership or control of which is by United States citizens or is a company or other business of a parent company that is incorporated in a country the government of which—

(A) encourages the participation of firms so owned or controlled in research and development consortia to which the government of that country provides funding directly or provides funding indirectly through international organizations or agreements; and

(B) affords adequate and effective protection for the intellectual property rights of companies incorporated in the United States;

(3) provides technology products or services critical to the operations of the Department of Defense; and

(4) meets standards of prevention of cyberterrorism applicable to the Department of Defense.

(e) GOALS AND STANDARDS.—The Secretary shall prescribe regulations setting forth goals for the use of the loan guarantees provided under this section and standards for evaluating whether those goals are met by each entity receiving such loan guarantees.

(f) FEES.—(1) The Secretary shall prescribe regulations to assess a fee for providing a loan

guarantee under this section. The amount of such fee shall be not less than 75 percent of the amount incurred by the Secretary to provide the loan guarantee. Such fees shall be credited to a special account in the Treasury. Amounts in the special account shall be available, to the extent and in amounts provided in appropriations Acts, for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under this section.

(2)(A) If for any fiscal year amounts in the special account established under paragraph (1) are not available (or are not anticipated to be available) in a sufficient amount for administrative expenses of the Department of Defense for that fiscal year that are directly attributable to the administration of the program under this section, the Secretary may use amounts currently available for operations and maintenance for Defense-wide activities, not to exceed $500,000 in any fiscal year, for those expenses.

(B) The Secretary shall, from funds in the special account established under paragraph (1), replenish operations and maintenance accounts for amounts expended under subparagraph (A) as soon as the Secretary determines practicable.

(g) ADMINISTRATION.—(1) The Secretary shall enter into one or more agreements, each with an appropriate Federal or private entity, under which such entity shall, under this section—

(A) process applications for loan guarantees;

(B) guarantee repayment of loans; and

(C) provide any other services to the Secretary to administer this section.

(2) The cost of such agreements shall be considered, for purposes of the special account established under subsection (f)(1), to be costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under this section.

(h) REPORTS.—

(1) BY RECIPIENTS.—The Secretary shall require each recipient of a loan guarantee under this section, as a condition of receiving that loan guarantee, to submit to the Secretary a report on the results of the improvements carried out pursuant to the loan guarantee.

(2) BY SECRETARY.—Not later than March 1 of each year in which a guarantee issued under this section is in effect, the Secretary shall submit to Congress a report specifying the amounts of loans guaranteed under this section during the preceding calendar year. The report shall include an evaluation of the success of the loan guarantees, an assessment of the program as it relates to the support of the Department's Critical Infrastructure Protection Program, and any other information that the Secretary considers appropriate.

(i) DEFINITIONS.— In this section:

(1) The term ''critical infrastructure'' means telecommunications systems, information systems, and facilities, the loss of which would have a debilitating effect on the ability of the commercial firm to deliver technology products or services to the Department of Defense.

(2) The term ''cyberterrorism'' means the commission of any of the following acts with respect to protected computers (as defined in section 1030(e)(2) of title 18, United States Code):

(A) Knowing transmission of a program, information, code, or command, that as a result of such conduct, intentionally causes damage without authorization, to a protected computer.

(B) Intentional access of a protected computer without authorization, that as a result of such conduct, recklessly causes damage.

(C) Intentional access of a protected computer without authorization, that as a result of such conduct, causes damage.

(j) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated for Defense-wide activities by section 201(4), $500,000 shall be available only for the purpose of providing loan guarantees under this section.

SEC. 1037. V–22 COCKPIT AIRCRAFT VOICE AND FLIGHT DATA RECORDERS.

The Secretary of Defense shall require that all V–22 Osprey aircraft be equipped with a state-of-the-art cockpit voice recorder and a state-of-the-art flight data recorder each of which meets, at a minimum, the standards for such devices recommended by the National Transportation Safety Board.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

SEC. 1101. EMPLOYMENT AND COMPENSATION PROVISIONS FOR EMPLOYEES OF TEMPORARY ORGANIZATIONS ESTABLISHED BY LAW OR EXECUTIVE ORDER.

(a) IN GENERAL.—Chapter 31 of title 5, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER IV—EMPLOYMENT AND COMPENSATION FOR EMPLOYEES OF TEMPORARY ORGANIZATIONS IN THE EXECUTIVE BRANCH ESTABLISHED BY LAW OR EXECUTIVE ORDER

''§ 3161. Temporary organizations established by law or Executive order

''(a) DEFINITION OF TEMPORARY ORGANIZATION.—For the purposes of this subchapter, the term 'temporary organization' means an organization such as a commission, committee, or board that is established by law in the legislative or executive branches, or by Executive order in the executive branch, for a specific period, which shall not exceed 5 years, for the purpose of performing specific projects or studies.

''(b) HIRING AUTHORITY.—Notwithstanding the provisions of chapter 51, the head of a temporary organization may employ such numbers and types of employees as required to perform the functions required of the temporary organization. Employees may be appointed for a period of 5 years or the life of the temporary organization, whichever is less.

''(c) STATUS OF POSITIONS AND APPOINTMENTS.—Positions of employment in a temporary organization are excepted from the competitive service.

''(d) COMPENSATION.—(1) The basic pay of an employee of a temporary organization may be set without regard to the provisions of chapter 51 or subchapter III of chapter 53, except that—

''(A) basic pay for an executive level position (such as a chairperson, member, or executive or staff director), and, in exceptional cases, for senior staff shall be capped at the maximum rate of basic pay established for the Senior Executive Service under subchapter VIII of chapter 53; and

''(B) basic pay for other staff may not exceed the maximum rate of basic pay for GS–15 of the General Schedule.

''(2) An employee whose rate of basic pay is set under paragraph (1) shall be entitled to locality-based comparability payments, as provided under section 5304.

''(e) TRAVEL EXPENSES.—An employee of a temporary organization, whether employed on a full-time or part-time basis, may be entitled to travel and transportation allowances, including per diem allowances, authorized for employees under subchapter I of chapter 57, while traveling away from the regular place of business of the employee in the performance of services for the temporary organization.

''(f) RETURN RIGHTS.—An employee serving under a career or career-conditional appointment, or the equivalent, who transfers to or converts to an appointment in a temporary organization with the consent of the head of the agency (or the designee of the agency head) in which the employee was serving is entitled to be returned to a position of like seniority, status, and pay (without grade or pay retention) as the former position in the agency from which employed immediately preceding employment with the temporary organization if—

''(1) the employee is being separated from the temporary organization for reasons other than misconduct, neglect of duty, or malfeasance; and

''(2) the employee applies for return rights not later than 30 days before the end of the employment in the temporary organization, or the termination of the temporary organization, whichever is earlier.

''(g) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The head of the temporary organization may procure temporary and intermittent services under section 3109(b).

''(h) ACCEPTANCE OF VOLUNTEER SERVICES.—(1) The head of a temporary organization may accept volunteer services relating to the duties of the temporary organization without regard to section 1342 of title 31, including service as advisers, experts, members, or in other capacities determined appropriate by the head of the temporary organization. The head of the temporary organization—

''(A) shall assure that all persons accepted as volunteers are notified of the scope of the voluntary services accepted;

''(B) shall supervise volunteers to the same extent as employees receiving compensation for similar services; and

''(C) shall ensure that volunteers have appropriate credentials or are otherwise qualified to perform in the capacities for which they are accepted.

''(2) A person providing volunteer services under this subsection shall be considered an employee of the Federal Government for the purposes of chapters 73 and 81, chapter 171 of title 28, chapter 11 of title 18, and part 2635 of title 5 of the Code of Federal regulations.

''(i) DETAILEES.—Upon request of the head of the temporary organization, the head of any department or agency of the United States may detail, on a nonreimbursable basis, any personnel of the department or agency to the temporary organization to assist in carrying out its duties.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the items relating to subchapter III the following:

''SUBCHAPTER IV—EMPLOYMENT AND COMPENSATION FOR EMPLOYEES OF TEMPORARY ORGANIZATIONS ESTABLISHED BY LAW OR EXECUTIVE ORDER

''3161. Temporary organizations established by law or Executive order.''.

SEC. 1102. RESTRUCTURING THE RESTRICTION ON DEGREE TRAINING.

Section 4107 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''subsection (b)'' and inserting ''subsections (b) and (c)'';

(2) in subsection (b)(1), by striking ''subsection (a)'' and inserting ''subsections (a) or (c)''; and

(3) by adding at the end the following new subsection:

''(c) With respect to an employee of the Department of Defense—

''(1) this chapter does not authorize, except as provided in subsection (b) of this section, the selection and assignment of the employee for training, or the payment or reimbursement of the costs of training, for—

''(A) the purpose of providing an opportunity to the employee to obtain an academic degree in order to qualify for appointment to a particular position for which the academic degree is a basic requirement; or

''(B) the sole purpose of providing an opportunity to the employee to obtain one or more academic degrees, unless such opportunity is part of a planned, systematic, and coordinated program of professional development endorsed by the Department of Defense; and

''(2) any course of post-secondary education delivered through classroom, electronic, or other means shall be administered or conducted by an institution recognized under standards implemented by a national or regional accrediting

body, except in a case in which such standards do not exist or would not be appropriate.''.

SEC. 1103. CONTINUATION OF TUITION REIMBURSEMENT AND TRAINING FOR CERTAIN ACQUISITION PERSONNEL.

Section 1745(a)(2) of title 10, United States Code, is amended by striking ''September 30, 2001'' and inserting ''September 30, 2005''.

SEC. 1104. EXTENSION OF AUTHORITY FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE TO PARTICIPATE VOLUNTARILY IN REDUCTIONS IN FORCE.

Section 3502(f)(5) of title 5, United States Code, is amended by striking ''September 30, 2001'' and inserting ''September 30, 2005''.

SEC. 1105. EXPANSION OF DEFENSE CIVILIAN INTELLIGENCE PERSONNEL SYSTEM POSITIONS.

(a) AUTHORITY FOR SENIOR DOD INTELLIGENCE POSITIONS THROUGHOUT DEPARTMENT OF DEFENSE.—Section 1601(a)(1) of title 10, United States Code, is amended—

(1) by striking ''in the intelligence components of the Department of Defense and the military departments'' and inserting ''in the Department of Defense''; and

(2) by striking ''of those components and departments'' and inserting ''of the Department''.

(b) CONFORMING AMENDMENT FOR PERSONS ELIGIBLE FOR POSTEMPLOYMENT ASSISTANCE.—Section 1611 of such title is amended—

(1) in subsection (a)(1), by striking ''intelligence component of the Department of Defense'' and inserting ''defense intelligence position'';

(2) in subsection (b)—

(A) by striking ''sensitive position in an intelligence component of the Department of Defense'' in the matter preceding paragraph (1) and inserting ''sensitive defense intelligence position''; and

(B) by striking ''with the intelligence component'' in paragraphs (1) and (2) and inserting ''in a defense intelligence position'';

(3) in subsection (d), by striking ''an intelligence component of the Department of Defense'' and inserting ''in a defense intelligence position''; and

(4) by striking subsection (f).

(c) CONFORMING AMENDMENT FOR DEFINITION OF DEFENSE INTELLIGENCE POSITION.—Section 1614(1) of such title is amended by striking ''of an intelligence component of the Department of Defense or of a military department'' and inserting ''of the Department of Defense''.

SEC. 1106. PILOT PROGRAM FOR REENGINEERING THE EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCESS.

(a) PILOT PROGRAM.—(1) The Secretary of the Navy may carry out a pilot program to improve processes for the resolution of equal employment opportunity complaints by civilian employees of the Department of the Navy. Complaints processed under the pilot program shall be subject to the procedural requirements established for the pilot program and shall not be subject to the procedural requirements of 29 CFR part 1614 or other regulations or directives of the Equal Employment Opportunity Commission.

(2) The pilot program shall include procedures to reduce processing time and eliminate redundancy with respect to processes for the resolution of equal employment opportunity complaints, reinforce local management and chain-of-command accountability, and provide the parties involved with early opportunity for resolution.

(3) The Secretary may waive any regulatory restrictions prescribed by the Equal Employment Opportunity Commission in carrying out the pilot program.

(4) The Secretary may carry out the pilot program for a period of 5 years, beginning on January 1, 2001.

(5) Participation in the pilot program shall be voluntary on the part of the complainant. Complainants who participate in the pilot program shall retain the right to appeal a final agency decision to the Equal Employment Opportunity Commission and to file suit in district court. The Equal Employment Opportunity Commission shall not reverse a final agency decision on the grounds that the agency did not comply with the regulatory requirements promulgated by the Commission. This paragraph applies to all cases currently pending before the Equal Employment Opportunity Commission or hereinafter filed with the Commission.

(b) REPORT.—Not later than 90 days following the end of the second and fourth full or partial fiscal years during which the pilot program is implemented, the Comptroller General shall submit to Congress a report on the pilot program. Such reports shall contain the following:

(1) A description of the processes tested by the pilot program.

(2) The results of such testing.

(3) Recommendations for changes to the processes for the resolution of equal employment opportunity complaints as a result of such pilot program.

(4) A comparison of the processes used under the pilot program to traditional and alternative dispute resolution processes used in the government or private industry.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

SEC. 1201. SUPPORT OF UNITED NATIONS-SPONSORED EFFORTS TO INSPECT AND MONITOR IRAQI WEAPONS ACTIVITIES.

(a) LIMITATION ON AMOUNT OF ASSISTANCE IN FISCAL YEAR 2001—The total amount of the assistance for fiscal year 2001 that is provided by the Secretary of Defense under section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) as activities of the Department of Defense in support of activities under that Act may not exceed $15,000,000.

(b) EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is amended by striking ''2000'' and inserting ''2001''.

SEC. 1202. ANNUAL REPORT ASSESSING EFFECT OF CONTINUED OPERATIONS IN THE BALKANS REGION ON READINESS TO EXECUTE THE NATIONAL MILITARY STRATEGY.

Section 1035 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 753) is amended—

(1) in subsection (a), by striking ''Not later than 180 days after the date of the enactment of this Act'' and inserting ''Not later than April 1 each year'';

(2) in subsection (b), by striking ''The report'' in the matter preceding paragraph (1) and inserting ''Each report''; and

(3) in subsection (d), by striking ''the report'' and inserting ''a report''.

SEC. 1203. SITUATION IN THE BALKANS.

(a) ESTABLISHMENT OF NATO BENCHMARKS FOR WITHDRAWAL OF FORCES FROM KOSOVO.—The President shall develop, not later than May 31, 2001, militarily significant benchmarks for conditions that would achieve a sustainable peace in Kosovo and ultimately allow for the withdrawal of the United States military presence in Kosovo. Congress urges the President to seek concurrence among member nations of the North Atlantic Treaty Organization in the development of those benchmarks.

(b) COMPREHENSIVE POLITICAL-MILITARY STRATEGY.—The President shall develop a comprehensive political-military strategy for addressing the political, economic, humanitarian, and military issues in the Balkans and shall establish near-term, mid-term, and long-term objectives in the region. In developing such strategy and such objectives, the President shall take into consideration the benchmarks relating to Kosovo developed as described in subsection (a) and the benchmarks relating to Bosnia that were detailed in the report accompanying the certification by the President to Congress on March 3, 1998 (printed as House Document 105–223), with respect to the continued presence of United States Armed Forces, after June 30, 1998, in Bosnia and Herzegovina, submitted to Congress pursuant to section 7 of Public Law 105–74. Such strategy and objectives shall be developed in consultation with appropriate regional and international entities.

(c) SEMIANNUAL REPORT ON COMPREHENSIVE STRATEGY.—Not later than June 30, 2001, and six months thereafter so long as United States forces are in the Balkans, the President shall submit to Congress a report on the progress being made in developing and implementing a comprehensive political-military strategy as described in subsection (b).

(d) SEMIANNUAL REPORT ON BENCHMARKS.—Not later than June 30, 2001, and every six months thereafter, the President shall submit to Congress a report on the progress made in achieving the conditions established by those benchmarks.

SEC. 1204. LIMITATION ON NUMBER OF MILITARY PERSONNEL IN COLOMBIA.

(a) LIMITATION.—None of the funds available to the Department of Defense may be used to support or maintain more than 500 members of the Armed Forces on duty in the Republic of Colombia at any time.

(b) EXCEPTIONS.—There shall be excluded from counting for the purposes of the limitation in subsection (a) the following:

(1) A member of the Armed Forces in the Republic of Colombia for the purpose of rescuing or retrieving United States military or civilian Government personnel, except that the period for which such a member may be so excluded may not exceed 30 days unless expressly authorized by law.

(2) A member of the Armed Forces assigned to the United States Embassy in Colombia as an attache, as a member of the security assistance office, or as a member of the Marine Corps security contingent.

(3) A member of the Armed Forces in Colombia to participate in relief efforts in responding to a natural disaster.

(4) Nonoperational transient military personnel.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2001 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2001 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $433,400,000 authorized to be appropriated to the Department of Defense for fiscal year 2001 in section 301(23) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $162,800,000.

(2) For strategic nuclear arms elimination in Ukraine, $34,100,000.

(3) For activities to support warhead dismantlement processing in Russia, $9,300,000.

(4) For weapons transportation security in Russia, $14,000,000.

(5) For planning, design, and construction of a storage facility for Russian fissile material, $57,400,000.

(6) For weapons storage security in Russia, $89,700,000.

(7) For development of a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium at Russian reactors, $32,100,000.

(8) For biological weapons proliferation prevention activities in Russia, $12,000,000.

(9) For activities designated as Other Assessments/Administrative Support, $13,000,000.

(10) For defense and military contacts, $9,000,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2001 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2001 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2001 for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for the purposes stated in any of paragraphs (4), (5), (7), (9), or (10) of subsection (a) in excess of 115 percent of the amount specifically authorized for such purposes.

SEC. 1303. PROHIBITION ON USE OF FUNDS FOR ELIMINATION OF CONVENTIONAL WEAPONS.

No fiscal year 2001 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs for any other fiscal year, may be obligated or expended for elimination of conventional weapons or the delivery vehicles primarily intended to deliver such weapons.

SEC. 1304. LIMITATIONS ON USE OF FUNDS FOR FISSILE MATERIAL STORAGE FACILITY.

(a) LIMITATIONS.—No fiscal year 2001 Cooperative Threat Reduction funds may be used—

(1) for construction of a second wing for the storage facility for Russian fissile material referred to in section 1302(a)(5); or

(2) for design or planning with respect to such facility until 15 days after the date that the Secretary of Defense submits to Congress notification that Russia and the United States have signed a verifiable written transparency agreement that ensures that material stored at the facility is of weapons origin.

(b) ESTABLISHMENT OF FUNDING CAP FOR FIRST WING OF STORAGE FACILITY.—Out of funds authorized to be appropriated for Cooperative Threat Reduction programs for fiscal year 2001 or any other fiscal year, not more than $412,600,000 may be used for planning, design, or construction of the first wing for the storage facility for Russian fissile material referred to in section 1302(a)(5).

SEC. 1305. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF MULTIYEAR PLAN.

Not more than ten percent of fiscal year 2001 Cooperative Threat Reduction funds may be obligated or expended until the Secretary of Defense submits to Congress an updated version of the multiyear plan for fiscal year 2001 required to be submitted under section 1205 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 22 U.S.C. 5952 note).

SEC. 1306. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.

(a) REPORTING REQUIREMENT.—(1) Not later than October 1, 2000, the Secretary of Defense shall submit to Congress a report on the following regarding Russia's arsenal of tactical nuclear warheads:

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) An assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(2) The Secretary of Defense shall include in the report described in paragraph (1) the views on the report provided under subsection (b).

(b) VIEWS OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion as an appendix in the report described in subsection (a), the Director's views on the matters described in that subsection regarding Russia's tactical nuclear weapons.

SEC. 1307. LIMITATION ON USE OF FUNDS TO SUPPORT WARHEAD DISMANTLEMENT PROCESSING.

No fiscal year 2001 Cooperative Threat Reduction funds may be used for activities to support warhead dismantlement processing in Russia until 15 days after the date that the Secretary of Defense submits to Congress notification that the United States has reached an agreement with Russia, which shall provide for appropriate transparency measures, regarding assistance by the United States with respect to such processing.

SEC. 1308. AGREEMENT ON NUCLEAR WEAPONS STORAGE SITES.

The Secretary of Defense shall seek to enter into an agreement with Russia regarding procedures to allow the United States appropriate access to nuclear weapons storage sites for which assistance under Cooperative Threat Reduction programs is provided.

SEC. 1309. PROHIBITION ON USE OF FUNDS FOR CONSTRUCTION OF FOSSIL FUEL ENERGY PLANTS.

No fiscal year 2001 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs for any other fiscal year, may be used for the construction of a fossil fuel energy plant.

SEC. 1310. AUDITS OF COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) REPORT ON AUDITS.—Not later than March 31, 2001, the Comptroller General shall submit to Congress a report examining the procedures and mechanisms with respect to audits by the Department of Defense of the use of funds for Cooperative Threat Reduction programs. The report shall examine the following:

(1) Whether the audits being conducted by the Department of Defense are producing necessary information regarding whether assistance under such programs, including equipment provided and services furnished, is being used as intended.

(2) Whether the audit procedures of the Department of Defense are adequate, including whether random samplings are used.

(b) EXTENSION FOR COMPTROLLER GENERAL ASSESSMENT.—Section 1206(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 471) is amended by striking ''30 days'' and inserting ''90 days''.

SEC. 1311. LIMITATION ON USE OF FUNDS FOR PREVENTION OF BIOLOGICAL WEAPONS PROLIFERATION IN RUSSIA.

No fiscal year 2001 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs for any other fiscal year, may be obligated or expended for prevention of proliferation of biological weapons in Russia until the President submits to Congress the report required by section 1309 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 795).

TITLE XIV—COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE (EMP) ATTACK

SEC. 1401. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack'' (hereinafter in this title referred to as the ''Commission'').

(b) COMPOSITION.—The Commission shall be composed of nine members. Seven of the members shall be appointed by the Secretary of Defense and two of the members shall be appointed by the Director of the Federal Emergency Management Agency. In selecting individuals for appointment to the Commission, the Secretary of Defense shall consult with the chairmen and ranking minority members of the Committees on Armed Services of the Senate and House of Representatives.

(c) QUALIFICATIONS.—Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in the scientific, technical, and military aspects of electromagnetic pulse (hereinafter referred to as ''EMP'') effects resulting from the detonation of a nuclear weapon or weapons at high altitude, sometimes referred to as high-altitude electromagnetic pulse effects (HEMP).

(d) CHAIRMAN OF COMMISSION.—The Secretary of Defense shall designate one of the members of the Commission to serve as chairman of the Commission.

(e) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(f) SECURITY CLEARANCES.—All members of the Commission shall hold appropriate security clearances.

(g) INITIAL ORGANIZATION REQUIREMENTS.—All appointments to the Commission shall be made not later than 45 days after the date of the enactment of this Act. The Commission shall convene its first meeting not later than 30 days after the date as of which all members of the Commission have been appointed.

SEC. 1402. DUTIES OF COMMISSION.

(a) REVIEW OF EMP THREAT.—The Commission shall assess—

(1) the nature and magnitude of potential high-altitude EMP threats to the United States from Russia, China, North Korea, and other potentially hostile states or non-state actors that have or could acquire nuclear weapons and ballistic missiles enabling them to perform a high-altitude EMP attack against the United States within the next 15 years;

(2) the vulnerability of United States military and especially civilian systems to an EMP attack, giving special attention to vulnerability of the civilian infrastructure as a matter of emergency preparedness; and

(3) the capability of the United States to repair and recover from damage inflicted on United States military and civilian systems by an EMP attack.

(4) the feasibility and cost of hardening select military and civilian systems against EMP attack.

(b) RECOMMENDATION.—The Commission shall recommend steps that can be taken by the United States to better protect its military and civilian systems from EMP attack.

(c) COOPERATION FROM GOVERNMENT OFFICIALS.—In carrying out its duties, the Commission should receive the full and timely cooperation of the Secretary of Defense, the Director of the Federal Emergency Management Agency, and any other United States Government official serving in the Department of Defense or Armed Forces in providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

SEC. 1403. REPORT.

The Commission shall, not later than one year after the date of its first meeting, submit to Congress, the Secretary of Defense, and the Director of the Federal Emergency Management Agency a report on the Commission's findings and conclusions.

SEC. 1404. POWERS.

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

(b) INFORMATION.—The Commission may secure directly from the Department of Defense, the Central Intelligence Agency, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this title.

SEC. 1405. COMMISSION PROCEDURES.

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

(b) QUORUM.—(1) Five members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) COMMISSION.—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any agent or member of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 1406. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) 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 and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the 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.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—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 under section 5316 of such title.

SEC. 1407. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of Defense shall furnish he Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

SEC. 1408. FUNDING.

Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 2001. Upon receipt of a written certification from the Chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

SEC. 1409. TERMINATION OF THE COMMISSION.

The Commission shall terminate 60 days after the date of the submission of its report under section 1403.–

TITLE XV—PROVISIONS REGARDING VIEQUES ISLAND, PUERTO RICO

SEC. 1501. CONDITIONS ON DISPOSAL OF NAVAL AMMUNITION SUPPORT DETACHMENT, VIEQUES ISLAND.

(a) INCLUSION IN EXCESS PROPERTY REPORT.—The Secretary of the Navy may not include any portion of the Naval Ammunition Support detachment on the western end of Vieques Island, Puerto Rico, in a report of excess real property required to be prepared pursuant to section 2662(a) of title 10, United States Code, unless and until the President certifies to the Congress that military training operations on Vieques Island utilizing the full range of live ordnance in use prior to April 19, 1999, have been resumed without interference.

(b) MANAGEMENT AS CONSERVATION ZONE.—If, consistent with subsection (a), any portion of the Naval Ammunition Support detachment on the western end of Vieques Island is declared to be excess to the needs of the Armed Forces, any conveyance of the property covered by the declaration shall be subject to the irrevocable condition that the recipient of the property (and any successor in interest) manage all lands included in the conveyance as a conservation zone.

(c) RETENTION OF RADAR AND TELECOMMUNICATIONS FACILITIES.—The following real property within the Naval Ammunition Support detachment on Vieques Island may not be transferred or conveyed from the jurisdiction of the Navy unless the transfer or conveyance is specifically authorized by a law enacted after the date of the enactment of this Act:

(1) The approximately 100 acres at the installation containing the Relocatable Over-The-Horizon Radar and the Mt. Pirata telecommunications facilities.

(2) Such other property at the installation that the Secretary of the Navy designates as necessary to provide access and utilities to the property described in paragraph (1), to ensure the security of the property, or to effectively maintain and operate the property.

SEC. 1502. RETENTION OF EASTERN PORTION OF VIEQUES ISLAND.

The Secretary of the Navy may not declare any lands within the Eastern Maneuver Area or the Atlantic Fleet Weapons Training Facility, including the Live Impact Area, on Vieques Island, Puerto Rico, to be excess to the needs of the Armed Forces, or transfer or convey any such lands from the jurisdiction of the Navy.

SEC. 1503. LIMITATIONS ON MILITARY USE OF VIEQUES ISLAND.

(a) ADVANCE NOTICE OF MAJOR TRAINING.—Not less than 15 days before the Armed Forces commences any major training exercise on Vieques Island, Puerto Rico, the Secretary of the Navy shall notify the Government of Puerto Rico, through its Secretary of State, of the exercise in the manner provided in the 1983 memorandum of understanding between the United States and the Government of Puerto Rico. The Secretary of the Navy shall define what constitutes a major training exercise for purposes of this section.

(b) MAXIMUM TRAINING DAYS.—Armed Forces training on Vieques Island involving the use of explosive ordnance may not exceed 90 days per calendar year. An additional 90 days per calendar year of training may occur if the training is limited to the use of nonexplosive ordnance, including spotting devices.

(c) SAFETY AND NOISE.—(1) The Secretary of the Navy shall ensure that procedures are implemented for Navy training on Vieques Island designed to ensure the safety of civilians on the island.

(2) The Secretary of the Navy shall require that naval vessels involved in such training be positioned in such a manner so as to reduce noise levels in civilian areas of the island whenever possible.

(d) ADVISORY COMMITTEE.—(1) The Secretary of the Navy shall establish an advisory committee to review and comment on the operations and policies relating to military training activities on and around Vieques Island. The committee shall be advisory in nature and shall meet not less than quarterly. Members of the advisory committee shall not receive additional compensation on account of their service on the committee.

(2) The Committee shall consist of three members appointed by the Governor of Puerto Rico, three members appointed by the Mayor of the Municipality of Vieques, and three members appointed by the Secretary of the Navy. Not less than two of the members shall be permanent residents of Vieques Island and not less than two shall be commissioned officers of the Navy or Marines Corps who have experience in combined training requirements.

(3) The committee shall be jointly chaired by one of the members appointed by the Governor of Puerto Rico, to be designated by the Governor, and one of the officers appointed by the Secretary of the Navy, to be designated by the Secretary.

(e) NATIONAL SECURITY WAIVER.—The Secretary of Defense may temporarily waive the applicability of subsection (a), (b), or (c) if the Secretary notifies Congress and the Governor of Puerto Rico that compliance with the requirements of such subsection would adversely affect national security. The Secretary shall include in the notification an estimate of the duration of the waiver.

SEC. 1504. ECONOMIC ASSISTANCE FOR RESIDENTS OF VIEQUES ISLAND.

(a) ASSISTANCE AUTHORIZED.—Subject to subsections (b) and (c), of the amounts appropriated pursuant to the 2000 Emergency Supplemental Appropriations Act referred to in section 1003, $40,000,000 shall be available to the Secretary of Defense to provide assistance to the residents of Vieques Island, Puerto Rico, in such manner and for such purposes as the Secretary considers appropriate.

(b) ASSISTANCE FOR CERTAIN PURPOSE PROHIBITED.—Amounts available under subsection (a) may not be used to conduct a referendum among the residents of Vieques Island regarding the further use of the island for military training programs.

(c) CONDITIONS ON AVAILABILITY OF ASSISTANCE.—The amounts available under subsection (a) may not be transferred, obligated, or expended unless and until the President certifies to the Congress that military training operations on Vieques Island utilizing the full range of live ordnance in use prior to April 19, 1999, have been resumed without interference.

(d) TRANSFER AUTHORITY.—The Secretary of Defense may expend amounts available under subsection (a) directly or by appropriate transfer for the provision of assistance to the residents of Vieques Island. The transfer authority provided under this subsection is in addition to any other transfer authority available to the Department of Defense.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2001''.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Redstone Arsenal	$28,500,000
	Fort Rucker	$5,600,000
Alaska	Fort Richardson	$3,000,000
Arizona	Fort Huachuca	$8,600,000
Arkansas	Pine Bluff Arsenal.	$2,750,000
California	Fort Irwin	$31,000,000
	Presidio, Monterey.	$4,600,000
Georgia	Fort Benning	$15,800,000
	Fort Gordon	$2,600,000
Hawaii	Wheeler Army Air Field.	$43,800,000
Kansas	Fort Riley	$5,600,000
Maryland	Aberdeen Proving Ground.	$8,900,000
Missouri	Fort Leonard Wood.	$65,400,000
New Jersey	Picatinny Arsenal	$5,600,000
New Mexico	White Sands Missile Range.	$9,000,000
New York	Fort Drum	$18,000,000
North Carolina	Fort Bragg	$222,200,000
	Sunny Point Army Terminal.	$2,300,000
Ohio	Columbus	$1,832,000

Army: Inside the United States—Continued

State	Installation or location	Amount
Pennsylvania	Carlisle Barracks	$10,500,000
	New Cumberland Army Depot.	$3,700,000
Texas	Fort Bliss	$26,000,000
	Fort Hood	$36,492,000
	Red River Army Depot.	$800,000
	Total:	$562,574,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Area Support Group, Bamberg.	$11,650,000
	Area Support Group, Darmstadt.	$11,300,000
	Kaiserslautern	$3,400,000
	Mannheim	$4,050,000
Korea	Camp Carroll	$10,000,000
	Camp Hovey	$4,200,000
	Camp Humphreys	$14,200,000
	Camp Page	$19,500,000
Kwajalein	Kwajalein Atoll	$18,000,000
	Total:	$96,300,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(3), the Secretary of the Army may acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:

Army: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide.	Classified Location.	$11,500,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State or County	Installation or location	Purpose	Amount
Arizona	Fort Huachuca.	110 Units.	$16,224,000
Hawaii	Schofield Barracks.	72 Units	$15,500,000
Kentucky	Fort Campbell.	102 Units.	$15,800,000
Maryland	Fort Detrick	48 Units	$5,600,000
North Carolina.	Fort Bragg	160 Units.	$22,000,000
South Carolina.	Fort Jackson	1 Unit	$250,000
Texas	Fort Bliss	64 Units	$10,200,000
Korea	Camp Humphreys.	60 Units	$21,800,000
Virginia	Fort Belvoir	27 Units	$5,500,000
	Fort Lee	52 Units	$8,600,000
	Total:		$121,474,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $6,542,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $72,440,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $1,824,640,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $385,974,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $96,300,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2101(c), $11,500,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $17,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $105,861,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $200,456,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $971,704,000.

(7) For the construction of phase 1C of a barracks complex, Infantry Drive, Fort Riley, Kansas, authorized by section 2101(a) of the Military Construction Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $10,000,000.

(8) For the construction of a railhead facility, Fort Hood, Texas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (112 Stat. 2182), as amended by section 2105 of this Act, $9,800,000.

(9) For the construction of a chemical defense qualification facility, Pine Bluff Arsenal, Arkansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 825), $92,000.

(10) For the construction of phase 1B of a barracks complex, Wilson Street, Schofield Barracks, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 825), $22,400,000.

(11) For the construction of phase 2B of a barracks complex, Tagaytay Street, Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Act for Fiscal Year 2000 (113 Stat. 825), $3,108,000.

(12) For the construction of phase 2 of a tactical equipment shop, Fort Sill, Oklahoma, authorized by section 2101(a) of the Military Construction Act for Fiscal Year 2000 (113 Stat. 825), $10,991,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $22,600,000 (the balance of the amount authorized under section 2101(a) for the construction of a Basic Training Complex at Fort Leonard Wood, Missouri);

(3) $10,000,000 (the balance of the amount authorized under section 2101(a) for construction of a Multipurpose Digital Training Range at Fort Hood, Texas);

(4) $34,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Longstreet Road Phase I at Fort Bragg, North Carolina);

(5) $104,000,000 (the balance of the amount authorized under section 2101(a) for the construction of a barracks complex, Bunter Road Phase I at Fort Bragg, North Carolina); and

(6) $6,000,000 (the balance of the amount authorized under section 2101(a) for the construction of a battle simulation center at Fort Drum, New York).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (12) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $635,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) $19,911,000 which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1999 PROJECT.

(a) MODIFICATION.—The table in section 2101 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182) is amended—

(1) in the item relating to Fort Hood, Texas, by striking ''$32,500,000'' in the amount column and inserting ''$45,300,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$781,581,000''.

(b) CONFORMING AMENDMENTS.—Section 2104(a) of that Act (112 Stat. 2184) is amended—

(1) in the matter preceding paragraph (1), by striking ''$2,098,713,000'' and inserting ''$2,111,513,000''; and

(2) in paragraph (1), by striking ''$609,076,000'' and inserting ''$622,581,000''.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma.	$8,200,000
	Navy Detachment, Camp Navajo.	$2,940,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	$23,870,000
	Marine Corps Air Station, Miramar.	$13,740,000
	Marine Corps Base, Camp Pendleton.	$8,100,000
	Marine Corps Logistics Base, Barstow.	$6,600,000
	Naval Air Station, Lemoore.	$10,760,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Naval Air Warfare Center Weapons Division, Point Mugu	$12,600,000
	Naval Aviation Depot, North Island.	$4,340,000
	Naval Facility, San Clemente Island.	$8,860,000
	Naval Postgraduate School, Monterey.	$5,280,000
	Naval Ship Weapons Systems Engineering Station, Port Hueneme	$10,200,000
	Naval Station, San Diego.	$53,200,000
Connecticut	Naval Submarine Base, New London.	$3,100,000
CONUS Various	CONUS Various	$11,500,000
District of Columbia.	Marine Corps Barracks.	$24,597,000
	Naval District, Washington.	$2,450,000
	Naval Research Laboratory, Washington.	$12,390,000
Florida	Blount Island Command.	$3,320,000
	Naval Air Station, Jacksonville.	$1,400,000
	Naval Air Station, Whiting Field.	$5,130,000
	Naval Surface Warfare Center Wastal Systems Station, Panama City	$1,000,000
	Naval Station, Mayport.	$6,830,000
	Naval Surface Warfare Center Detachment, Ft. Lauderdale	$3,570,000
Georgia	Marine Corps Logistics Base, Albany.	$1,100,000
	Navy Supply Corps School, Athens.	$2,950,000
	Trident Refit Facility, Kings Bay.	$5,200,000
Hawaii	Fleet Industrial Supply Center, Pearl Harbor	$12,000,000
	Naval Undersea Weapons Station Detachment, Lualualei	$2,100,000
	Marine Corps Air Station, Kaneohe.	$18,400,000
	Naval Station, Pearl Harbor.	$30,700,000
Illinois	Naval Training Center, Great Lakes.	$124,800,000
Indiana	Naval Surface Warfare Center, Crane.	$8,460,000
Maine	Naval Air Station, Brunswick.	$2,450,000
	Naval Shipyard, Portsmouth.	$4,960,000
Maryland	Naval Explosive Ordinance Disposal Technology Center, Indian Head	$6,430,000
	Naval Air Station, Patuxent River	$8,240,000
Mississippi	Naval Air Station, Meridian.	$4,700,000
Nevada	Naval Air Station, Fallon.	$6,280,000
New Jersey	Naval Weapons Station, Earle.	$2,420,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
North Carolina	Marine Corps Air Station, Cherry Point.	$8,480,000
	Marine Corps Air Station, New River.	$3,400,000
	Marine Corps Base, Camp Lejeune.	$45,870,000
	Naval Aviation Depot, Cherry Point.	$7,540,000
Pennsylvania	Naval Surface Warfare Center Shipyard Systems Engineering Station, Philadelphia	$10,680,000
Rhode Island	Naval Undersea Warfare Center Division, Newport	$4,150,000
South Carolina	Marine Corps Air Station, Beaufort.	$3,140,000
	Marine Corps Recruit Depot, Parris Island	$2,660,000
Texas	Naval Air Station, Corpus Christi	$4,850,000
	Naval Air Station, Kingsville.	$2,670,000
	Naval Station, Ingleside.	$2,420,000
Virginia	AEGIS Combat Systems Center, Wallops Island	$3,300,000
	Marine Corps Combat Development Command, Quantico	$8,590,000
	Naval Air Station, Norfolk.	$31,450,000
	Naval Air Station, Oceana.	$9,440,000
	Naval Amphibious Base, Little Creek.	$2,830,000
	Naval Shipyard, Norfolk, Portsmouth.	$16,100,000
	Naval Station, Norfolk.	$4,700,000
	Naval Surface Warfare Center, Dahlgren.	$11,300,000
Washington	Naval Shipyard, Bremerton, Puget Sound.	$100,670,000
	Strategic Weapons Facility Pacific, Bremerton	$1,400,000
	Total:	$770,807,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Administrative Support Unit.	$19,400,000
Guam	Naval Activities	$1,000,000
Italy	Naval Air Station, Sigonella.	$32,969,000
	Naval Support Activity, Naples.	$15,000,000
Various Locations	Host Nation Infrastructure Support.	$142,000
	Total:	$68,511,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or location	Purpose	Amount
California ...	Marine Corps Air-Ground Combat Center, Twentynine Palms ..	79 Units	$13,923,000
	Naval Air Station, Lemoore ...	260 Units.	$47,871,000
Hawaii	Commander Naval Base, Pearl Harbor	112 Units.	$23,654,000
	Commander Naval Base, Pearl Harbor	62 Units	$14,237,000
	Commander Naval Base, Pearl Harbor	98 Units	$22,230,000
	Marine Corps Air Station, Kaneohe Bay	84 Units	$21,910,000
Louisiana ...	Naval Air Station, New Orleans.	34 Units	$5,000,000
Maine	Naval Air Station, Brunswick	168 Units.	$18,722,000
Mississippi ..	Naval Construction battalion Center, Gulfport.	157 Units.	$20,700,000
Washington	Naval Air Station, Whidbey Island	98 Units	$16,873,000
		Total:	$205,120,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $19,958,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $192,147,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,187,673,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $718,627,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $68,511,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,659,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $67,502,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $417,225,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $882,638,000.

(6) For construction of a berthing wharf at Naval Air Station, North Island, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 828), $12,800,000.

(7) For construction of the Commander-in-Chief Headquarters, Pacific Command, Camp H.M. Smith, Hawaii, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000, $35,600,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $17,500,000 (the balance of the amount authorized under section 2201(a) for repair of a pier at Naval Station, San Diego, California);

(3) $24,460,000 (the balance of the amount authorized under section 2201(a) for replacement of a pier at Naval Ship Yard, Bremerton, Puget Sound, Washington); and

(4) $10,280,000 (the balance of the amount authorized under section 2201(a) for construction of an industrial skills center at Naval Shipyard, Bremerton, Puget Sound, Washington).

(c) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (7) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $2,889,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) $20,000,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1997 PROJECT AT MARINE CORPS COMBAT DEVELOPMENT COMMAND, QUANTICO, VIRGINIA.

The Secretary of the Navy may carry out a military construction project involving infrastructure development at the Marine Corps Combat Development Command, Quantico, Virginia, in the amount of $8,900,000, using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2769) for a military construction project involving a sanitary landfill at that installation, as authorized by section 2201(a) of that Act (110 Stat. 2767).

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base.	$3,825,000
Alaska	Cape Romanzof ...	$3,900,000
	Eielson Air Force Base.	$15,990,000
	Elmendorf Air Force Base.	$27,520,000
Arizona	Davis-Monthan Air Force Base.	$7,900,000
Arkansas	Little Rock Air Force Base.	$18,319,000
California	Beale Air Force Base.	$10,100,000
	Los Angeles Air Force Base.	$6,580,000
	Vandenberg Air Force Base.	$4,650,000
Colorado	Buckley Air National Guard Base.	$2,750,000
	Peterson Air Force Base.	$15,570,000
	Schriever Air Force Base.	$8,450,000
	United States Air Force Academy.	$18,960,000
CONUS Classified	Classified Location.	$1,810,000
District of Columbia.	Bolling Air Force Base.	$4,520,000
Florida	Eglin Air Force Base.	$8,940,000
	Eglin Auxiliary Field 9.	$7,960,000
	Patrick Air Force Base.	$12,970,000
	Tyndall Air Force Base.	$31,495,000
Georgia	Fort Stewart/Hunter Army Air Field.	$4,920,000
	Moody Air Force Base.	$2,500,000
	Robins Air Force Base.	$11,762,000
Hawaii	Hickam Air Force Base.	$4,620,000
Idaho	Mountain Home Air Force Base.	$10,125,000
Illinois	Scott Air Force Base.	$3,830,000
Kansas	McConnell Air Force Base.	$9,764,000
Louisiana	Barksdale Air Force Base.	$6,390,000
Mississippi	Keesler Air Force Base.	$15,040,000
Missouri	Whiteman Air Force Base.	$12,050,000
Montana	Malmstrom Air Force Base.	$5,300,000
New Jersey	McGuire Air Force Base.	$29,772,000
North Carolina	Pope Air Force Base.	$24,570,000
	Seymour Johnson Air Force Base.	$7,141,000
North Dakota	Minot Air Force Base.	$3,151,000
Ohio	Wright-Patterson Air Force Base.	$37,508,000
Oklahoma	Altus Air Force Base.	$2,939,000
	Tinker Air Force Base.	$26,895,000
South Carolina	Charleston Air Force Base.	$12,789,000
	Shaw Air Force Base.	$8,102,000
Texas	Dyess Air Force Base.	$19,523,000
	Lackland Air Force Base.	$10,330,000
	Laughlin Air Force Base.	$11,973,000
	Sheppard Air Force Base.	$6,450,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
Utah	Hill Air Force Base.	$28,050,000
Virginia	Langley Air Force Base.	$19,650,000
Washington	Fairchild Air Force Base.	$7,926,000
	McChord Air Force Base.	$10,250,000
Wyoming	F.E. Warren Air Force Base.	$25,720,000
	Total:	$591,249,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Diego Garcia	Diego Garcia	$5,475,000
Italy	Aviano Air Base	$8,000,000
Korea	Kunsan Air Base	$6,400,000
	Osan Air Base	$21,948,000
Spain	Naval Station, Rota.	$5,052,000
Turkey	Incirlik Air Base	$1,000,000
	Total:	$47,875,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
California	Edwards Air Force Base	57 Units	$9,870,000
	Travis Air Force Base.	64 Units	$9,870,000
District of Columbia.	Bolling Air Force Base.	136 Units.	$17,137,000
Nevada	Nellis Air Force Base.	26 Units	$5,000,000
North Dakota.	Cavalier Air Force Station	2 Units	$443,000
	Minot Air Force Base.	134 Units.	$19,097,000
		Total:	$61,417,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $12,760,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $174,046,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,766,136,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $589,199,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $47,875,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,850,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $56,949,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $248,223,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $826,271,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $9,400,000 (the balance of the amount authorized under section 2301(c) for the construction of an air freight terminal and base supply complex at McGuire Air Force Base, New Jersey).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $12,231,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2402(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Education Activity.	Camp Lejeune, North Carolina	$5,914,000
	Laurel Bay, South Carolina	$804,000
Defense Logistics Agency.	Defense Distribution Supply Point New Cumberland, Pennsylvania	$17,700,000
	Defense Fuel Support Point, Cherry Point, North Carolina	$5,700,000
	Defense Fuel Support Point, MacDill Air Force Base, Florida	$16,956,000
	Defense Fuel Support Point, McConnell Air Force Base, Kansas	$11,000,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
	Defense Fuel Support Point, Naval Air Station, Fallon, Nevada	$5,000,000
	Defense Fuel Support Point, North Island, California	$5,900,000
	Defense Fuel Support Point, Oceana Naval Air Station, Virginia	$2,000,000
	Defense Fuel Support Point, Patuxent River, Maryland	$8,300,000
	Defense Fuel Support Point, Twentynine Palms, California	$2,200,000
	Defense Supply Center, Richmond, Virginia	$4,500,000
National Security Agency.	Fort Meade, Maryland	$4,228,000
Special Operations Command.	Eglin Auxiliary Field 9, Florida	$26,523,000
	Fleet Combat Training Center, Dam Neck, Virginia	$5,500,000
	Fort Bragg, North Carolina	$8,600,000
	Fort Campbell, Kentucky	$16,300,000
	Kodiak, Alaska	$5,000,000
	Naval Air Station, North Island, California	$1,350,000
	Naval Air Station, Oceana, Virginia	$3,400,000
	Naval Amphibious Base, Coronado, California	$4,300,000
	Naval Amphibious Base, Little Creek, Virginia	$5,400,000
	Pearl Harbor, Hawaii	$9,990,000
TRICARE Management Activity	Edwards Air Force Base, California	$17,900,000
	Marine Corps Base, Camp Pendleton, California	$14,150,000
	Eglin Air Force Base, Florida	$37,600,000
	Fort Drum, New York	$1,400,000
	Patrick Air Force Base, Florida	$2,700,000
	Tyndall Air Force Base, Florida	$7,700,000
	Total:	$258,015,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2402(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Education Activity.	Hanau, Germany	$1,026,000
	Hohenfels, Germany	$13,774,000

Defense Agencies: Outside the United States—Continued

Agency	Installation or location	Amount
	Royal Air Force, Feltwell, United Kingdom	$1,287,000
	Royal Air Force, Lakenheath, United Kingdom	$3,086,000
	Schweinfurt, Germany	$1,444,000
	Sigonella, Italy	$971,000
	Wuerzburg, Germany	$1,798,000
Defense Finance and Accounting Service	Kleber Kaserne, Germany	$7,500,000
Defense Logistics Agency.	Defense Fuel Support Point, Andersen Air Force Base, Guam	$36,000,000
	Defense Fuel Support Point, Marine Corps Air Station, Iwakuni, Japan	$22,400,000
	Defense Fuel Support Point, Misawa Air Base, Japan	$26,400,000
	Defense Fuel Support Point, Royal Air Force, Mildenhall, United Kingdom	$10,000,000
	Defense Fuel Support Point, Sigonella, Italy	$16,300,000
Defense Threat Reduction Agency	Darmstadt, Germany	$2,450,000
Special Operations Command.	Roosevelt Roads, Puerto Rico	$1,241,000
	Taegu, Korea	$1,450,000
TRICARE Management Agency	Kitzingen, Germany	$1,400,000
	Wiesbaden Air Base, Germany	$7,187,000
	Total:	$155,714,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2402(a)(3), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations, and in the amounts, set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide.	Unspecified Worldwide	$451,135,000

SEC. 2402. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $2,034,759,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $262,415,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $155,714,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2401(c), $85,095,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, $17,390,000.

(5) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $75,705,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $1,174,369,000.

(8) For military family housing functions, for support of military housing (including functions described in section 2833 of title 10, United States Code), $44,886,000 of which not more than $38,478,000 may be obligated or expended for the leasing of military family housing units worldwide.

(9) For the construction of an ammunition demilitarization facility, Pine Bluff Arsenal, Arkansas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), $43,600,000.

(10) For the construction of phase 6 of an ammunition demilitarization facility, Umatilla Army Depot, Oregon, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995, as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996, section 2408 of the Military Construction Authorization Act for Fiscal Year 1998, and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999, $9,400,000.

(11) For the construction of phase 2 of an ammunition demilitarization facility, Pueblo Army Depot, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), $10,700,000.

(12) For the construction of phase 3 of an ammunition demilitarization facility, Newport Army Depot, Indiana, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), $54,400,000.

(13) For the construction of phase 3 of an ammunition demilitarization facility, Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (112 Stat. 2193), $45,700,000.

(14) For construction of a replacement hospital at Fort Wainwright, Alaska, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 836), $44,000,000.

(15) For the construction of the Ammunition Demilitarization Support Phase 2, Blue Grass Army Depot, Kentucky, authorized in section 2401(a) the Military Construction Act for Fiscal Year 2000 (113 Stat. 836), $8,500,000.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $366,040,000 (the balance of the amount authorized under section 2401(c) for construction of National Missile Defense initial deployment facilities, unspecified worldwide locations).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (15) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $7,115,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $177,500,000.

TITLE XXVI—GUARD AND RESERVE FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 2000, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $129,139,000; and

(B) for the Army Reserve, $104,854,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $56,574,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $110,885,000; and

(B) for the Air Force Reserve, $41,748,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2003; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2004.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) for which appropriated funds have been obligated before the later of—

(1) October 1, 2003; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2004 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1998 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1984), authorizations set forth in the tables in subsection (b), as provided in section 2102, 2202, or 2302 of that Act, shall remain in effect until October 1, 2001, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2002, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
Maryland	Fort Meade	Family Housing Construction (56 units)	$7,900,000
Texas	Fort Hood	Family Housing Construction (130 units)	$18,800,000

Navy: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
California	Naval Complex, San Diego	Replacement Family Housing Construction (94 units)	$13,500,000
California	Marine Corps Air Station, Miramar	Family Housing Construction (166 units)	$28,881,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	Replacement Family Housing Construction (132 units)	$23,891,000

Navy: Extension of 1998 Project Authorizations—Continued

State	Installation or location	Project	Amount
Louisiana	Naval Complex, New Orleans	Replacement Family Housing Construction (100 units)	$11,930,000
Texas	Naval Air Station, Corpus Christi	Family Housing Construction (212 units)	$22,250,000
Washington	Naval Air Station, Whidbey Island	Replacement Family Housing Construction (102 units)	$16,000,000

Air Force: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
Georgia	Robins Air Force Base	Replace Family Housing (60 units)	$6,800,000
Idaho	Mountain Home Air Force Base	Replace Family Housing (60 units)	$11,032,000
New Mexico	Kirtland Air Force Base	Replace Family Housing (180 units)	$20,900,000
Texas	Dyess Air Force Base	Construct Family Housing (70 units)	$10,503,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1997 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2782), authorizations set forth in the table in subsection (b), as provided in section 2201 or 2202 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 842), shall remain in effect until October 1, 2001, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2002, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 1997 Project Authorizations

State	Installation or location	Project	Amount
Florida	Navy Station, Mayport	Family Housing Construction (100 units)	$10,000,000
North Carolina.	Marine Corps Base, Camp Lejuene	Family Housing Construction (94 units)	$10,110,000
South Carolina.	Marine Corps Air Station, Beaufort	Family Housing Construction (140 units)	$14,000,000
Texas	Naval Complex, Corpus Christi	Family Housing Replacement (104 units)	$11,675,000
	Naval Air Station, Kingsville	Family Housing Replacement (48 units)	$7,550,000
Virginia	Marine Corps Combat Development Command, Quantico	Infrastructure Development	$8,900,000
Washington	Naval Station, Everett	Family Housing Construction (100 units)	$15,015,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 2000; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. REVISION OF LIMITATIONS ON SPACE BY PAY GRADE.

Section 2826 of title 10, United States Code, is amended to read as follows:

''§ 2826. Limitations on space by pay grade

''In the construction, acquisition, and improvement of military family housing units, the Secretary concerned shall ensure that the room patterns and floor areas are generally comparable to the room patterns and floor areas of similar housing units in the locality concerned.''.

SEC. 2802. LEASING OF MILITARY FAMILY HOUSING, UNITED STATES SOUTHERN COMMAND, MIAMI, FLORIDA.

(a) FIVE-YEAR LEASE; PAYMENT SOURCE.—Subsection (b)(4) of section 2828 of title 10, United States Code, is amended—

(1) by striking ''and no lease on any individual housing unit may exceed $60,000 per year'' and inserting ''and the lease payments shall be made out of annual appropriations for that year''; and

(2) by adding at the end the following new sentence: ''A lease under this paragraph may not exceed five years.''.

(b) HOUSING ADJUSTMENT.—Such subsection is further amended—

(1) by inserting ''(A)'' after ''(4)''; and

(2) by adding at the end the following new subparagraph:

''(B) At the beginning of each fiscal year, the Secretary of the Army shall adjust the maximum amount provided for leases under subparagraph (A) for the previous fiscal year by the percentage (if any) by which the basic allowance for housing under section 403 of title 37 for the Miami metropolitan area during the preceding fiscal year exceeded such basic allowance for housing for the second preceding fiscal year.''.

(c) CONFORMING AMENDMENT.—Subsection (b)(5) of such section is amended by striking ''paragraphs (2), (3), and (4)''and inserting ''paragraphs (2) and (3)''.

SEC. 2803. EXTENSION OF ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

Section 2885 of title 10, United States Code, is amended by striking ''2001'' and inserting ''2006''.

SEC. 2804. EXPANSION OF DEFINITION OF ARMORY TO INCLUDE READINESS CENTERS.

(a) DEFINITION.—Section 18232(3) of title 10, United States Code, is amended by striking ''The term 'armory' means'' and inserting ''The terms 'armory' and 'readiness center' mean.

(b) CONFORMING AMENDMENTS.—(1) Section 18232(2) of such title is amended by striking ''armory or other structure'' and inserting ''armory, readiness center, or other structure''.

(2) Section 18236(b) of such title by inserting ''or readiness center'' after ''armory''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. INCREASE IN THRESHOLD FOR NOTICE AND WAIT REQUIREMENTS FOR REAL PROPERTY TRANSACTIONS.

(a) INCREASED THRESHOLD.—Section 2662 of title 10, United States Code, is amended by striking ''$200,000'' each place it appears and inserting thereof ''$500,000''.

(b) REFERENCE TO SIMPLIFIED ACQUISITION THRESHOLD.—Subsection (b) of such section is amended by striking ''under section 2304(g) of this title'' and inserting ''specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)),''.

SEC. 2812. ENHANCEMENT OF AUTHORITY OF MILITARY DEPARTMENTS TO LEASE NON-EXCESS PROPERTY.

(a) PROPERTY AVAILABLE FOR LEASE.—Subsection (a) of section 2667 of title 10, United States Code, is amended—

(1) by inserting ''and'' at the end of paragraph (1);

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) ACCEPTANCE OF IN-KIND CONSIDERATION.—Such section is further amended—

(1) in subsection (b)(5)—

(A) by striking ''improvement, maintenance, protection, repair, or restoration,'' and inserting ''alteration, repair, or improvement,''; and

(B) by striking '', or of the entire unit or installation where a substantial part of it is leased,'';

(2) by transferring subsection (c) to the end of the section and redesignating such subsection, as so transferred, as subsection (i);

(3) by inserting after subsection (b) the following new subsection (c):

''(c)(1) In addition to any in-kind consideration accepted under subsection (b)(5), in-kind consideration accepted with respect to a lease under this section may include the following:

''(A) Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities under the control of the Secretary concerned.

''(B) Provision of facilities for use by the Secretary concerned.

''(C) Facilities operation support for the Secretary concerned.

''(D) Provision of such other services relating to activities that will occur on the leased property as the Secretary concerned considers appropriate.

''(2) In-kind consideration under paragraph (1) may be accepted at any property or facilities under the control of the Secretary concerned that are selected for that purpose by the Secretary concerned.

''(3) The Secretary concerned may not accept in-kind consideration during a fiscal year with respect to leases under this section until the Comptroller General certifies to the Secretary concerned that the total received by the Secretary concerned as money rentals for that fiscal year under such leases is equal to the total money rentals under such leases received by the Secretary concerned during fiscal year 2000.

''(4) In the case of a lease for which all or part of the consideration proposed to be accepted by the Secretary concerned under this subsection is in-kind consideration with a value in excess of $500,000, the Secretary concerned may not enter into the lease until 30 days after the date on which a report on the facts of the lease is submitted to the congressional defense committees.''; and

(4) in subsection (f)—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(c) USE OF CASH PROCEEDS AND CONGRESSIONAL NOTIFICATION.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking subparagraph (B) and inserting the following new subparagraphs:

''(B) Subject to subparagraphs (C) and (D), the amounts deposited in the special account of a military department pursuant to subparagraph (A) shall be available to the Secretary of that military department, in such amounts as provided in appropriation Acts, for the following:

''(i) Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities.

''(ii) Lease of facilities.

''(iii) Facilities operation support.

''(C) At least 50 percent of the amounts deposited in the special account of a military department under subparagraph (A) by reason of a lease shall be available for activities described in subparagraph (B) only at the military installation where the leased property is located.

''(D) The Secretary concerned may not expend under subparagraph (B) an amount in excess of $500,000 at a single installation until 30 days after the date on which a report on the facts of the proposed expenditure is submitted to the congressional defense committees.''; and

(2) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''As part'' and all that follows through ''Secretary of Defense'' and inserting ''Not later than March 15 each year, the Secretary of Defense shall submit to the congressional defense committees a report which''; and

(B) in subparagraph (A), by striking ''request'' and inserting ''report''.

(e) DEFINITIONS.—Subsection (h) of such section is amended to read as follows:

''(h) In this section:

''(1) The term 'congressional defense committees' means:

''(A) The Committee on Armed Services and the Committee on Appropriations of the Senate.

''(B) The Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

''(2) The term 'base closure law' means the following:

''(A) Section 2687 of this title.

''(B) 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).

''(C) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

''(3) The term 'military installation' has the meaning given such term in section 2687(e)(1) of this title.''.

SEC. 2813. CONVEYANCE AUTHORITY REGARDING UTILITY SYSTEMS OF MILITARY DEPARTMENTS.

Subsection (b) of section 2688 of title 10, United States Code, is amended to read as follows:

''(b) SELECTION OF CONVEYEE OR AWARDEE.—(1) The Secretary concerned shall comply with the competition requirements of section 2304 of this title in conveying a utility system under this section and in awarding any utility services contract related to the conveyance of the utility system.

''(2) A conveyance or award may be made under paragraph (1) only if the Secretary concerned determines that the conveyance or award complies with State laws, regulations, rulings, and policies governing the provision of utility services. Such State laws, regulations, rulings, and policies shall apply to the conveyee or awardee notwithstanding the existence of exclusive federal legislative jurisdiction as to any parcels of land served by the utility system.''.

Subtitle C—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2831. TRANSFER OF JURISDICTION, ROCK ISLAND ARSENAL, ILLINOIS.

(a) TRANSFER AUTHORIZED.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property, including any improvements thereon, consisting of approximately 23 acres and comprising a portion of the Rock Island Arsenal, Illinois.

(b) USE OF LAND.—The Secretary of Veterans Affairs shall include the real property transferred under subsection (a) in the Rock Island National Cemetery and use the transferred property as a national cemetery under chapter 24 of title 38, United States Code.

(c) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Secretary of Veterans Affairs.

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

SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER, GALESBURG, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Knox County, Illinois (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, in Galesburg, Illinois, consisting of approximately 4.65 acres and containing an Army Reserve Center for the purpose of permitting the County to use the parcel for municipal office space.

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

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

SEC. 2833. LAND CONVEYANCE, ARMY RESERVE CENTER, WINONA, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Winona State University Foundation of Winona, Minnesota (in this section referred to as the ''Foundation''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, in Winona, Minnesota, containing an Army Reserve Center for the purpose of permitting the Foundation to use the parcel for educational purposes.

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

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

SEC. 2834. LAND CONVEYANCE, FORT POLK, LOUISIANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Louisiana (in this section referred to as the ''State''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 200 acres at Fort Polk, Louisiana, for the purpose of permitting the State to establish a State-run cemetery for veterans.

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

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

SEC. 2835. LAND CONVEYANCE, FORT PICKETT, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Commonwealth of Virginia (in this section referred to as the ''Commonwealth''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 700 acres at Fort Pickett, Virginia, for the purpose of permitting the Commonwealth to develop and operate a public safety training facility.

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

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

SEC. 2836. LAND CONVEYANCE, FORT DIX, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Pemberton Township, New Jersey (in this section referred to as the ''Township''), all right, title, and interest of the United States in and to a parcel of real property at Fort Dix, New Jersey, consisting of approximately 2 acres and containing a parking lot inadvertently constructed on the parcel by the Township.

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

(c) CONDITIONS ON CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the conditions that—

(1) the Township accept the property as is; and

(2) the Township assume responsibility for any environmental restoration or remediation required with respect to the property under applicable law.

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

SEC. 2837. LAND CONVEYANCE, NIKE SITE 43, ELRAMA, PENNSYLVANIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Board of Supervisors of Union Township, Pennsylvania (in this section referred to as the ''Township''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, in Elrama, Pennsylvania, consisting of approximately 160 acres, which is known as Nike Site 43 and was more recently used by the Pennsylvania Army National Guard, for the purpose of permitting the Township to use the parcel for municipal storage and other public purposes.

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

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

SEC. 2838. LAND EXCHANGE, FORT HOOD, TEXAS.

(a) EXCHANGE AUTHORIZED.—The Secretary of the Army may convey to the City of Copperas Cove, Texas (in this section referred to as the ''City''), all right, title and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 100 acres at Fort Hood, Texas, in exchange for the City's conveyance to the Secretary of all right, title, and interest of the City in and to one or more parcels of real property that are acceptable to the Secretary and consist of a total of approximately 300 acres.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be exchanged under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the City.

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

SEC. 2839. LAND CONVEYANCE, CHARLES MELVIN PRICE SUPPORT CENTER, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Army may convey to the Tri-City Regional Port District of Granite City, Illinois (in this section referred to as the ''Port District''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 752 acres and known as the U.S. Army Charles Melvin Price Support Center, for the purpose of permitting the Port District to use the parcel for development of a port facility and for other public purposes.

(2) The property to be conveyed under paragraph (1) shall include 158 units of military family housing at the Charles Melvin Price Support Center for the purpose of permitting the Port District to use the housing to provide affordable housing, but only if the Port District agrees to provide members of the Armed Forces first priority in leasing the housing at a rental rate not to exceed the member's basic allowance for housing.

(3) The Secretary of the Army may include as part of the conveyance under paragraph (1) personal property of the Army at the Charles Melvin Price Support Center that the Secretary of Transportation recommends is appropriate for the development or operation of the port facility and the Secretary of the Army agrees is excess to the needs of the Army.

(b) INTERIM LEASE.—Until such time as the real property described in subsection (a) is capable of being conveyed by deed, the Secretary of the Army may lease the property to the Port District.

(c) CONSIDERATION.—(1) The conveyance under subsection (a) shall be made without consideration as a public benefit conveyance for port development if the Secretary of the Army determines that the Port District satisfies the criteria specified in section 203(q) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(q)) and regulations prescribed to implement such section. If the Secretary determines that the Port District fails to qualify for a public benefit conveyance, but still desires to acquire the property, the Port District shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The fair market value of the property shall be determined by the Secretary of the Army.

(2) The Secretary of the Army may accept as consideration for a lease of the property under subsection (b) an amount that is less than fair market value if the Secretary determines that the public interest will be served as a result of the lease and the fair market value is unobtainable or is not compatible with the public interest.

(d) ARMY RESERVE ACTIVITIES.—(1) Notwithstanding the total acreage of the parcel authorized for conveyance under subsection (a), the Secretary of the Army may retain up to 50 acres of the parcel for use by the Army Reserve. The acreage selected for retention shall be mutually agreeable to the Secretary and the Port District.

(2) At such time as the Secretary of the Army determines that the property retained under this subsection is no longer needed for Army Reserve activities, the Secretary shall convey the property to the Port District. The consideration for the conveyance shall be determined in the manner provided in subsection (c).

(e) NAVY ENCLAVE.—Notwithstanding the total acreage of the parcel authorized for conveyance under subsection (a), the Secretary of the Army may retain an additional portion of the parcel, up to 150 acres, for the development

of a Navy enclave to support the existing Federal use of the parcel. The acreage selected for retention shall be mutually agreeable to the Secretary and the Port District.

(2) At such time as the Secretary of the Army determines that the property retained under this subsection is no longer needed, the Secretary shall convey the property to the Port District. The consideration for the conveyance shall be determined in the manner provided in subsection (c).

(f) FLOOD CONTROL EASEMENT.—The Port District shall grant to the Secretary of the Army an easement on the property conveyed under subsection (a) for the purpose of permitting the Secretary to implement and maintain flood control projects. The Secretary of the Army, acting through the Corps of Engineers, shall be responsible for the maintenance of any flood control project built on the property pursuant to the easement.

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

(h) ADDITIONAL TERMS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2840. LAND CONVEYANCE, ARMY RESERVE LOCAL TRAINING CENTER, CHATTANOOGA, TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Medal of Honor Museum, Inc., a nonprofit corporation organized in the State of Tennessee (in this section referred to as the ''Corporation''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 15 acres at the Army Reserve Local Training Center located on Bonnie Oaks Drive, Chattanooga, Tennessee, for the purpose of permitting the Corporation to develop and use the parcel as a museum and for other educational purposes.

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

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

PART II—NAVY CONVEYANCES

SEC. 2851. MODIFICATION OF AUTHORITY FOR OXNARD HARBOR DISTRICT, PORT HUENEME, CALIFORNIA, TO USE CERTAIN NAVY PROPERTY.

(a) ADDITIONAL RESTRICTIONS ON JOINT USE.—Subsection (c) of section 2843 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3067) is amended to read as follows:

''(c) RESTRICTIONS ON USE.—The District's use of the property covered by an agreement under subsection (a) is subject to the following conditions:

''(1) The District shall suspend operations under the agreement upon notification by the commanding officer of the Center that the property is needed to support mission essential naval vessel support requirements or Navy contingency operations, including combat missions, natural disasters, and humanitarian missions.

''(2) The District shall use the property covered by the agreement in a manner consistent with Navy operations at the Center, including cooperating with the Navy for the purpose of assisting the Navy to meet its through-put requirements at the Center for the expeditious movement of military cargo.

''(3) The commanding officer of the Center may require the District to remove any of its personal property at the Center that the commanding officer determines may interfere with military operations at the Center. If the District cannot expeditiously remove the property, the commanding officer may provide for the removal of the property at District expense.''.

(b) CONSIDERATION.—Subsection (d) of such section is amended to read as follows:

''(d) CONSIDERATION.—(1) As consideration for the use of the property covered by an agreement under subsection (a), the District shall pay to the Navy an amount that is mutually agreeable to the parties to the agreement, taking into account the nature and extent of the District's use of the property.

''(2) The Secretary may accept in-kind consideration under paragraph (1), including consideration in the form of—

''(A) the District's maintenance, preservation, improvement, protection, repair, or restoration of all or any portion of the property covered by the agreement;

''(B) the construction of new facilities, the modification of existing facilities, or the replacement of facilities vacated by the Navy on account of the agreement; and

''(C) covering the cost of relocation of the operations of the Navy from the vacated facilities to the replacement facilities.

''(3) All cash consideration received under paragraph (1) shall be deposited in the special account in the Treasury established for the Navy under section 2667(d) of title 10, United States Code. The amounts deposited in the special account pursuant to this paragraph shall be available, as provided in appropriation Acts, for general supervision, administration, overhead expenses, and Center operations and for the maintenance preservation, improvement, protection, repair, or restoration of property at the Center.''.

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

SEC. 2852. MODIFICATION OF LAND CONVEYANCE, MARINE CORPS AIR STATION, EL TORO, CALIFORNIA.

Section 2811(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1650) is amended by striking ''of additional military family housing units at Marine Corps Air Station, Tustin, California'' and inserting ''and repair of roads, and the development of Aerial Port of Embarkation facilities, at Marine Corps Air Station, Miramar, California''.

SEC. 2853. TRANSFER OF JURISDICTION, MARINE CORPS AIR STATION, MIRAMAR, CALIFORNIA.

(a) TRANSFER AUTHORIZED.—The Secretary of the Navy may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior a parcel of real property, including any improvements thereon, consisting of approximately 250 acres and known as the Teacup Parcel, which comprises a portion of the Marine Corps Air Station, Miramar, California.

(b) USE OF LAND.—The Secretary of the Interior shall include the real property transferred under subsection (a) as a part of the Vernal Pool Unit of the San Diego National Wildlife Refuge and administer the property for the conservation of fish and wildlife. All current and future military aviation and related activities at the Marine Corps Air Station, Miramar, are deemed to be compatible with the refuge purposes for which the property is transferred, and with any secondary uses that may be established on the transferred property.

(c) CONDITION ON TRANSFER.—The transfer authorized under subsection (a) shall be subject to the condition that the Secretary of the Interior make the transferred property available to the Secretary of the Navy for any habitat restoration or preservation project that may be required for mitigation of military activities occurring at the Marine Corps Air Station, Miramar, unless the Secretary of the Interior determines that the project adversely affect the property's sensitive wildlife and habitat resource values.

(d) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of the survey shall be borne by the Secretary of the Interior.

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

SEC. 2854. LEASE OF PROPERTY, MARINE CORPS AIR STATION, MIRAMAR, CALIFORNIA.

(a) AUTHORITY TO LEASE.—(1) The Secretary of the Navy may lease, without consideration, to the City of San Diego, California (in this section referred to as the ''City''), a parcel of real property, including any improvements thereon, consisting of approximately 44 acres and known as the Hickman Field, which comprises a portion of the Marine Corps Air Station, Miramar, California.

(2) The lease authorized by paragraph (1) may have a term not to exceed five years.

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

(c) CONDITIONS ON LEASE.—The lease authorized under subsection (a) shall be subject to the conditions that—

(1) the City maintain the property at no cost to the United States;

(2) the City make the property available to the existing tenant at no cost during the term of the lease; and

(3) the property be used only for recreational purposes.

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

SEC. 2855. LEASE OF PROPERTY, NAVAL AIR STATION, PENSACOLA, FLORIDA.

(a) AUTHORITY TO LEASE.—The Secretary of the Navy may lease, without consideration, to the Naval Aviation Museum Foundation (in this section referred to as the ''Foundation'') real property improvements constructed by the Foundation at the National Museum of Naval Aviation at Naval Air Station, Pensacola, Florida, for the purpose of permitting the Foundation to operate a National Flight Academy to encourage and assist American young people to develop an interest in naval aviation and to preserve and enhance the image and heritage of naval aviation.

(b) CONSTRUCTION.—The Foundation shall be solely responsible for the design and construction of the real property improvements referred to in subsection (a). Upon completion, the improvements shall be donated to and become the property of the United States, subject to the terms of the lease under subsection (a).

(c) TERM OF LEASE.—(1) The lease authorized by subsection (a) may be for a term of up to 50 years, with an option to renew for an additional 50 years.

(2) In the event that the National Flight Academy ceases operation for a period in excess of one year during the leasehold period, or any extension thereof, the lease shall immediately terminate without cost or future liability to the United States.

(d) USE BY NAVY.—The Secretary may use all or a portion of the leased property when the National Flight Academy is not in session or whenever the use of the property would not conflict with operation of the Academy. The Foundation shall permit such use at no cost to the Navy.

(e) MAINTENANCE AND REPAIR.—The Foundation shall be solely responsible during the leasehold period, and any extension thereof, for the operation, maintenance, and repair or replacement of the real property improvements authorized for lease under this section.

(f) ASSISTANCE.—(1) Subject to subsection (e), the Secretary may assist the Foundation in implementing the National Flight Academy by furnishing facilities, utilities, maintenance, and other services within the boundaries of Naval Air Station, Pensacola. The Secretary may require the Foundation to reimburse the Secretary for the facilities, utilities, maintenance, or other services so provided or may provide the facilities, utilities, maintenance, or other services without reimbursement by the Foundation.

(2) Any assistance provided the Foundation pursuant to paragraph (1) may be terminated by the Secretary without notice, cause, or liability to the United States.

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

SEC. 2856. LAND EXCHANGE, MARINE CORPS RECRUIT DEPOT, SAN DIEGO, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the San Diego Unified Port District of San Diego California (in this section referred to as the ''Port District''), all right, title, and interest of the United States in and to three parcels of real property, including improvements thereon, consisting of approximately 44.5 acres and comprising a portion of the Marine Corps Recruit Depot, San Diego, California, in exchange for the Port District's—

(1) conveyance to the Secretary of all right, title, and interest of Port District in and to a parcel of real property that is acceptable to the Secretary and contiguous to the recruit depot; and

(2) construction of suitable replacement facilities and necessary supporting structures on the parcel or other property comprising the recruit depot, as determined necessary by the Secretary.

(b) TIME FOR CONVEYANCE.—The Secretary may not make the conveyance to the Port District authorized by subsection (a) until the Secretary determines that the replacement facilities have been constructed and are ready for occupancy.

(c) ADMINISTRATIVE EXPENSES.—The Port District shall reimburse the Secretary for administrative expenses incurred by the Secretary in carrying out the exchange under subsection (a), including expenses related to the planning, design, survey, environmental compliance, and supervision and inspection of construction of the replacement facilities. Section 2695(c) of title 10, United States Code, shall apply to the amounts received by the Secretary.

(d) CONSTRUCTION SCHEDULE.—The Port District shall construct the replacement facilitates pursuant to such schedule and in such a manner so as to not interrupt or adversely affect the capability of the Marine Corps Recruit Depot to accomplish its mission.

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

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

SEC. 2857. LAND EXCHANGE, NAVAL AIR RESERVE CENTER, COLUMBUS, OHIO.

(a) EXCHANGE AUTHORIZED.—The Secretary of the Navy may convey to the Rickenbacker Port Authority of Columbus, Ohio (in this section referred to as the ''Authority''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 24 acres comprising the civilian facilities of the Naval Air Reserve at Rickenbacker International Airport in Franklin County, Ohio, in exchange for the Authority's conveyance to the Secretary of all right, title, and interest of the Authority in and to a parcel of real property consisting of approximately 10 to 15 acres acceptable to the Secretary at Rickenbacker International Airport.

(b) USE OF ACQUIRED PROPERTY.—The Secretary shall use the real property acquired from the Authority in the exchange as the site for a replacement facility that will house both the Naval Air Reserve Center at Rickenbacker International Airport and the Naval and Marine Corps Reserve Center currently located in Columbus, Ohio.

(c) TIME FOR CONVEYANCE.—The Secretary may not make the conveyance to the Authority authorized by subsection (a) until the Secretary determines that the replacement facility described in subsection (b) has been constructed and is ready for occupancy.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be exchanged under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Authority.

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

SEC. 2858. LAND CONVEYANCE, NAVAL RESERVE CENTER, TAMPA, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the Tampa Port Authority of Tampa, Florida (in this section referred to as the ''Port Authority''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 2.18 acres and comprising the Naval Reserve Center, Tampa, Florida, for the purpose of permitting the Port Authority to use the parcel to facilitate the expansion of the Port of Tampa.

(b) CONDITIONS ON CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) The Port Authority will accept the Naval Reserve Center as is.

(2) The Port Authority will provide a replacement facility for the Naval Reserve Center on a site of comparable size and consisting of comparable improvements on port property or other public land acceptable to the Secretary. In the event that a federally owned site acceptable to the Secretary is not available for the construction of the replacement facility, the Port Authority will provide a site for the replacement facility acceptable to the Secretary and convey it in fee title to the United States.

(3) The Port Authority will procure all necessary funding and the planning and design necessary to construct a replacement facility that is fully operational and satisfies the Base Facilities Requirements plan, as provided by the Naval Reserve.

(4) The Port Authority will bear all reasonable costs that the Navy may incur in the relocating to the replacement facility.

(c) TIME FOR CONVEYANCE.—The Secretary may not make the conveyance authorized under subsection (a) until all of the conditions specified in subsection (b) have been met to the satisfaction of the Secretary.

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

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

PART III—AIR FORCE CONVEYANCES

SEC. 2861. LAND CONVEYANCE, WRIGHT PATTERSON AIR FORCE BASE, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to Greene County, Ohio, (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 92 acres comprising the communications test annex at Wright Patterson Air Force Base, Ohio, for the purpose of permitting the County to use the parcel for recreational purposes.

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

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

SEC. 2862. LAND CONVEYANCE, POINT ARENA AIR FORCE STATION, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to Mendocino County, California (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 82 acres at the Point Arena Air Force Station, California, for the purpose of permitting the County to use the parcel for municipal and other public purposes.

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

(c) EFFECT OF RECONVEYANCE.—If at any time the County conveys all or a portion of the property conveyed under subsection (a), the County shall pay the United States an amount equal to the fair market value of the property conveyed, as determined by an appraisal satisfactory to the Secretary.

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

SEC. 2863. LAND CONVEYANCE, LOS ANGELES AIR FORCE BASE, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, by sale or lease upon such terms as the Secretary considers appropriate, all or any portion of the following parcels of real property, including improvements thereon, at Los Angeles Air Force Base, California:

(1) Approximately 42 acres in El Segundo, California, commonly known as Area A.

(2) Approximately 52 acres in El Segundo, California, commonly known as Area B.

(3) Approximately 13 acres in Hawthorne, California, commonly known as the Lawndale Annex.

(4) Approximately 3.7 acres in Sun Valley, California, commonly known as the Armed Forces Radio and Television Service Broadcast Center.

(b) CONSIDERATION.—As consideration for the conveyance of real property under subsection (a), the recipient of the property shall provide for the design and construction on real property acceptable to the Secretary of one or more facilities to consolidate the mission and support functions at Los Angeles Air Force Base. Any such facility must comply with the seismic and safety design standards for Los Angeles County, California, in effect at the time the Secretary takes possession of the facility.

(c) LEASEBACK AUTHORITY.—If the fair market value of a facility to be provided as consideration for the conveyance of real property under subsection (a) exceeds the fair market value of the conveyed property, the Secretary may enter into a lease for the facility for a period not to exceed 10 years. Rental payments under the lease shall be established at the rate necessary to permit the lessor to recover, by the end of the lease term, the difference between the fair market value of a facility and the fair market value of the conveyed property. At the end of the lease, all right, title, and interest in the facility shall vest in the United States.

(d) APPRAISAL OF PROPERTY.—The Secretary shall obtain an appraisal of the fair market value of all property and facilities to be sold, leased, or acquired under this section. An appraisal shall be made by a qualified appraiser familiar with the type of property to be appraised. The Secretary shall consider the appraisals in determining whether a proposed conveyance accomplishes the purpose of this section and is in the interest of the United States. Appraisal reports shall not be released outside of the Federal Government, other than the other party to a conveyance.

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

(f) EXEMPTION.—Section 2696 of title 10, United States Code, does not apply to the conveyance authorized by subsection (a).

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

PART IV—OTHER CONVEYANCES

SEC. 2871. CONVEYANCE OF ARMY AND AIR FORCE EXCHANGE SERVICE PROPERTY, FARMERS BRANCH, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Defense may authorize the Army and Air Force Exchange Service, which is a nonappropriated fund instrumentality of the United States, to sell all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 2727 LBJ Freeway in Farmers Branch, Texas.

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

(c) CONSIDERATION.—As consideration for conveyance under subsection (a), the purchaser shall pay, in a single lump sum payment, an amount equal to the fair market value of the real property conveyed, as determined by the Secretary. The payment shall be handled in the manner provided in section 204(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(c)).

(d) CONGRESSIONAL REPORT.—Within 30 days after the sale of the property under subsection (a), the Secretary shall submit to Congress a report detailing the particulars of the sale.

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

Subtitle D—Other Matters

SEC. 2881. RELATION OF EASEMENT AUTHORITY TO LEASED PARKLAND, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.

Section 2851 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2219) is amended by adding at the end the following new subsection:

''(f) EXEMPTION FOR CERTAIN LEASED LANDS.—(1) Section 303 of title 49, and section 138 of title 23, United States Code, shall not apply to any approval by the Secretary of Transportation of the use by State Route 241 of parkland within Camp Pendleton that is leased by the State of California, where the lease reserved to the United States the right to establish rights-of-way.

''(2) The Agency shall be responsible for the implementation of any measures required by the Secretary of Transportation to mitigate the impact of the Agency's use of parkland within Camp Pendleton for State Route 241. With the exception of those mitigation measures directly related to park functions, the measures shall be located outside the boundaries of Camp Pendleton. The required mitigation measures related to park functions shall be implemented in accordance with the terms of the lease referred to in paragraph (1).''.

SEC. 2882. EXTENSION OF DEMONSTRATION PROJECT FOR PURCHASE OF FIRE, SECURITY, POLICE, PUBLIC WORKS, AND UTILITY SERVICES FROM LOCAL GOVERNMENT AGENCIES.

Section 816(c) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2820), as added by section 2873 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2225), is amended by striking ''2000'' and inserting ''2002''.

SEC. 2883. ESTABLISHMENT OF WORLD WAR II MEMORIAL ON GUAM.

(a) ESTABLISHMENT REQUIRED.—The Secretary of Defense shall establish on Federal lands near the Fena Caves in Guam a suitable memorial intended to honor those Guamanian civilians who were killed during the occupation of Guam during World War II and to commemorate the liberation of Guam by the United States Armed Forces in 1944.

(b) MAINTENANCE OF MEMORIAL.—The Secretary of Defense shall be responsible for the maintenance of the memorial established pursuant to subsection (a).

(c) CONSULTATION.—In designing and building the memorial and selecting the specific location for the memorial, the Secretary of Defense shall consult with the American Battle Monuments Commission established under chapter 21 of title 36, United States Code.

SEC. 2884. NAMING OF ARMY MISSILE TESTING RANGE AT KWAJALEIN ATOLL AS THE RONALD REAGAN BALLISTIC MISSILE DEFENSE TEST SITE AT KWAJALEIN ATOLL.

The United States Army missile testing range located at Kwajalein Atoll in the Marshall Islands shall after the date of the enactment of this Act be known and designated as the ''Ronald Reagan Ballistic Missile Defense Test Site at Kwajalein Atoll''. Any reference to that range in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Ronald Reagan Ballistic Missile Defense Test Site at Kwajalein Atoll.

SEC. 2885. DESIGNATION OF BUILDING AT FORT BELVOIR, VIRGINIA, IN HONOR OF ANDREW T. MCNAMARA.

The building at 8725 John J. Kingman Road, Fort Belvoir, Virginia, shall be known and designated as the ''Andrew T. McNamara Building''. Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Andrew T. McNamara Building.

SEC. 2886. DESIGNATION OF BALBOA NAVAL HOSPITAL, SAN DIEGO, CALIFORNIA, IN HONOR OF BOB WILSON, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES.

The Balboa Naval Hospital in San Diego, California, shall be known and designated as the ''Bob Wilson Naval Hospital''. Any reference to the Balboa Naval Hospital in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Bob Wilson Naval Hospital.

SEC. 2887. SENSE OF CONGRESS REGARDING IMPORTANCE OF EXPANSION OF NATIONAL TRAINING CENTER, FORT IRWIN, CALIFORNIA.

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

(1) The National Training Center at Fort Irwin, California, is the Army's premier warfare training center.

(2) The National Training Center was cited by General Norman Schwarzkopf as being instrumental to the success of the allied victory in the Persian Gulf conflict.

(3) The National Training Center gives a military unit the opportunity to use high-tech equipment and confront realistic opposing forces in order to accurately discover the unit's strengths and weaknesses.

(4) The current size of the National Training Center is insufficient in light of the advanced equipment and technology required for modern warfare training.

(5) The expansion of the National Training Center to include additional lands would permit military units and members of the Armed Forces to adequately prepare for future conflicts and various warfare scenarios they may encounter throughout the world.

(6) Additional lands for the expansion of the National Training Center are presently available in the California desert.

(7) The expansion of the National Training Center is a top priority of the Army and the Office of the Secretary of Defense.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the prompt expansion of the National Training Center is vital to the national security interests of the United States.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $6,269,435,000, to be allocated as follows:

(1) WEAPONS ACTIVITIES.—For weapons activities, $4,677,800,000, to be allocated as follows:

(A) For stewardship, $4,280,415,000, to be allocated as follows:

(i) For directed stockpile work, $856,603,000.

(ii) For campaigns, $2,057,014,000, to be allocated as follows:

(I) For operation and maintenance, $1,707,682,000.

(II) For construction, $349,332,000, to be allocated as follows:

Project 01–D–101, distributed information systems laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $2,300,000.

Project 00–D–103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, $5,000,000.

Project 00–D–105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, $56,000,000.

Project 00–D–107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $6,700,000.

Project 98–D–125, tritium extraction facility, Savannah River Plant, Aiken, South Carolina, $75,000,000.

Project 97–D–102, dual-axis radiographic hydrotest facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $35,232,000.

Project 96–D–111, national ignition facility (NIF), Lawrence Livermore National Laboratory, Livermore, California, $169,100,000.

(iii) For readiness in technical base and facilities, $1,366,798,000.

(B) For secure transportation asset, $115,673,000, to be allocated as follows:

(i) For operation and maintenance, $79,357,000.

(ii) For program direction, $36,316,000.

(C) For program direction, $216,871,000.

(D) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $159,841,000, to be allocated as follows:

Project 01–D–103, preliminary project design and engineering, various locations, $14,500,000.

Project 01–D–124, highly enriched uranium (HEU) storage facility, Y–12 Plant, Oak Ridge, Tennessee, $17,800,000.

Project 01–D–126, weapons evaluation test laboratory, Pantex Plant, Amarillo, Texas, $3,000,000.

Project 99–D–103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, $5,000,000.

Project 99–D–104, protection of real property (roof reconstruction, phase II), Lawrence Livermore National Laboratory, Livermore, California, $2,800,000.

Project 99–D–106, model validation and system certification center, Sandia National Laboratories, Albuquerque, New Mexico, $5,200,000.

Project 99–D–108, renovate existing roadways, Nevada Test Site, Nevada, $2,000,000.

Project 99–D–125, replace boilers and controls, Kansas City Plant, Kansas City, Missouri, $13,000,000.

Project 99–D–127, stockpile management restructuring initiative, Kansas City plant, Kansas City, Missouri, $23,765,000.

Project 99–D–128, stockpile management restructuring initiative, Pantex Plant, Amarillo, Texas, $4,998,000.

Project 99–D–132, stockpile management restructuring initiative, nuclear material safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $18,043,000.

Project 98–D–123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Plant, Aiken, South Carolina, $30,767,000.

Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $2,918,000.

Project 95–D–102, chemistry and metallurgy research (CMR) upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $13,337,000.

Project 88–D–123, security enhancements, Pantex Plant, Amarillo, Texas, $2,713,000.

(2) DEFENSE NUCLEAR NONPROLIFERATION.—For other nuclear security activities, $914,035,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $232,990,000, to be allocated as follows:

(i) For operation and maintenance, $225,990,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $7,000,000, to be allocated as follows:

Project 00–D–192, nonproliferation and international security center (NISC), Los Alamos National Laboratory, Los Alamos, New Mexico, $7,000,000.

(B) For arms control, $272,870,000.

(C) For long-term nonproliferation program for Russia, $100,000,000.

(D) For highly enriched uranium transparency implementation, $15,190,000.

(E) For international nuclear safety, $20,000,000.

(F) For fissile materials control and disposition, $221,517,000, to be allocated as follows:

(i) For operation and maintenance, $175,517,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $46,000,000, to be allocated as follows:

Project 00–D–142, immobilization and associated processing facility, various locations, $3,000,000.

Project 99–D–141, pit disassembly and conversion facility, various locations, $20,000,000.

Project 99–D–143, mixed oxide fuel fabrication facility, various locations, $23,000,000.

(G) For program direction, $51,468,000.

(3) NAVAL REACTORS.—For naval reactors, $677,600,000, to be allocated as follows:

(A) For naval reactors development, $656,200,000, to be allocated as follows:

(i) For operation and maintenance, $627,500,000.

(ii) For general plant projects, $11,400,000.

(iii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $17,300,000, to be allocated as follows:

Project 01–D–200, major office replacement building, Schenectady, New York, $1,300,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $16,000,000.

(B) For program direction, $21,400,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraph (1) of subsection (a) is the sum of the amounts authorized to be appropriated in subparagraphs (A) through (D) of such paragraph reduced by $95,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for environmental restoration and waste management in carrying out programs necessary for national security in the amount of $4,591,527,000, to be allocated as follows:

(1) SITE/PROJECT COMPLETION.—For site project and completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,010,951,000, to be allocated as follows:

(A) For operation and maintenance, $941,475,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $69,476,000, to be allocated as follows:

Project 01–D–402, Intec cathodic protection system expansion, Idaho National Engineering and Environmental Laboratory, Idaho, $500,000.

Project 01–D–407, Highly Enriched Uranium (HEU) Blend-down, Savannah River Site, Aiken, South Carolina, $27,932,000.

Project 99–D–402, tank farm support services, F&H area, Savannah River Site, Aiken, South Carolina, $7,714,000.

Project 99–D–404, health physics instrumentation laboratory, Idaho National Engineering and Environmental Laboratory, Idaho, $4,300,000.

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $1,690,000.

Project 97–D–470, regulatory monitoring and bioassay laboratory, Savannah River Site, Aiken, South Carolina, $3,949,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $12,512,000.

Project 92–D–140, F and H canyon exhaust upgrades, Savannah River Site, Aiken, South Carolina, $8,879,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.

(2) POST-2006 COMPLETION.—For post-2006 project completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $3,108,457,000, to be allocated as follows:

(A) For operation and maintenance, $2,588,725,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $99,732,000, to be allocated as follows:

Project 01–D–403, immobilized high level waste interim storage facility, Richland, Washington, $1,300,000.

Project 99–D–403, privatization phase I infrastructure support, Richland, Washington, $7,812,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $46,023,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $17,385,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $27,212,000.

(3) SCIENCE AND TECHNOLOGY.—For science and technology in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $196,548,000.

(4) PROGRAM DIRECTION.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $359,888,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated in paragraphs (1) through (4) of that subsection reduced by $84,317,000, to be derived from offsets and use of prior year balances.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for other defense activities in carrying out programs necessary for national security in the amount of $557,122,000, to be allocated as follows:

(1) INTELLIGENCE.—For intelligence, $38,059,000, to be allocated as follows:

(A) For operation and maintenance, $36,059,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $2,000,000, to be allocated as follows:

Project 01–D–800, Sensitive compartmented information facility, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.

(2) COUNTERINTELLIGENCE.—For counterintelligence, $45,200,000.

(3) SECURITY AND EMERGENCY OPERATIONS.—For security and emergency operations, $340,376,000, to be allocated as follows:

(A) For nuclear safeguards and security, $124,409,000.

(B) For security investigations, $33,000,000.

(C) For emergency management, $93,600,000.

(D) For program direction, $89,367,000.

(4) INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE.—For independent oversight and performance assurance, $14,937,000.

(5) ENVIRONMENT, SAFETY, AND HEALTH.—For the Office of Environment, Safety, and Health, $111,050,000, to be allocated as follows:

(A) For environment, safety, and health (defense), $88,446,000.

(B) For program direction, $22,604,000.

(6) WORKER AND COMMUNITY TRANSITION ASSISTANCE.—For worker and community transition assistance, $24,500,000, to be allocated as follows:

(A) For worker and community transition, $21,500,000.

(B) For program direction, $3,000,000.

(7) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, $3,000,000.

(b) ADJUSTMENTS.—The amount authorized to be appropriated pursuant to subsection (a)(3)(B) is reduced by $20,000,000 to reflect an offset provided by user organizations for security investigations.

SEC. 3104. DEFENSE FACILITIES CLOSURE PROJECTS.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836; 42 U.S.C. 7274n) in the amount of $1,082,297,000.

SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for privatization projects at various locations in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $284,092,000.

(b) EXPLANATION OF ADJUSTMENT.—The amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated for the projects in that subsection reduced by $25,092,000 for use of prior year balances of funds for defense environmental management privatization.

SEC. 3106. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $112,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 45 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 45-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $5,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $5,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(c) LIMITATION.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—Except as provided in subsection (b), amounts appropriated for any activities under this title pursuant to an authorization of appropriations in this title shall remain available for obligation only until the later of the following dates:

(1) October 1, 2003.

(2) The date of the enactment of an Act authorizing funds for such activities for fiscal year 2004.

(b) EXCEPTION FOR PROGRAM DIRECTION.—Amounts appropriated for program direction pursuant to an authorization of appropriations in this title shall remain available for obligation only until the later of the following dates:

(1) October 1, 2001.

(2) The date of the enactment of an Act authorizing funds for such program direction for fiscal year 2002.

SEC. 3128. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.

(b) LIMITATIONS.—(1) Only one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project under subsection (a) may not exceed $5,000,000 in a fiscal year.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section:

(1) The term ''program or project'' means, with respect to a field office of the Department of Energy, any of the following:

(A) A program referred to or a project listed in paragraph (2) or (3) of section 3102.

(B) A program or project not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term ''defense environmental management funds'' means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) DURATION OF AUTHORITY.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 2000, and ending on September 30, 2001.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. FUNDING FOR TERMINATION COSTS FOR TANK WASTE REMEDIATION SYSTEM ENVIRONMENTAL PROJECT, RICHLAND, WASHINGTON.

The Secretary of Energy may not use appropriated funds to establish a reserve for the payment of any costs of termination of any contract relating to the tank waste remediation system environmental project, Richland, Washington. Such costs may be paid from—

(1) appropriations originally available for the performance of the contract concerned;

(2) appropriations currently available for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs, and not otherwise obligated; or

(3) funds appropriated specifically for the payment of such costs.

SEC. 3132. ENHANCED COOPERATION BETWEEN NATIONAL NUCLEAR SECURITY ADMINISTRATION AND BALLISTIC MISSILE DEFENSE ORGANIZATION.

(a) JOINTLY FUNDED PROJECTS.—The Secretary of Energy and the Secretary of Defense shall modify the memorandum of understanding for the use of national laboratories for ballistic missile defense programs, entered into under section 3131 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034), to provide for jointly funded projects.

(b) REQUIREMENTS FOR PROJECTS.—The projects referred to in subsection (a) shall—

(1) be carried out by the National Nuclear Security Administration and the Ballistic Missile Defense Organization; and

(2) contribute to sustaining—

(A) the expertise necessary for the viability of such laboratories; and

(B) the capabilities required to sustain the nuclear stockpile.

(c) PARTICIPATION BY NNSA IN CERTAIN BMDO ACTIVITIES.—The Administrator of the National Nuclear Security Administration and the Director of the Ballistic Missile Defense Organization shall implement mechanisms that increase the cooperative relationship between those organizations. Those mechanisms shall include participation by personnel of the National Nuclear Security Administration in the following activities of the Ballistic Missile Defense Organization:

(1) Peer reviews of technical efforts.

(2) Activities of so-called ''red teams''.

SEC. 3133. REQUIRED CONTENTS OF FUTURE-YEARS NUCLEAR SECURITY PROGRAM TO BE SUBMITTED WITH FISCAL YEAR 2002 BUDGET AND LIMITATION ON THE OBLIGATION OF CERTAIN FUNDS PENDING SUBMISSION OF THAT PROGRAM.

(a) FINDINGS.—Congress finds that:

(1) The budget justification materials submitted to Congress in support of the budget for fiscal year 2001 did not comply with the requirement of section 3251(b) of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 966; 50 U.S.C. 2451) that the amounts requested for the National Nuclear Security Administration be specified in individual, dedicated program elements.

(2) The information submitted to Congress in support of that budget did not comply with the requirement of section 3253(b) of such Act (50 U.S.C. 2453(b)) that a future-years nuclear security program be submitted that contains—

(A) the estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Administration during the five-fiscal year period covered by the program, expressed in a level of detail comparable to that contained in the budget; and

(B) a description of the anticipated workload requirements for each Administration site during that five-fiscal year period.

(b) REQUIRED DETAIL FOR FUTURE-YEARS NUCLEAR SECURITY PROGRAM SUBMITTED WITH FISCAL YEAR 2002 BUDGET.—The future-years nuclear security program submitted in connection with the budget for fiscal year 2002 shall, at a minimum, and in addition to the information required to be contained in such program by section 3253 of such Act (50 U.S.C. 2453), include the following information:

(1) A detailed description of proposed program elements for directed stockpile work, campaigns, readiness in technical base and facilities, nonproliferation and national security, fissile materials disposition, and naval reactors, and for their associated projects, activities, and construction projects, during the five-fiscal year period covered by such program.

(2) A statement of proposed budget authority, proposed expenditures, and proposed appropriations necessary to support each proposed program element specified in paragraph (1).

(3) A detailed description of how the funds identified for each proposed program element specified in paragraph (1) in the budget of the Administration for each fiscal year during the five-fiscal year period covered by such program will help ensure that the nuclear weapons stockpile is safe and reliable as determined in accordance with the criteria established under section 3158 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2257; 42 U.S.C. 2121 note).

(c) LIMITATION ON OBLIGATION OF CERTAIN FUNDS.—The Administrator for Nuclear Security may not obligate more than 50 percent of the funds described in subsection (d) until 30 days after the Administrator submits the future-years nuclear security program required to be submitted in connection with the budget for fiscal year 2002.

(d) COVERED FUNDS.—Funds referred to in subsection (c) are funds appropriated or otherwise available to the Administrator for Program Direction within any National Nuclear Security Administration budget account for fiscal year 2001.

SEC. 3134. LIMITATION ON OBLIGATION OF CERTAIN FUNDS.

(a) LIMITATION.—The Secretary of Energy may not obligate any funds appropriated or otherwise made available to the Secretary for fiscal year 2001 for the purpose of infrastructure upgrades or maintenance in an account specified in subsection (b) for any other purpose.

(b) COVERED ACCOUNTS.—An account referred to in subsection (a) is any Construction account or Readiness in Technical Base and Facilities account within any National Nuclear Security Administration budget account.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2001, $17,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2001, the National Defense Stockpile Manager may obligate up to $70,500,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3302. USE OF EXCESS TITANIUM SPONGE IN THE NATIONAL DEFENSE STOCKPILE TO MANUFACTURE DEPARTMENT OF DEFENSE EQUIPMENT.

(a) TRANSFER AUTHORIZED.—Upon the request of the Secretary of a military department or the director of a defense agency, the Secretary of Defense may transfer excess titanium sponge in the National Defense Stockpile for use in manufacturing equipment to be used by the Armed Forces. The quantity of titanium sponge transferred under this section may not exceed 20,000 short tons.

(b) NONREIMBURSABLE.—Any transfer of excess titanium sponge under this section shall be

made without reimbursement, except that the recipient of the material shall be responsible for all transportation and related costs incurred in connection with the transfer.

(c) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—Any request by the Secretary of the Army for the transfer of titanium sponge pursuant to section 3305 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 630) takes precedence over any transfer request received under this section.

TITLE XXXIV—MARITIME ADMINISTRATION

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001.

Funds are hereby authorized to be appropriated for fiscal year 2001, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $94,160,000.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), $54,179,000, of which—

(A) $50,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $4,179,000 is for administrative expenses related to loan guarantee commitments under the program.

SEC. 3402. EXTENSION OF PERIOD FOR DISPOSAL OF OBSOLETE VESSELS IN THE NATIONAL DEFENSE RESERVE FLEET.

(a) EXTENSION.—Section 6(c)(1)(A) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)(A)) is amended by striking ''2001'' and inserting ''2006''.

(b) UTILIZATION OF FOREIGN SCRAPPING.—Section 6(c)(1) of such Act (16 U.S.C. 5405(c)(1)) is amended—

(1) in subparagraph (B) by striking ''and'' after the semicolon;

(2) in subparagraph (C)—

(A) by striking ''in accordance with'' and inserting ''subject to subparagraph (D), in accordance with''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) to the maximum extent possible, by scrapping outside of the United States.''.

(b) PLAN FOR COMPLETION OF DISPOSAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the Congress a plan for completing disposal of vessels in the National Defense Reserve Fleet in accordance with section 6(c) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405), as amended by subsection (a), including—

(1) a description of resources required for such completion; and

(2) a determination of the extent to which such vessels will be disposed of by scrapping outside of the United States.

SEC. 3403. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSEL, GLACIER.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation (in this section referred to as ''the Secretary'') may, subject to subsection (b), convey all right, title, and interest of the United States Government in and to the vessel in the National Defense Reserve Fleet that was formerly the U.S.S. GLACIER (United States official number AGB–4) to the Glacier Society, Inc., a corporation established under the laws of the State of Connecticut that is located in Bridgeport, Connecticut (in this section referred to as the ''recipient'').

(b) TERMS OF CONVEYANCE.—

(1) REQUIRED CONDITIONS.—The Secretary may not convey a vessel under this section unless the recipient—

(A) agrees to use the vessel for the purpose of a monument to the accomplishments of members of the Armed Forces of the United States, civilians, scientists, and diplomats in exploration of the Arctic and the Antarctic;

(B) agrees that the vessel will not be used for commercial purposes;

(C) agrees to make the vessel available to the Government if the Secretary requires use of the vessel by the Government for war or national emergency;

(D) agrees to hold the Government harmless for any claims arising from exposure to asbestos, polychlorinated biphenyls, or lead paint after the conveyance of the vessel, except for claims arising from use of the vessel by the Government pursuant to the agreement under subparagraph (C); and

(E) provides sufficient evidence to the Secretary that it 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.

(2) DELIVERY OF VESSEL.—If the Secretary conveys the vessel under this section, 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 United States Government.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) OTHER UNNEEDED EQUIPMENT.—If the Secretary conveys the vessel under this section, the Secretary may also convey to the recipient any unneeded equipment from other vessels in the National Defense Reserve Fleet or Government storage facilities for use to restore the vessel to museum quality or to its original configuration (or both).

(d) RETENTION OF VESSEL IN NDRF.—The Secretary shall retain in the National Defense Reserve Fleet the vessel authorized to be conveyed under this section until the earlier of—

(1) 2 years after the date of the enactment of this Act; or

(2) the date of the conveyance of the vessel under this section.

Amend the title so as to read: ''A bill to authorize appropriations for fiscal year 2001 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 CHAIRMAN pro tempore. No amendment to the committee amendment in the nature of a substitute is in order except amendments printed in House Report 106–621 or specified by subsequent order of the House, amendments en bloc described in section 3 of House Resolution 503, and pro forma amendments offered by the chairman and ranking minority member.

Except as specified in section 5 of the resolution, each amendment printed in the report shall be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, and shall not be subject to a demand for a division of the question.

Unless otherwise specified in the report, each amendment printed in the report shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment, and shall not be subject to amendment, except that the chairman and ranking minority member each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of or germane modifications of any such amendment.

The amendments en bloc shall be considered read, except that modifications shall be reported, shall be debatable for 40 minutes, equally divided and controlled by the chairman and ranking minority member, or their designees, shall not be subject to amendment and shall not be subject to a demand for the division of the question.

The original proponent of an amendment included in the amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Chairman of the Committee of the Whole may recognize for consideration of amendments printed in the report out of the order in which they are printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

It is now in order to consider Amendment No. 1 printed in House Report 106–621.

AMENDMENT NO. 1 OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. KASICH:

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

SEC. 1205. ACTIVITIES IN KOSOVO.

(a) CONTINGENT REQUIRED WITHDRAWAL OF FORCES FROM KOSOVO.—If the President does not submit to Congress a certification under subsection (c) and a report under subsection (d) before April 1, 2001, then, effective on April 1, 2001, funds appropriated or otherwise made available to the Department of Defense may not be obligated or expended for the continued deployment of United States ground combat forces in Kosovo. Such funds shall be available with respect to Kosovo only for the purpose of conducting a safe, orderly, and phased withdrawal of United States ground combat forces from Kosovo, and no other amounts appropriated for the Department of Defense in this Act or any other Act may be obligated to continue the deployment of United States ground combat forces in Kosovo. In that case, the President shall submit to Congress, not later than April 30, 2001, a report on the plan for the withdrawal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from Ohio (Mr. KASICH) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. Mr. Chairman, I yield myself such time as I may consume.

I think the Members of the House will remember that just a short period of time ago the gentleman from Connecticut (Mr. SHAYS), the gentleman from Massachusetts (Mr. FRANK), the gentleman from California (Mr. CONDIT), the gentleman from Alabama (Mr. BACHUS) and I came to the floor with an amendment on Kosovo. The thrust of our amendment was to force the Europeans, who had made pledges to us in Kosovo, to live up to the pledges that they made.

They were going to help us in four specific areas of Kosovo activity, and they were going to be in such areas as civilian administration, reconstruction, and police activities. The fact is that we had felt at the time that the allies, who had agreed to be involved with us, had in fact not contributed the kind of money that they said that they would give in these areas of reconstruction and police and a civil budget and humanitarian aid.

What we had been urging is the fact that since the Europeans, when put all together, have an economy, a GDP that is, when looked at, essentially the same as ours. As we can see when we take a look at all of NATO and Europe, their GDP is $8.3 trillion, ours being $8.9 trillion. Relatively similar. The defense spending of $283 billion by us, $180 billion by them. We felt as though they were not really carrying the load.

In fact, that since our European allies had made a commitment to putting up and honoring the pledges they made in terms of all of our involvements in Kosovo, that we ought to at least keep their feet to the fire when it comes to getting them to live up just to the commitments that they made. Not commitments that we had established, but rather commitments that they had pledged.

The fact is that since Senator WARNER, the gentleman from Virginia, has turned up the heat on our European allies, along with the action in this House, we have, in fact, seen some improvement, but we have not seen all the improvement that we look for.

The vote that we had on the House floor about a month ago was very, very close. And there were a number of arguments against it that were related to the fact that there was not a presidential waiver for national security purposes, and that, secondly, the funding and the way in which the funding was going to be withdrawn from our activities in Kosovo would actually harm the readiness of our forces.

We did not agree with either of the charges, but since we fell short, we thought we needed to go back and review the legitimate questions that arose from the amendment that we had. And we felt that if we made improvements, that we could be constructive in our improvements, that we could win this vote and, in fact, we could send a strong message to our European allies that they ought to keep their pledge.

Let me just show my colleagues for a second what we are talking about in terms of our European allies. In the area of reconstruction aid, the original pledge was $402 million to help with reconstruction, but the actual payments have only been $93 million. We feel as though the Europeans ought to take the $93 million and, in fact, honor the pledge that they had made.

Secondly, in the area of police in Kosovo, and as I think we all know when we look at so many of the actions in Kosovo right now, we do recognize that the activity of the police, both civilian and special police, are very important in terms of maintaining some sense of stability in Kosovo. What the U.N. requested was that the Europeans contribute approximately 4,700 police. The European pledge was 1,200. But they have only agreed to provide 808 police for purposes of civilian administration.

What we are arguing is that the European allies, our NATO allies, have relatively the same size economy as the United States; that we carry far more of the load when it comes to the amount of resources we dedicate for defense; and that we have been in Kosovo now for a significant period of time, and in Bosnia, in the Balkans. In fact, if we take a look at Bosnia and Kosovo, we can see that between 1993 and 2001, we will have expended over $20 billion. What we are asking for is that the Europeans, our NATO allies, honor the pledges that they made.

We have provided the President of the United States a presidential waiver; that the President could request a 90-day waiver on the withdrawal of American forces if in fact our allies do not step up to the plate. The President would have a second 90-day waiver and, in fact, he could come a third time. But on the third time it would force a vote of this House.

I really do not think that the waivers are going to be that critical. Because I think if the House today says that we are urging our European allies to keep their pledge, to keep their commitment, when we take a look at it in terms of the commitment that the United States has made and the amount of resources that have been expended, it is very reasonable for us to call on our European allies to live up to their pledge.

□ 1345

We have given the President flexibility. We also do not withhold any funds at the current time. This amendment would not take effect until April 1, 2001.

Now, I would say to my colleagues that I think we all feel strongly about burdensharing and the proper way to do it. We all have our disagreements

about the proper policy in Kosovo. And, in fact, in the United States Senate, an amendment passed that I personally support that would withdraw American forces from Kosovo in a definite period of time.

I do not believe that that policy can pass this House. But I believe that what can pass this House and, I hope, pass the Senate and ultimately be signed into law is a provision that says to our European allies, live up to the pledge that they made, be a good partner with us in terms of our activities in the Balkans, which send a message to the Europeans far beyond just the Balkans.

I want the House to know that we listened carefully to the objections of this amendment the last time around and we, as a group, have made a real effort to try to answer those legitimate objections that were raised on this House floor.

I think with the presidential waiver in order and with the fact that we withhold no funds at the present and wait until October 1, 2001, to actually act would give the Europeans enough time to practically be able to meet their pledge.

I think if they would meet their pledge, it would ensure a sense of solidarity between all NATO partners. I think it would restore a sense of equity between us, the United States, who have done so much in the Balkans and our NATO allies, and the continent where they live would begin to do more of what they say they want to do. And I think, in a way, it would be a very strong message that NATO needs to be not just a one-way partnership but, frankly, a partnership among everyone with everybody expected to provide the resources that they are able to provide in order to carry out mutual security concerns.

Again, I would rather have not been in Kosovo. I would love to see a time certain for withdrawal of American forces so that people in the region can handle the situation that exists, which I believe that they can.

But that is not what this amendment addresses. This amendment is neutral on the issue of whether we belong or do not belong in Kosovo. But it is not neutral on the fact that, when our allies make pledges, when the time comes for them to keep their pledge, we must keep their feet to the fire.

I believe if the House passes this amendment, in my judgment, I think we will see the Europeans begin to do much better in these areas where they have fallen short. And I think the more heat we keep on, the more effective it is not just for our soldiers, but also for the American taxpayer and, I think, for mutual security.

So I would urge passage of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Missouri (Mr. SKELTON) is recognized for 30 minutes.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to the Kasich amendment. This amendment would have the perverse effect of holding our national security interests in Europe, and indeed the safety and well-being of our military forces there hostage to what other nations do.

I do not believe that how we exercise our national security policy should be determined by the actions of other countries. Moreover, this amendment would be unlikely to encourage our European allies to do more burdensharing. I believe it would invalidate the trust that our allies and NATO have in us, it would undermine American leadership worldwide, and would encourage renewed ethnic tension, fighting and instability in that sad part of the world, the Balkans.

We all understand and I agree that our European allies should take on a larger share of the costs and the risks associated with the conduct of military operations and efforts to secure sustainable peace in Kosovo. And I firmly believe we should continue to press our allies to do more to live up to their commitments in the region. But we should not act precipitously and undo the gains we have made just because our allies do not quite measure up on time, though they have done a relatively good job of doing so.

I am convinced that this amendment does much more harm than good. It sends exactly the wrong message to both our allies as well as our adversaries. By setting a specific deadline for the pullout of American forces, the amendment would signal to the Albanians the limits of national security guarantees providing for their protection. Mr. Milosevic would know that all he needs to do is wait, and after the first of April next year, he can effectively resume his campaign of ethnic cleansing and genocide, leading to an additional holocaust. The people of Montenegro, who have thus far resisted Serbian hegemony, would become vulnerable to takeover. The conflict could spread to Macedonia.

At the same time, our European allies will see this measure as a unilateral move that splits 50 years of shared efforts in NATO. There is no doubt that European stability will be compromised. While it purports to send a message that the Europeans must bear a greater share of the burdens leading to regional peace, it transmits counterproductive ultimatums. It fails to realize that our European allies already make substantial contributions to alliance security, and those contributions have significantly increased over the last several years.

I have communicated my concerns to General Ralston, the NATO commander, and he essentially shares my views. In addition to the adverse implications this amendment would have on U.S. leadership in the region and in the world, he is concerned about the impact of this amendment on the morale of U.S. military forces who have unselfishly, under conditions of extreme hardship and personal sacrifices, contributed so much to achieve peace in that sad part of the world.

This amendment sends a message that can only undermine the confidence of our service members about our national resolve and will inevitably call into question the sacrifices that we have already asked them to make.

The simple fact is that the United States is the world's lone superpower. All over the world, nations look up to our country. We are their inspiration. We are their role model. We are their hope for the future.

The likelihood of NATO enlargement, led by the United States, and the prospect of expanding the peace and stability in Eastern Europe, as well as in the Balkans, would be gravely jeopardized by this amendment. The stabilizing force that NATO represents would be undercut by this amendment, which would effectively curtail U.S. commitment and influence in Europe.

This is an ill-conceived amendment that is not in our national interest. It should be defeated. I urge my colleagues to vote against it.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I ask unanimous consent that I may control the time in support of the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Mr. Chairman, I reserve the balance of the time.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, in the entire time the United States has spent involved in conflicts around the world, there has never been an instance where our European allies have played as significant a role.

Our role here is among the smallest of any engagement that we have had. We are now in a position where the European forces are the overwhelming part of the military; and they are, not in every instance, not in every account, but shouldering their burden for the first time.

All of us believe in burdensharing. The question is, what is the process for the Congress to speak its will? The idea that we will choose a point in the future where there is an automatic trigger is a somewhat cowardly act. It seems to me, if we want to pull out American forces, pick the date, come to the floor, and do it.

The worst of all worlds is to tell Mr. Milosevic, if he can somehow drive out one or two of our European partners, if he can get them to back off so they fall below 85 percent, 84 percent, wherever that magic number we pick is, that Mr. Milosevic will be able to feel that he

can once again take control of the region.

The Europeans are taking up a broader share of the responsibility than ever. Not just here. They are beginning an initiative that frustrates some of our colleagues to set up a coordinated military operation in Europe, so they can play a fuller role as a partner in engagements.

We are in political season here. There are not many things the Republicans and Democrats end up agreeing on. There is one thing that both the Republican apparent nominee, Mr. Bush, and the Democratic apparent nominee, Mr. GORE, agree on; and that is that this proposal is a bad idea. They offer burdensharing. This administration has done more for getting the Europeans to increase their burden than any administration in the history of this country.

What are we doing in the midst of that? We are going to come out here with some bravado and claim that somehow we are going to force the accountants to do a better job.

Do not undermine what we have done. Reject this amendment.

Mr. SKELTON. Mr. Chairman, I yield 3¼ minutes to the distinguished gentleman from New York (Mr. GILMAN).

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to this amendment. While I do not object to the intention of the gentleman from Ohio (Mr. KASICH) to ensure adequate burdensharing between our Nation and our European allies for humanitarian and economic reconstruction and related expenses in Kosovo, I do not believe that it is appropriate to link our military mission in Kosovo to that worthy goal.

As the author of H.R. 4053, which does place a cap on our overall foreign assistance to the region of southeastern Europe, including Kosovo, of some 15 percent, I strongly believe that, given the size and scope of other commitments around the world, that our Nation's contribution to the stability in the region where Europe bears the primary responsibility needs to be fair but limited.

What H.R. 4053 does, however, in the event that our European allies fail to do their fair share, is to reduce our relevant foreign aid in subsequent years.

I believe that this is the appropriate way to leverage European contributions in the Balkans. I am concerned that by linking the issue of sharing the foreign aid burden in Kosovo to our military mission, we raise serious questions with regard to the reliability of American commitment, the quality of our leadership, and our belief in the continued value of the trans-Atlantic relationship.

We need to be mindful, my colleagues, that these kinds of debate, as healthy as they may be for educating ourselves and our constituents, do not take place in any vacuum. Europe is at an important watershed in terms of arrangements for creating its own security and its own defense policy.

We are working extremely hard to influence Europe's debate on its future defense and security policy to make certain that Europe develops increased military capabilities, to avoid discrimination against those members of NATO that are not part of the European Union, and to prevent any decoupling of our European allies from North America.

There are forces in Europe that would like to see America's role and influence weakened. Let us not let this amendment play into the hands of those forces that want to decouple the United States from our historic role in the trans-Atlantic relationship.

I am also concerned that the timetable created by this amendment requiring a key foreign policy decision by the next administration so early in the tenure would be an unfair burden on our new President, whether he be Republican or Democrat. In the event the President was unable to make this certification on burdensharing required by this amendment or to justify an exercise of the waivers it provides, he would have to begin a withdrawal of U.S. forces from Kosovo almost as soon as he took his hand off the inaugural Bible.

Our friends in Europe have received the message, thanks to debates on measures similar to this that have already occurred in the Congress. And Europe is doing more in terms of shouldering the burden in Kosovo. Let us not saddle this important appropriations legislation with this kind of an untimely provision.

Accordingly, I urge my colleagues to defeat this amendment.

□ 1400

Mr. SHAYS. Mr. Chairman, I yield 4¼ minutes to the gentleman from Massachusetts (Mr. FRANK), a chief cosponsor of this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I am sorry that my friend from Connecticut, the ranking member of the Committee on International Relations was unfortunately called off the floor because I am going to express my strong disagreement with him, and he is one of my closest friends in this institution. Indeed, he and I share a common ethnic heritage. It is an ethnic heritage which has an affinity for certain foods. So I would not have been surprised to have my friend from Connecticut down here talking about pickled herring or schmaltz herring, but when he comes down here with a red herring, I am a little bit disappointed.

Certainly the suggestion that this is a means of getting us out of Kosovo is the reddest of red herrings. I only hope he will never serve it to me when we dine together.

This is not an effort to get us out of Kosovo. Some Members want us to do that. But that is not what this is. Indeed people who simultaneously tell us that they have great faith in our allies and also that they do not want to go out of Kosovo must not be talking about this amendment.

Here is what this amendment says on page 3. Our European allies have to put up 50 percent of what they said for reconstruction, 85 percent of what they have pledged for humanitarian assistance, 85 percent of their pledges, and this is just for this year and next year, and 90 percent for police. In other words, this amendment will have no effect if our European allies put up 50 to 90 percent of what they pledge.

Now, my friend from Connecticut said, well, they have been doing most of the lifting here. I guess I must have been under a misapprehension when I saw all those planes flying in Kosovo and bombing Serbia. I could have sworn they were American planes. But my eyesight is not what it has been. Maybe they were Belgian planes, maybe they were Italian and Portuguese and Norwegian planes. It is hard to tell from very far away. But my impression was that it was the United States taxpayer and the United States Defense Department that carried most of the burden of that air war.

We are not suggesting that they do that in our stead. We do not think they can do that. We are saying once that combat phase is over and we are in the policing phase and the peacekeeping phase, Europe ought to do it.

Now, the United States is alone in South Korea with no European help. That is appropriate. The United States carries the burden in the Middle East. Does Europe not ever get the primary responsibility anywhere? This is, after all, Europe.

Now, my friends say, oh, but they are doing this, they are doing this because you have already raised it. Well, yes, every time we raise an issue about burdensharing, the establishment, the Defense Department, the State Department, and I agree, it is nonpartisan. My friend from Connecticut said it, Bush said it and GORE said it, that is true. And Albright says it and Cohen says it and Kissinger said it and Weinberger said it. They all say it. Once you become a very important foreign policy person, with this comes the obligation to absolve our European allies of any financial responsibility. I think it is right there in your council on foreign relations membership card. But it is wrong, because we have been proven right. Every time we have come forward with a burdensharing argument, they have predicted terrible consequences. And then afterwards they take credit for the favorable consequences that resulted from our raising the argument.

The answer here is a very simple one. Europe lives up to a substantial percentage of the commitments it made. Our European allies jointly have a population and an economy larger than ours. We are not asking them to take

our difficult combat operations here. We are not asking them to duplicate American air and sea power. We are not withdrawing the 6th Fleet. We are saying that in the continent of Europe where you have such an interest as well as us, we will do the things that you cannot do, that we can only do, the combat, but you can do the policing.

Members here have said again and again on both sides, we have overstrained our military, they are overcommitted. What we are saying is instead of sending Americans to do peacekeeping 4,000 miles, let us ask Germans, Italians, French and others to go a few hundred miles. Let us have them do what they can do. That is what this amendment calls for.

If Members believe that the allies are going to live up to what they said they were going to do, if indeed they believe they are going to live up to between 80 and 90 percent of what they said they can do, they can safely vote for this amendment because it will then have no negative effect. Everything will work out as it should.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I rise in strong opposition to the amendment offered by our colleagues which seeks to set conditions on our peacekeeping mission in Kosovo that will only threaten the future of peace and stability that we have worked so hard to achieve.

The fact is, Mr. Chairman, we have much to be encouraged by in the changes that have taken place in Kosovo over the past year since the NATO air campaign commenced. But we also face much uncertainty in Kosovo and whether its future will be colored by peace, stability and economic growth or instability and continued hostility from the Milosevic regime to the north.

I am convinced that Kosovo will be doomed to continued hostility from the Milosevic regime if the United States and the international community turns its back on Kosovo at this delicate stage. Unfortunately, this amendment sends a troubling signal. The implication is that instead of following through from our successful military action to helping build peace and stability, we are contemplating a pullout. I can assure my colleagues that the principal beneficiary of this policy will be Serbian strongman Slobodan Milosevic, not the people of Kosovo and not the cause of peace.

Texas Governor George Bush, Senator JOHN MCCAIN, Defense Secretary William Cohen and General Wesley Clark, the former NATO commander in Europe, have all expressed their opposition to efforts in Congress to force our withdrawal from the peacekeeping effort in Kosovo. While many legitimately question the administration's past handling of the Kosovo issue, all of these distinguished leaders view our deployment in Kosovo as an indication of America's commitment to peace in this troubled region, a commitment that should not be compromised and should not be weakened.

I urge my colleagues to heed this clearheaded thinking and oppose this amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SISISKY).

(Mr. SISISKY asked and was given permission to revise and extend his remarks.)

Mr. SISISKY. Mr. Chairman, I rise today in opposition to the Kasich amendment. Legislating a date certain for the withdrawal of U.S. ground forces, I believe, is the worst action we as a body could do to further the goal of achieving peace and stability in the region. I for one am especially sensitive to the need for all of our allies to assume a larger share of the costs and risks for the conduct of military operations and efforts to secure a more stable international environment.

There is no question about it, NATO should do more. They have heard me and many of my colleagues here express our sentiments on this matter at every NATO forum we have participated in, and we are doing much better. Look at the current facts on NATO and allied participation. NATO and our allies are currently providing the lion's share of the military forces and funding for reconstruction efforts. I am also convinced that the Congress, in its oversight role, should continue to press NATO and our allies to do more, but we must exercise the responsibility in a responsible manner. The amendment simply does not measure up to that standard. Can you imagine the reaction to this date certain amendment in Belgrade, Montenegro, Macedonia and Albania?

No matter what is said and done, at the end of the day, we cannot afford to allow our concern about the participation of other countries harm U.S. security interests.

I think General Wes Clark had it about right in responding to a similar amendment offered in the other body. He said:

> In all of our activities in NATO, the appropriate distribution of burdens and risks remains a longstanding and legitimate issue among nations. Increased European burden sharing is an imperative in Europe as well as in the United States. European nations are endeavoring to meet this challenge in Kosovo, and in the whole KFOR and UNMIK constitute a burden sharing success story, even as we encourage the Europeans to do even more. The United States must continue to act in our own best interest.

This amendment should be defeated and I urge my colleagues to vote against it.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CONDIT), the chief sponsor of this amendment.

(Mr. CONDIT asked and was given permission to revise and extend his remarks.)

Mr. CONDIT. Mr. Chairman, I rise today in support of the amendment. As has been indicated, this amendment is not about whether or not the United States will do the heavy carrying or carry the heavy load. We are willing to do that. We have said that we will do that. What this is about is asking our allies to keep their promise for money and manpower.

Now, I do not believe our allies have kept their commitment on any of the promises that they have made and I am a bit surprised to come to the floor and learn that Members would not be supportive of requiring our allies to meet their commitment. It is pretty simple. We are honoring our commitment with our tax dollars, and more precious than that, we are honoring our commitment with our men and women who serve in the military. It seems to me, at a minimum, we could ask our allies to honor their commitment which kind of makes me suspicious if we ever really intended on them keeping their commitment if we are not willing to take some action to see that they do.

Let me also say that there are broader implications for me and a lot of people in this House over this kind of issue, whether or not we are willing to put the hammer down on our allies and our partners when we make agreements. In a few weeks we will be taking up PNTR where we will be asked to look at an agreement with China. Now, what kind of message are we sending to the people who negotiate that agreement if we are not willing at some point to put the hammer down to our allies and to our partners who do not honor the agreements they make with us?

I think that we are doing the right thing today in saying that we are going to take some kind of action or we are not going to participate with you as an ally or as a partner if you are not willing to honor your agreement. The American people are suspicious when we go into these kind of agreements that we are going to shoulder the full load and that is usually what happens.

I would ask all of my colleagues today to support this amendment. I think that we are willing to shoulder the big burden here, but we want our partners to do the same.

Mr. Chairman, I rise in strong support of this amendment and I do so for one very compelling reason. We need to send a strong and clear message today to our European allies. That message is this: Keep your word. Our commitment depends on you keeping your word.

You've heard over and over again what this amendment does. Very frankly, this is a simple tool to make our European allies honor their word. We have consistently met our obligations—even exceeded them.

What this all comes down to is this. Our allies made lots or promises to help rebuild Kosovo and conduct peacekeeping operations. They promised money and manpower. But Mr. Chairman, mostly these have been a lot of hollow promises. The truth of the matter is, they have failed to live up to their word.

In the next week or so this House will take up China PNTR. I would ask my colleagues—those who fancy themselves as internationalists and free traders how they expect the

American people to take us seriously on the China question when they can't take us seriously in the Balkans? Why should we expect the Chinese—or anyone else for that matter—to honor their word if our European allies mark this precedent so loudly?

Mr. Chairman, we are great at making speeches and making promises. But when it comes time to keep our words and expect our friends and allies to keep theirs, we get squishy and start going back and forth. And, we make excuses.

What kind of message do we send to the world when we hold open our check book in Kosovo and say, ''It's okay. We'll cover the tab.'' But even more importantly, what kind of message do we send to the American people when we say, ''It's okay for your sons and daughters to go to Kosovo while we keep our commitments, but our European friends don't have to keep theirs?''

We have bent over backwards in the Balkans. We have shouldered the burden and we've footed the bill. It's time for our allies to step up and meet their responsibilities.

Our allies—our friends in Europe—ought to ante up and pay their fair share. I remind you, we are only asking them to pay what they promised in the first place. We are asking them to keep their word.

We realize very clearly that our NATO allies—Germany and France in particular—have different fiscal years and different budget processes. We purposefully extended the deadline until April 1, 2001 to give them even more time to make a good faith down payment. That's all we're asking for—a good faith down payment.

If the next President doesn't certify these good faith benchmarks have been met, this amendment requires us to withdraw our troops. It also permits the next President to waive the withdrawal requirement for 180 days for national security reasons.

I challenge my friends on both sides of the aisle, support this amendment. It is a bipartisan common sense approach.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

(Mr. DICKS asked and was given permission to revise and extend his remarks.)

Mr. DICKS. Mr. Chairman, I rise in very strong opposition to this amendment. I think this amendment would be counterproductive. If we have an argument with our allies, we should sit down with our NATO partners and negotiate directly with them. But to come to the floor of the House of Representatives and try to set a date certain on this matter to me is foolish and counterproductive. I also think it is a very dangerous precedent. We are there in Kosovo and in Yugoslavia because we feel it is in our national interest to be there. And we have conducted ourselves appropriately. We have worked with NATO for stability in Europe, a very major goal, and now to say that if these European countries by a certain date do not do something, we are going to pull out and do it from the Congress is undermining the ability of the commander in chief. We only can have one President at a time. I strongly oppose this amendment and urge its overwhelming defeat.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPENCE), the chairman of the full committee .

(Mr. SPENCE asked and was given permission to revise and extend his remarks.)

Mr. SPENCE. Mr. Chairman, I rise in support of this amendment. That might surprise some people. In the past I have opposed these types of amendments but I have worked with the sponsors of this amendment this time to the extent that they changed it, and I can support it.

I will tell my colleagues why. For years, I have been critical of the administration's use of our ground troops to keep the peace in the Balkans. The administration has failed to make a persuasive case that our involvement in Bosnia and Kosovo is in our national interest or vital national interest. On the list of real threats to this country, and our national security, these countries are not near the top of the list. We cannot today properly defend against the real threats that we have facing us in places like Korea and the Persian Gulf. With no strategic rationale and no strategy for a timely withdrawal, our continued deployment in Bosnia and Kosovo has led to a significant and troubling decline in our overall military readiness.

□ 1415

With all these deployments, we are wearing out our people and our equipment. Three people are doing the work of five. We just do not have the people to do it.

Finally, I want to say I agree with the sponsors of this resolution that the Europeans need to do more to bolster the fragile peace that occurs in Kosovo. Our country led, not only led, but for the most part carried the war effort one year ago in Kosovo. The air war was mainly our war. They could not even participate. They did not have the technology to do it. So we expended a lot of our assets in doing that.

Now our European allies should shoulder the burden of keeping the peace that we won for them. Unfortunately, they have not done it. Some of our allies have not provided what they need to, and we call on them to do it.

Mr. SKELTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank my friend for yielding me time.

Mr. Chairman, I rise today in opposition to this amendment. I object to this amendment for a number of reasons, but, in the interest of time, I will address just one key point.

United States national security policy should not be dictated by the actions or inactions of our allies or other countries. I am very aware that there is a need to have our European allies assume a larger role in securing peace in Kosovo. However, this amendment places us in the situation of pursuing our national security interests literally by default.

This Easter, several of my colleagues and I visited with the soldiers in Kosovo. This was my second visit to the region and my second opportunity to talk with our service members about this difficult mission. Each of the soldiers I spoke with felt our participation was critical to reducing the instability and violence of the Balkans.

This amendment would undermine our ability to affect the future of the Balkans, and, more importantly, it would affect our ability to influence any future conflicts. I strongly urge each of my colleagues to vote against this amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. REYES. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN pro tempore (Mr. LAHOOD). Does the gentleman yield for that purpose?

Mr. REYES. Yes.

The CHAIRMAN pro tempore. Does the gentleman first yield back his time for debate?

Mr. TAYLOR of Mississippi. The gentleman yielded his time to me, Mr. Chairman. At that point I made a motion.

The CHAIRMAN pro tempore. The gentleman from Mississippi will have to be recognized on his own. The gentleman from Texas has been recognized for debate only, and may proceed.

Mr. REYES. Mr. Chairman, I yield back my time.

The CHAIRMAN pro tempore. The gentleman yields back his time.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN pro tempore. This is not a debatable question.

The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 216, not voting 14, as follows:

[Roll No. 191]

AYES—204

Abercrombie	Blagojevich	Clayton
Ackerman	Blumenauer	Clement
Allen	Bonior	Clyburn
Andrews	Borski	Condit
Baca	Boswell	Conyers
Baird	Boucher	Costello
Baldwin	Boyd	Coyne
Barcia	Brady (PA)	Cramer
Barrett (WI)	Brown (FL)	Cummings
Becerra	Brown (OH)	Danner
Bentsen	Capps	Davis (FL)
Berkley	Capuano	Davis (IL)
Berman	Cardin	DeFazio
Berry	Carson	DeGette
Bishop	Clay	Delahunt

DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOES—216

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Baldacci
Bilirakis
Campbell
Coburn
Crowley
Doyle
Largent
McIntosh
Radanovich
Rothman
Stupak
Udall (NM)
Wamp
Wise

□ 1438

Messrs. SAXTON, COMBEST, GILCHREST, BRADY of Texas, GREENWOOD, HOEKSTRA, CHAMBLISS, COLLINS, Mrs. CHENOWETH-HAGE and Mrs. MORELLA changed their vote from ''aye'' to ''no.''

Mr. FORD changed his vote from ''no'' to ''aye.''

So the motion was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from South Carolina (Mr. SPENCE) has 12¼ minutes remaining. The gentleman from Missouri (Mr. SKELTON) has 14¾ minutes remaining.

The Chair recognizes the gentleman from Ohio (Mr. KASICH).

PARLIAMENTARY INQUIRY

Mr. KASICH. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman from Ohio will state his parliamentary inquiry.

Mr. KASICH. Mr. Chairman, would it be possible for me to negotiate through the chairman a yield back of all time on this amendment right now and have a vote on this amendment so that the Members can get about I know the important trip they are about to make? I am willing to do that, Mr. Chairman, yield back all of my time, if we could dispense with additional speeches. I think everybody on this floor knows this issue, but it cannot be unilateral. I am prepared to yield back all time at this moment.

The CHAIRMAN pro tempore. Any Member who controls time may yield back at any time.

Mr. SKELTON. Mr. Chairman, I have one remaining speaker. I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

(Mr. ENGEL asked and was given permission to revise and extend his remarks.)

Mr. ENGEL. Mr. Chairman, I thank my friend, the gentleman from Missouri (Mr. SKELTON), for yielding me this time.

Mr. Chairman, I very, very strongly oppose this amendment. I think this sends the absolute wrong message and is really the height of the wrong way we ought to go.

I chair the Albanian Issues Caucus. I have put a lot of time and effort into the situation in Kosovo. Let me say something. What we have done in Kosovo is working. It is working. We have saved lives.

It is true that the Europeans ought to be doing more but this will have the exact opposite effect. Secretary of Defense Bill Cohen says this is counterproductive to peace in Kosovo and will seriously jeopardize the relationship between the U.S. and our NATO allies.

Joe Lockhart, the White House Press Secretary, says this is the wrong message being sent at the wrong time, and presidential candidate George Bush says this is wrong and it is legislative overreach.

A letter from General Wesley Clark says these measures, if adopted, would be seen as a de facto pull-out by the United States.

We ought to be proud of the role we have played in saving the lives of hundreds of thousands of people and the United States ought not to cut and run. We are the leaders of the world and the leaders of the free world. No one gave us that mantle. We took it and we ought to follow it through. It is working.

People have gone to Kosovo. There are going to be bumps and grinds in the road but essentially what we have done is working. We cannot pull out. We need to work with our European allies, not cut and run.

This is not what America should be doing. We cannot go back to the days of isolationism. There are people that never wanted to be in Kosovo in the first place.

I am proud of the role that this administration played and that the American people played in saving the lives of so many people. So I just want to say that a bipartisan no vote ought to be here and we ought to very, very strongly reject this amendment. We have saved the lives of thousands of people. Let us continue the job.

MAY 11, 2000.

Thank you for your letter of 10 May and the opportunity to provide my personal views on the amendment adopted by the Senate Appropriations Committee governing the future of U.S. troops in Kosovo.

While I support efforts of the Congress and the Administration to encourage our allies to fulfill their commitments to the United Nations mission in Kosovo, I am opposed to the specific measures called for in the amendment. These measures, if adopted, would be seen as a de facto pull-out decision by the United States. They are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitments and trust of our Allies in NATO, undercut US leadership worldwide, and encourage renewed ethnic tension,

fighting and instability in the Balkans. Furthermore, they would, if enacted, invalidate the dedication and commitment of our Soldiers, Sailors, Airmen, and Marines, disregarding the sacrifices they and their families have made to help bring peace to the Balkans.

Regional stability and peace in the Balkans are very important interests of the United States. Our allies are already providing over 85 percent of the military forces and the funding for reconstruction efforts. US leadership in Kosovo, exercised through the Supreme Allied Commander, Europe, as well as our diplomatic offices, is a bargain. It is an effective 6:1 ratio of diplomatic throwweight to our investment. We cannot do significantly less. Our allies would see this as a unilateral, adverse move that splits fifty years of shared burdens, shared risks, and shared benefits in NATO.

This action will also undermine specific plans and commitments made within the Alliance. At the time that US military and diplomatic personnel are pressing other nations to fulfill and expand their commitment of forces, capabilities and resources, an apparent congressionally mandated pullout would undercut their leadership and all parallel diplomatic efforts.

All over Europe, nations are looking to the United States. We are their inspiration, their model, and their hope for the future. Small nations, weary of oppression, ravaged by a century of war, looking to the future, look to us. The promise of NATO enlargement, led by the United States, is the promise of the expansion of the sphere of peace and stability from Western Europe eastward. This powerful, stabilizing force would be undercut by this legislation, which would be perceived to significantly curtail US commitment and influence in Europe.

Setting a specific deadline for US pull-out would signal to the Albanians the limits of the international security guarantees providing for their protection. This, in turn, would give them cause to rearm and prepare to protect themselves from what they would view as an inevitable Serbian reentry. The more radical elements of the Albanian population in Kosovo would be encouraged to increase the level of violence directed against the Serb minority, thereby increasing instability was well as placing US forces on the ground at increased risk. Mr. Milosevic, in anticipation of the pullout and ultimate breakup of KFOR, would likely encourage civil disturbances and authorize the increased infiltration of para-military forces to raise the level of violence. He would also take other actions aimed at preparing the way for Serbian military and police reoccupation of the province.

Our servicemen and women, and their families, have made great sacrifices in bringing peace and stability to the Balkans. This amendment introduces uncertainty in the planning and funding of the Kosovo mission. This uncertainty will undermine our service members' confidence in our resolve and may call into question the sacrifices we have asked of them and their families. A US withdrawal could give Mr. Milosevic the victory he could not achieve on the battlefield.

In all of our activities in NATO, the appropriate distribution of burdens and risk remains a longstanding and legitimate issue among the nations. Increased European burden sharing is an imperative in Europe as well as the United States. European nations are endeavoring to meet this challenge in Kosovo, and in the whole KFOR and UNMIK constitute a burdensharing success story, even as we encourage Europeans to do even more. The United States must continue to act in our own best interests. This legislation, if enacted, would see its worthy intent generating consequences adverse to some of our most fundamental security interests.

Thank you again for your support of our servicemen and women.

Very respectfully,

WESLEY K. CLARK,
General, U.S. Army.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

□ 1445

Mr. KASICH. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, the Members may not have heard all this debate, but we have heard that we deployed into Kosovo. We have been told that we are in Kosovo. We have talked about we are withdrawing from Kosovo. The simple truth is that none of us went into Kosovo. None of us are in Kosovo. None of us will come out of Kosovo. It is the men and women of our military.

Yesterday I talked to four of them. I talked to a Major who has been deployed five times in the last 10 years. Ten years ago he had two people directly under him. Today they are his supervisors. I talked to a young man at the University of Alabama who deployed in May, came back in February, lost a year and a half of school.

That is what we are talking about. We are talking about the men and women of our military. It is a simple question: Do we make our European allies shoulder the burden, or do we make our own troops continue to shoulder the European burden?

Mr. KUCINICH. Mr. Chairman, I am in favor of this amendment. This amendment requires the President to submit a report to Congress confirming European obligations in Kosovo. If, before April 1, 2001 a report is not submitted, then the amendment would prohibit funding for further deployment of US ground troops.

This amendment is a common sense amendment. It does not withhold funding for maintaining our troops that are there currently. It is flexible because it gives the President room to waive this requirement for up to 180 days. And it provides the President time to certify that our allies are meeting up to their financial commitments.

Mr. Chairman, the current situation in the Balkans is grim and unpromising.

Ethnic cleansing is still taking place. More than a year later we are witnessing reversed ethnic cleansing of Serbs and Gypsies by Albanians. Since June of last year, more than 240,000 Serbs, Roma and Muslim Slav Gurani have fled the province of Kosovo.

Human rights abuses are rampant. An Amnesty International report issued in February concluded that after six months of peacekeeping efforts in the region that ''human rights abuses and crimes continue to be committed at an alarming rate, particularly against members of minority communities.'' It goes on to say that UN police and KFOR troops have been ''unable to prevent violent attacks, including human rights abuses, often motivated by a desire of retribution, against non-Albanians.'' Many refugees are forced to live in nearby enclaves under heavy NATO protection.

The UN's goals of maintaining a multi-ethnic, peaceful Kosovo has failed. For example, an attempt to reintegrate Serb and Kosovar children in school in the village of Plementina recently failed. In response, the UN Kosovo Mission (UNMIK) decided to build a separate school several kilometers away for security reasons. These failures have forced the head of the UN Kosovo Mission Bernard Kouchner to concede that ''the most one can hope for is that they [Serbs and Albanians] can live side-by-side.'' So, it would seem that UNMIK's mission in Kosovo has drastically changed from maintaining a multi-ethnic society to one that must learn to co-exist side-by-side, but not together. Indeed, that is not even a representative picture.

Moreover, I am concerned that continued peacekeeping operations may actually facilitate an escalation in violence in the region. It is my understanding that part of the mission of KFOR is not only to ''keep the peace'' in the region, but to also train local residents into a civilian police force. My concern is that UN troops are legitimizing and institutionalizing extremist or radical elements of society there by training them to be a police force. If that's true, then our forces and our funds are propping up extremist elements in Kosovo and consolidating their power.

Despite European cooperation, the United States continues to bare the majority of the financial burden in the region, and we have really nothing to show for it. Congress needs to know that our NATO allies are meeting their financial obligations. Congress needs to know that US and European taxpayer dollars are being spent proportionately. Congress needs to know that our allies will provide their share of the cost of the peacekeeping mission in Kosovo. This amendment does this by prompting the President to report back to Congress on our allies commitments.

I urge my colleagues to vote in favor of this bipartisan amendment.

Mr. CROWLEY. Mr. Chairman, I am opposed to the Kasich, Condit, Shays, Frank, Bachus, DeFazio amendment to withdraw our troops from Kosovo before the completion of their vital mission in the Balkans.

The U.S. has committed a great deal of men, material and money to Kosovo and the Balkans region. Now is not the time to limit our activities. We must see it through.

I think it is very dangerous to tie the President's hands in the region when U.S. troops are on the ground and so much has been invested in the future of the region. This isn't a budget issue. It's a national security issue and must be viewed as such.

I agree with the proponents of the amendment that we must pressure our European allies to pay their fair share in Kosovo and the region. I think most of my colleagues would agree as well. But, I can't in good conscience allow the President to be prevented from doing what he feels is in the vital interests of the U.S. Especially when a new President will inherit the current situation in Kosovo next year and be forced to deal with this amendment if it passes here today. That is why George W. Bush joined with the Clinton Administration in opposing this amendment.

We must not link U.S. national security priorities with the perceived inaction of our allies. We all want to ensure our European allies to pay their fair share, but this is not the way to do it—diplomacy is.

No matter how you dress it up, this amendment could force the withdrawal of American troops from Kosovo. What kind of message does that send to our allies and enemies and most of all our troops? It sends the message that if you wait out the United States, we'll give up and go home. This message is irresponsible and dangerous.

Mr. Chairman, once again, this is a national security issue. We can not allow concerns over burdensharing to cloud our judgment on this issue. Yes, the Europeans must pay their fair share. Yes, the U.S. is often in a position where we must pay more than our fair share. And yes, I want our European allies to live up to their commitments. But, I will not sacrifice our security to do it.

I urge my colleagues to oppose this shortsighted amendment.

Mrs. FOWLER. Mr. Chairman, I rise in strong support of the Kasich amendment.

This amendment would simply require the President to hold our European allies to their past burdensharing commitments regarding Kosovo.

It would require the President to certify to Congress that the Europeans have delivered on at least a part of their commitments concerning humanitarian aid, redevelopment assistance, and law enforcement support for Kosovo.

Specifically, it would require them to provide at least fifty percent of the reconstruction aid, 85 percent of the humanitarian aid, and 85 percent of Kosovo Consolidated Budget support to which they have already committed. It would also require that they meet at least 90 percent of their commitments regarding United Nations international police force personnel for Kosovo.

If the President does not make this certification by next April 1, funding for U.S. ground forces in Kosovo would be terminated. The President would be able to pursue two 90-day waivers of this certification requirement if hostilities were underway or imminent.

Last summer I led a Congressional delegation to Kosovo at the request of Speaker HASTERT. We arrived the morning after the massacre of 14 ethnic Serb farmers in the village of Gracko. We saw clear evidence of intercommunal violence. We saw firsthand how U.S. troops had been pressed into service, performing every mission from law enforcement to utilities repair to municipal management.

As outstanding as our troops are, they are not trained for these missions. They are not trained to investigate or fight organized crime. They are not trained to restore telephone systems or power grids. They are not trained to operate prisons or administer justice.

These tasks were supposed to be performed by the United Nations Interim Administration Mission in Kosovo (UNMIK), pursuant to a Security Council resolution. Unfortunately, UNMIK is not able, even today, to perform many of these missions.

That is why I support the Kasich amendment. During the air campaign last year, the United States flew some sixty percent of the missions, including most of the riskiest.

Now it is time for the Europeans, whose interests remain most directly affected by this situation, to do their share.

I urge support for the Kasich amendment.

Mr. BONIOR. Mr. Chairman, to read the amendment before us, it's easy to get the impression that we're being presented with an opportunity to save some dollars. But, in fact, the real effect of this amendment will be to risk human lives.

Let's be clear: all of us believe in burden sharing. All of us want our allies to pay their fair share for our mission in the Balkans. That's why I was proud to support burden sharing from the start—and why I support it today.

But we can't allow our frustration with our allies to blind us to the truth. Because the truth is that there's nothing Slobodan Milosevic wants more—nothing that he needs more—than to know a date certain for the withdrawal of U.S. forces.

Ask yourself, what possible incentive would there be for Milosevic to agree to a lasting settlement if he knows that—in less than a year—our armed forces will simply pack their bags and come home?

What incentive is there for Milosevic to end the reign of terror against ethnic Albanians—terror that continues to this day—if this Congress tells him that all he has to do is run out the clock?

Should our allies pay their fair share? Of course they should. That's not the issue. The issue is that our mission in that troubled land is not yet complete. And until it is, measures like the one we're considering are as damaging as they are premature.

I urge my colleagues to vote no on the amendment.

Mr. KASICH. Mr. Chairman, I yield back the balance of my time, and ask that we immediately proceed to a vote.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Mississippi (Mr. TAYLOR). It is not a debatable question.

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 215, not voting 19, as follows:

[Roll No. 192]

AYES—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—215

Aderholt
Archer
Armey
Bachus
Baker
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)

Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Baldacci
Ballenger
Campbell
Clay
Coburn
Crowley
Doyle
Frost
Largent
Markey
McIntosh
Ney
Pomeroy
Sanford
Scarborough
Slaughter
Stupak
Udall (NM)
Wamp

□ 1503

So the motion was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD.) The question is on the amendment offered by the gentleman from Ohio (Mr. KASICH).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KASICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 264, noes 153, not voting 17, as follows:

[Roll No. 193]

AYES—264

Aderholt
Archer
Armey
Bachus
Baker
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blunt
Boehner
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Crane
Cubin
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLay
DeMint
Deutsch
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Evans
Everett
Ewing
Farr
Fletcher
Foley
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Hoekstra
Hooley
Horn
Hostettler
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kingston
Kleczka
Kucinich
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lee
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (OK)
Luther
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McKeon
Meehan
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Morella
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stark
Stearns
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Udall (CO)
Upton
Vitter
Walden
Walsh
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Woolsey
Wu
Young (AK)
Young (FL)

NOES—153

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Bentsen
Berkley
Berman
Bliley
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Brady (PA)
Callahan
Capps
Capuano
Cardin
Clay
Clement
Clyburn
Conyers
Coyne
Cramer
Cummings
Davis (FL)
DeGette
DeLauro
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Edwards
Engel
Etheridge
Fattah
Filner
Forbes
Fossella
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Houghton
Hoyer
Hunter
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Klink
Knollenberg
Kolbe
Lampson
Lantos
Larson
Levin
Lewis (CA)
Lewis (GA)
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meeks (NY)
Menendez
Millender-McDonald
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Strickland
Stump
Tauscher
Taylor (MS)
Thompson (MS)
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Waxman
Weiner
Wexler
Weygand
Wolf
Wynn

NOT VOTING—17

Baldacci
Ballenger
Campbell
Coburn
Crowley
Doyle
Hall (OH)
Herger
LaFalce
Largent
McIntosh
McKinney
Sanford
Stupak
Udall (NM)
Wamp
Wise

□ 1522

Ms. SLAUGHTER changed her vote from ''aye'' to ''no.''

Mr. DAVIS of Illinois changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. SUNUNU). It is now in order to consider amendment No. 2 printed in House Report 106–621.

AMENDMENT NO. 2 OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FRANK of Massachusetts:

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

SEC. 1006. ONE PERCENT REDUCTION IN FUNDING.

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed, the gentleman from Colorado (Mr. HEFLEY), each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, it is important for Members to understand that in the 2 days in which we will be dealing with this bill we will have spent more than half of the discretionary funds available for expenditure by the Federal Government in the next fiscal year. If we go along with the committee's proposal.

The committee has proposed a very significant increase in the military. It has gone significantly above what the President proposed. And the result will be that, according to the calculations I have gotten from budget people, 51.8 percent of the total money spent on discretionary accounts by the Federal Government this year will be spent on the military.

Now, many of my colleagues will have told their constituents that they would like to do more for prescription drugs for older people. We have older

people in desperate need of help in paying for prescription drugs. Members have told local police departments that they would like to be even more responsive to their needs. We have told, many of us, local educational authorities that we understand their needs for expanded school buildings and we would like to help them. We have told communities affected by environmental problems that we would like to expand the money EPA has so that they could do more to clean up Superfund sites more quickly and to do more to deal with brownfields. But this bill will make a lot of that impossible.

And we ought to establish a standard of honesty for Members. If we vote for the full amount asked for by the Committee on Armed Services today, we should not expect to be able to tell people honestly that we would like to help them but were somehow deprived by someone else of the ability to do it because this will be a self-imposed deprivation.

Now, my amendment is a rather small one. It calls for a 1 percent cut in the authorized level. That would be $3.09 billion. This bill is $4.5 billion over the President's request. On the last amendment many of my Democratic colleagues felt they had to support the President. Well, I hope that carries over. Raising the President's defense budget by $4.5 billion more than he asked for, when that comes at the expense of education and the environment and health care and law enforcement, is not a good way to show support. Even if this amendment passes, the bill will still be a billion and a half more than the President asked for, and the President asked for a significant increase.

Now, the bill exempts personnel and it exempts operation and maintenance and it gives to the Congress, not the White House, the ability to decide how to allocate this. So that is the question before the Members. Are we prepared to increase by $4.5 billion what the President asked for; do we believe that there is apparently no waste in the Pentagon; are we prepared to say that 51.8 percent of the total discretionary spending will go to the military, when that increase that we will be voting for will lessen our chances of providing prescription drugs, will undercut our ability to deal with local law enforcement and will reduce the resources available for housing for the elderly or environmental cleanup?

Mr. Chairman, I reserve the balance of my time.

Mr. HEFLEY. Mr. Chairman, I yield myself 2 minutes, and I rise to oppose the amendment.

Mr. Chairman, let me talk about the area of the bill that I know the most about, and that is, as chairman of the Subcommittee on Military Installations and Facilities, I remain concerned about the deteriorating conditions of our military installations, and I am especially concerned about the impact of inadequate facilities and military housing on readiness and retention.

The House Committee on Armed Services has played a bipartisan role in addressing the needs of the military personnel, their families, and has shown a commitment to acquire decent housing, improve child development centers, and other quality of life improvements for those who serve in the Armed Forces. The gentleman from Massachusetts (Mr. FRANK) talks about helping these people. Well, we are trying to help these people.

The amendment would have the practical effect of reducing total defense spending by 1 percent. In carrying out such a reduction, no cuts could be made in operations and maintenance or from the personnel accounts. This would require that a disproportionate amount be taken from the other defense accounts, including military construction and military family housing, thus diminishing the improvements that our service members deserve.

H.R. 4205 contains a number of important provisions affecting these accounts which will help alleviate part of the problems I mentioned previously. Decreasing the MILCON authorization level, a level to which the House Committee on Armed Services unanimously agreed, and a level that complies with the concurrent resolution on the budget, would contribute to the deteriorating conditions for our service members and their families, and signal to them that we as a Congress are uncommitted to addressing the unfunded infrastructure accounts.

□ 1530

Military construction and military family housing continue to receive too little attention in the overall competition for resources. We cannot afford to reduce authorization levels for vital infrastructure programs. This will only accelerate the long-term degradation of quality of life, training, and readiness.

I urge the defeat of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. LUTHER), an intellectually consistent budget cutter.

Mr. LUTHER. Mr. Chairman, I rise in strong support of the Frank amendment.

The amendment, as the gentleman from Massachusetts (Mr. FRANK) has pointed out, would reduce funding for next year's defense budget by a very modest one percent, leaving the accounts for operations and maintenance and personnel untouched.

That still leaves us with a total defense spending level of over $300 billion, $1.4 billion more than the President requested, and a massive $20 billion more in defense spending than last year.

To put it in perspective, as the gentleman from Massachusetts (Mr. FRANK) did, this bill currently represents more than half of the discretionary spending for the fiscal year 2001 budget. This is a prime example of misdirected priorities, and I think it is high time that Congress face up to that issue.

We have serious work to do for the American people: providing a prescription drug benefit for seniors, securing Social Security, guaranteeing top quality education for our young people, and paying down the national debt. In light of these needs, we should not be adding in this way to the military budget, especially when it represents old-fashioned thinking in our modern world.

Currently, the Pentagon's strategy is far too focused on big weapons systems, with little value in the ethnic and the nationalistic conflicts we find ourselves in today. So, in addition to consuming resources that we need in society for other purposes, this old way of thinking also robs our military men and women of crucial funds for readiness and training.

Finally, Mr. Chairman, while we have made significant progress on reducing the imbalance in our budget, we must look for every opportunity to reduce our over $5 trillion in national debt. We simply cannot continue to justify spending money in this way.

I urge support for the amendment.

Mr. HEFLEY. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, the Members of the House have already voted against the substance of this amendment. We voted almost 3–1 to add $4 billion to the emergency supplemental appropriations bill. That money was in response to a request by the services when we asked them this year, what do they have in unfunded requirements that is not in the President's budget? They gave us a list of $16 billion, including ammunition, spare parts, training, and, in some cases, replacement platforms, aircraft, and other things to fill in areas where the President had not funded the armed services.

In response, we gave $4 billion on the emergency supplemental. We did not get that. The other body would not go along with that. But they did go along with an increase of our top line of $4 billion. This amendment would, basically, gut that and wipe out the will of the House that voted almost 3–1 to give more money to the military.

Now, why did they do it? They did it because defense spending has been in decline for 13 years. We are spending approximately $100 billion less this year on national security than we did in 1985 in real dollars.

Now, some people may say, well, we funded readiness accounts. We funded personnel accounts. Why can we not take money out the modernization accounts.

I think the best reason is the 80 aircraft that have crashed in the last year and a half. For any Member that wants to know the essence of this debate, it is

this list of crashes. These crashes represent almost every type of aircraft, rotary and fixed-wing aircraft, in our inventory: F–16s, F–15s, helicopters, right on down the line.

Some of them crashed because they did not have spare parts. Some of them crashed because we have inexperienced people, we are not getting enough pilots in. Some of them crashed, in my estimation, because of lack of training. Some of them crashed, my colleagues, because they are too old.

And even President Clinton's own Secretary of Defense Bill Perry told us just a few weeks ago we are $10 billion to $15 billion short in procurement accounts, in modernization accounts. Here is a person that put together the blueprint that President Clinton is now operating under, and he is telling us that we are short $15 billion to $20 billion in our accounts. And he is a responsible person. He understands it is largely sparked by the fact that we are having enormous numbers of crashes, lots of operational problems.

The facts are, my colleagues, that we need this money; and we cannot take this large piece of money out of the defense bill without having a major impact on our ability to have a strong national defense.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to commend the gentleman from California (Mr. HUNTER) for his statement.

We are still substantially below where we need to be in modernization. We have got OPTEMPO issues. We have got spare parts problems, real property maintenance.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am sorry my friend the gentleman from Washington (Mr. DICKS) cannot join me in supporting the Clinton administration on this issue, but maybe he will come back on a later one.

The Clinton administration did ask for a significant increase. I think they asked for too much. But I am still prepared only to cut back to even a little bit above what they asked.

Now, I acknowledge that the Department of Defense does not have everything it would like to have. It does not have all of its proposals. Neither does the Department of Health and Human Services. They do not have enough money to pay for prescription drugs for all the people.

Vote against this amendment and then go and tell the elderly people in their district that they cannot do a prescription drug program the way they would like it because we cannot afford it.

Now, I want to help the living conditions of the people in the military. If they would listen to this debate, they might not know that we buy weapons, and not only that we buy weapons, but let me quote here a former presidential candidate, the Senator from Arizona, who talks about all the pork that gets put in. There were weapons in here that no one asked for except the people in whose districts they are made. I am talking about 1 percent of the budget, 1 percent of the $309 billion.

I believe that we could look at a list of projects that were generated by Congress put into this bill that were not requested by any of the services that would amount to this. We just voted an amendment to say that our European allies have to pay more of the joint costs. That provides some savings.

Now, it is true we are spending less on defense than we were. Ten years ago a major event happened. There was the collapse of the Soviet Union, and the major threat to our ability to exist as a free society collapsed.

That does not mean there are not still countries in the world that cause us problems. But they existed before the collapse of the Soviet Union. North Korea did not come into being in 1995. Iran was not invented in 1992. Libya did not spring to Earth in 1993.

Twelve years ago we had the Soviet Union with its nuclear weapons and the Warsaw Pact and all these over threats. I have heard Members say, oh, well, it is much more dangerous now that the Soviet Union has collapsed.

We have, believe it or not, nostalgia for the old days when we were facing a thermonuclear threat amongst some Members because they can use that to justify increased expenditures.

I have more confidence in the members in the authorization and appropriations committees than they have in themselves. I believe if we say, look, they are going to have 99 percent of what they asked for, which includes billions more than they had, the increase in the military budget from last year and this year would pay for a prescription drug program. Not the budget, the increase in the budget.

What we are saying to them is show a little restraint, we will leave to them the authority to pick and choose. Do not cut things that are important to manpower. Cut out some of the projects that they are being asked to pay for because they will provide employment in certain districts.

There is an intellectual double standard here that says, when we are talking about housing, when we are talking about health care, when we are talking about the Environmental Protection Administration, if we catch them misspending money, we will punish them.

In the Pentagon, when we catch them misspending money, we reward them by giving them more.

Mr. HEFLEY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPENCE), the chairman of the committee.

(Mr. SPENCE asked and was given permission to revise and extend his remarks.)

Mr. SPENCE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, we have been fighting for a long time to rebuild our military. We have been in a deep hole, and we are trying to dig out of it. This year, for the first time in 15 years, we have got a real increase in the defense budget. And now people want to try to take away part of that.

Reference is made to the Cold War and the fact that the Soviet Union has dissolved now and so we do not have all these threats we had and it will not cost us as much to defend against them.

I would like to remind my colleagues that the world now is more dangerous, in spite of what he says, than it has been during the Cold War. We still have the Cold War threats of intercontinental ballistic missiles with nuclear warheads, but now it is more varied. Instead of just coming from the old Soviet Union, now it comes from Russia, from China, from North Korea, Iraq. And the list goes on. We cannot defend against any of those properly.

In addition, we have new threats, weapons of mass destruction, chemical, biological, bacteriological. We can put these as warheads on shorter range missiles and cruise missiles that we hear so much about. Eighty-one countries have cruise missiles. They can put these as warheads on those devices and they can bring everyone in the world within the range of these types of weapons, our friends, our allies, our troops, and us here at home.

We cannot properly defend against those threats, and here we are trying to cut more than that.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 15 seconds to say that none of the threats my friend just mentioned, North Korea, China, Iraq, chemical weapons, or biological weapons, date from 1990. They all existed contemporaneously with the Soviet Union.

So it is simply not remotely accurate that we have all these new threats. We used to have all of those and the Soviet Union.

Mr. Chairman, I yield the balance of the time to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, the Pentagon cannot even have their books audited to figure out how they are spending their money. Do my colleagues think the days of $1,000 hammers and screwdrivers and bolts are gone? Wrong.

The Pentagon loses ships. They do not know where they are. Yet, they say we cannot restrain spending in this town? They are wrong. Because they have gotten too addicted to Potomac fever.

Those are not my words. Those are the words of the chairman of the Republican Committee on the Budget.

Now, what we are talking about here is good money after bad. We want the strongest defense possible. We want readiness. We want O&M funded. We want our personnel taken care of. But we do not want precious taxpayer dollars wasted. And they are being wasted.

This year financial statements were more untimely than ever, and a record $1.7 trillion of unsupported adjustments were made in preparing these statements. That is the Department of Defense Inspector General Semiannual Report, March 31.

Now, defense contractors, the wonderful patriotic folks that they are, returned $984 million they were paid that they were not owed voluntarily. They were not audited. They did not return it because the Pentagon found out they had paid the bills twice, three times, four times, or whatever. They sent back $1 billion voluntarily. And then we got back another $3.6 billion after some minor audits were conducted.

Now, my colleagues cannot tell me that this is enhancing our defense or our readiness, and they certainly cannot tell me it is cost-effective and a good use of our taxpayers' dollars.

This cut would cause, finally, the bureaucrats and the four-stars down at the Pentagon to begin to pay attention how they spend our tax dollars and to have a more cost-effective and better ready force.

□ 1545

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. BATEMAN).

(Mr. BATEMAN asked and was given permission to revise and extend his remarks.)

Mr. BATEMAN. Mr. Chairman, I will comment that this debate is about priorities. The priority here is the overriding priority of providing for our national defense which is not only an obligation, it is a constitutional obligation, and this amendment would strike at the heart of our ability to perform that responsibility. O&M accounts, personnel accounts are exempted under this amendment which means that it falls even more heavily on all the other accounts in the Department of Defense and it would be an onerous, intolerable burden and would indeed, even though it does not come under my Readiness subcommittee, be a tremendous detriment to the status of readiness of our military forces. This amendment deserves resounding defeat.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

(Mr. HAYES asked and was given permission to revise and extend his remarks.)

Mr. HAYES. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in opposition to this amendment. My friends on the left are headed in the wrong direction once again. Without national security, there can be no Social Security. We cannot afford to continue the slide in priorities of national defense.

I will use the balance of my time to call attention to our chairman who has fought tirelessly throughout his career for the men and women who wear our uniform and protect our country. He has fought against the Clinton budget-cutting ax that has tried to decimate our military.

Mr. Chairman, I ask my colleagues to vote against this amendment. Support our national security. Support our chairman for whom the title of this bill is properly dedicated. I rise to thank him for his tireless efforts on behalf of our men and women in uniform.

Mr. Chairman, I rise today in strong support of H.R. 4205, the National Defense Authorization Bill for Fiscal Year 2001. But first and foremost, I would like to recognize our Chairman, the gentleman from South Carolina, Mr. SPENCE, for whom this bill's title is dedicated. No one in this Congress cares more about our men and women in uniform than Mr. SPENCE. He has distinguished himself among his colleagues as a member who leaves politics at the water's edge when faced with issues important to our Armed Services. Chairman SPENCE, we and the millions of Americans who proudly serve our nation in the military are grateful to you.

Mr. Chairman, I would also like to recognize our retiring colleagues on the Committee: Mr. KASICH, Mr. PICKETT, Mr. BATEMAN, Mr. FOWLER and Mr. TALENT. I've enjoyed working with them and certainly wish them well.

For almost a decade now, this nation's defense budgets have continued to fall victim to the Clinton Administration's cutting ax. We have gone from a budget in 1992 that exceeded $300 bullion to a budget that in the mid-90s fell perilously low. This year, the Armed Services Committee has put before this body a bill which reverses the downward and misguided trend in defense spending. We renew our commitment in the form of $310 billion to the men and women who selflessly serve in the defenses of our nation. We have continued this year the good work we began last year in what was called the year of the troop.

Mr. HEFLEY. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania (Mr. WELDON).

The CHAIRMAN pro tempore (Mr. SUNUNU). The gentleman from Pennsylvania (Mr. WELDON) is recognized for 1 minute.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise in solid opposition to this amendment. We are in no way, shape or form able to meet the needs of our military. The irony here is that we had President Clinton's former Secretary of Defense Bill Perry come before us in January and tell us that the President's request, the $15 billion above last year, was inadequate and that in his mind it should be more like 10 to $20 billion above the President's request. That is after we put money in each year, bipartisan support, to make those increases occur. Yet Bill Perry still said we were 10 to $20 billion short in what the President requested.

Now, I know some of my colleagues are not happy, but even the proponents of this amendment signed letters to us asking for tens of billions of dollars above what we were willing to give. I have the information here and I am not going to embarrass Members personally, but I can tell you that Members who are supportive of this amendment signed letters to us asking for us to put more money in the defense bill than what the President asked for.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. FRANK) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 3 printed in House Report 106–621.

AMENDMENT NO. 3 OFFERED BY MR. DREIER:

Mr. DREIER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. DREIER:

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

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

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

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

(2) by adding at the end the following:

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from California (Mr. DREIER) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I yield myself such time as I may consume.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Chairman, national security is the top priority that we have here in Washington, D.C. As I said during the debate on consideration of the rule that made these amendments

in order this morning, there are a wide range of issues that we address and discuss on a regular basis, many of which can be handled at other levels of government. But the security of the United States of America can only be handled by the Federal Government, and that is why I want to make it very clear that our security is my top priority. That is why I am very happy to say that we have worked out in a bipartisan way a very, very important piece of legislation which will allow us to strengthen our security. I would like to begin by commending the very distinguished ranking minority member of the Committee on Armed Services, the gentleman from Missouri (Mr. SKELTON), who has joined me as the lead cosponsor of this amendment on the other side of the aisle as well as the gentlewoman from California (Mrs. TAUSCHER), the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN) and several others.

This is a compromise that has been put together working closely with the gentleman from South Carolina (Mr. SPENCE) the man not only who chairs the committee, but after whom this legislation that we are dealing with here today is named, and I would like to express my great appreciation to him for his stellar leadership and for working with us in putting together this bipartisan compromise, which, as I said, not only includes both sides of the aisle, but also deals with various committees that have been involved in it. It is a very common sense proposal that will establish a 60-day congressional review period when the President raises the threshold for export controls on high speed computers.

The amendment protects our congressional prerogatives. Let me underscore once again, this amendment protects the prerogatives of the United States Congress by ensuring that the review period will not occur when Congress is adjourned sine die. In short, this amendment is a very balanced proposal that is designed to promote sound export controls and the continued global leadership of our Nation's computer industry. As I said, it is very good for our national security.

Let me just say that I happen to believe that as we look at where we are going on this legislation, we have got to deal with our Nation's security, but at the same time, we have to recognize that the computer industry in this country is constantly re-creating itself. It is not just happening in this country, it is happening throughout the rest of the world, they push the technology envelope on a regular basis, and I think that the current export policy regime structure that we have is really out of step with the changes that have taken place with the 6-month current law that does exist. I would like to say that this stems from legislation that the gentlewoman from California (Ms. LOFGREN) and I introduced earlier, and I believe it is very, very important for us to realize that that launched the effort, and now we have worked a compromise which I think can be acceptable all the way around.

I urge support of this amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

I cannot help but express my severe disappointment that this measure, which is inferior to the bill introduced with the gentleman from California (Mr. DREIER) on this subject is the best we can do here on the floor. I must point out that the better bill that the gentleman from California and I introduced won unanimous support in the Committee on International Relations. It provides for a 30-day review, which is the proper time period. Why should computers be subjected to a lengthier time review than tanks and missiles? It is preposterous.

I realize that there are Members of the House, some have called them cold warriors, who disagree. But they are a small minority. If the Committee on Rules had allowed the 30-day bill on the floor, we would have seen a huge bipartisan vote for that amendment for that better approach. The leadership instead offers this weaker remedy, and it is a darn shame that we have lost this opportunity to do fully and completely what the White House and Democratic House leadership has asked for for years, a bill that provides for a 30-day review of computer exports.

Mr. Chairman, our Committee on International Relations whip count indicated we would have had a floor vote of about 300 Members for a 30-day bill, with more Democrats in favor than Republicans. Democrats would have outshined the Republicans on this. That, Mr. Chairman, is why this 60-day bill is the only amendment made in order. The Republican leadership wants to look tech friendly, but here, I believe, they are putting partisanship ahead of good policy. I agree that the current export policy is wrongheaded. It means that children's toys, for example, the Sony Playstation 2 that was categorized as a supercomputer cannot be exported for half a year while we update our technology policy in the export arena. The current policy is disastrous. This amendment that is before us is, in fact, an improvement over current policy, but it is far short of what we could have done. I am greatly disappointed. I hope that in the end we can somehow rescue the 30-day provision.

Mr. Chairman, I reserve the balance of my time.

Mr. DREIER. Mr. Chairman, I am very happy to yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER), coauthor of the amendment.

Mrs. TAUSCHER. Mr. Chairman, I rise in support of the Dreier-Skelton-Gilman-Tauscher amendment to the defense authorization bill. Current U.S. export controls on supercomputers are Cold War leftovers that are irrelevant to today's global marketplace. Namely, they do not account for the rapid development of widely available technology.

On February 1, President Clinton proposed new controls to reflect modern technology. But that proposal will not take effect until August because of a lengthy 180-day congressional review process. The problem is that modern technology in August is not necessarily what modern technology was in February.

Today we should limit the congressional review period to 30 days, which would be in line with our export controls on tanks and other military technologies. I submitted an amendment to that effect on Monday. I regret that the Committee on Rules ruled against my amendment, and for this 60-day review period. Congress simply does not need 2 months to review technology that is ubiquitous and is being exported by other nations.

When we apply antiquated controls to a fast-paced, evolving market, we hurt American businesses with no added advantage to national security. While a 30-day review period is the right policy, I urge my colleagues to support this 60-day review period held in the Dreier-Skelton-Gilman-Tauscher amendment because it is better policy than the current law.

Mr. DREIER. Mr. Chairman, let me once again thank the gentlewoman from California (Mrs. TAUSCHER) for her cosponsorship of this amendment and to say that it is very helpful. Again this is a package that has been put together with both the Republican leadership and many Democrats included in this.

Mr. Chairman, I am happy to yield 2 minutes to the gentleman from the show-me State, (Mr. SKELTON), distinguished ranking minority member of the Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I am proud to be a cosponsor with the gentleman from California (Mr. DREIER), the gentlewoman from California (Mrs. TAUSCHER) and the gentleman from New York (Mr. GILMAN) to reduce the notification period for changes in the definition of supercomputers. Modern computing was born in the United States of America. The technology leaders in the field are among the firms most strongly driving our economy today.

We may all be familiar with Moore's law which states that the amount of computing power available at a given price doubles every 18 months. Today, though, before the government can legally recognize any advancement in computing power, it must wait for 180 legislative days. That is 6 of those 18 months. In 6 months, foreign competitors can leap ahead of our technology. In 6 month, buyers can be attracted to other products. In 6 months, companies restrained from filling already closed deals can find themselves in great financial difficulty.

Even worse, we all know that a legislative day is not a day in any conventional sense of the term. It can be as long or as short as we wish. We can perform the miracle Joshua described, to stop the sun in the sky. While that may be useful for legislation, it can stretch the waiting period far beyond the 6 calendar months that can already be so difficult for America's companies, and do so beyond the capacity of any seer to predict.

This amendment recognizes the reality of technology. I would note also that this amendment does not reduce the time available for approval of particular export transactions. All of those controls remain in place.

□ 1600

I hope that all of my colleagues will join us in recognizing the unique pace of technology development endorsing the rationality and predictability in government regulations.

Ms. LOFGREN. Mr. Chairman, I yield 4¼ minutes to the gentleman from New York (Mr. GILMAN).

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, I rise in strong support of the Dreier-Gilman-Skelton-Tauscher amendment providing for a 60-day Congressional review period for any decision by the administration to modify control levels for high performance computers exported to certain countries and markets.

While I would prefer to shorten the current review period of 180 days to 30 days to enable U.S. industry to respond quickly to rapid changes in the speed and technology of computer chips and microprocessors, I am in support of this bipartisan proposal.

In my view, this measure carefully balances the need for Congressional oversight of our export control policy with the need to make certain we do not put unnecessary roadblocks in the way of our computer industry, which faces increasingly stiff competition in markets throughout Europe and Asia.

This amendment in no way alters the current licensing policy regarding these high performance computers and the Department of Commerce's ongoing post-shipment verifications on the use of these computers in countries of concern, including China and India. It does, however, ensure that the administration is going to provide Congress with an adequate review period for any proposed changes in computer performance thresholds by requiring that it not include a Congressional sine die adjournment.

By way of background on this issue, I point out to my colleagues that there are widely divergent computer export controls that are now in place designed to balance foreign availability with national security concerns. The two factors determining whether an export license is required for a high performance computer are its country of destination and the number of MTOPS, million theoretical operations per second.

As of January of this year, the Department of Commerce has broke broken down these countries into four separate tiers, with each tier having its own separate licensing requirement.

The first tier includes Western Europe, Japan and Australia, Mexico and Canada, where no individual validated license is required for any computer exports.

The second tier includes the countries of South and Central America, as well as a number of Asian countries, where an individual validated license is required for the export of a computer above 20,000 MTOPS.

The third tier includes India, Pakistan, China, Russia, and the countries of the Middle East, where exports are permitted without an individual validated license for computers up to 6,500 MTOPS, but sufficient licenses are required for exports for military uses above this threshold level and for all other exports of computers having a speed of 12,300 MTOPS or higher.

Tier 4 countries include Iran, Iraq, Libya, North Korea, Cuba, Sudan and Syria, where virtually no computer exports are allowed.

The National Defense Authorization Act for Fiscal Year 1998 required exporters to notify the Commerce Department of a proposed export or reexport of a computer to a Tier 3 country with a speed of 2,000 MTOPS or higher, subsequently increased to 6,500 MTOPS, and authorized our President to raise this threshold level for these countries, but stipulated that it should not go into effect until 180 days after the President justifies the new policy in a written report to the Congress.

With computer product life cycles now averaging 3 months or less, a requirement that our computer companies must wait 6 months before exporting widely available high performance computers is both unrealistic and unwarranted. This amendment before us simply shortens the review period to 60 days while preserving Congressional prerogatives and making no changes in our current export control regulations. Accordingly, I urge our colleagues to fully support the adoption of this measure.

Mr. DREIER. Mr. Chairman, let me express my appreciation to the chairman of the Committee on International Relations for his coauthorship of the amendment and his very thoughtful statement.

Mr. Chairman, I am very happy to yield 2 minutes to the gentleman from South Carolina (Mr. SPENCE), the distinguished chairman of the Committee on Armed Services and the man for whom this very important defense authorization act is named.

(Mr. SPENCE asked and was given permission to revise and extend his remarks.)

Mr. SPENCE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of this amendment. I appreciate, I want everyone to know, the willingness of the chairman of the Committee on Rules to work with me in trying to find a legislative outcome that would ensure our national security is not compromised by the export of high performance computers to dangerous entities in countries of proliferation concern. I believe that this amendment, which would reduce the current waiting period for certain computer exports to those countries from 180 days to 60 days, excluding the period of time when the Congress has adjourned sine die, is an acceptable compromise.

Personally, I would have preferred a longer time frame for review in order to allow Congress an opportunity to more fully debate and review significant changes that the administration may propose in the level of computing capability that may be exported to certain users without government knowledge, especially during periods when Congress is not in session.

Those of us who have expressed national security concerns about the liberalization of export control policies under this administration recognize that technology is rapidly advancing. The underlying legislation this amendment would change also recognizes this fact by allowing the administration to make such adjustments in the level of computing power that can be exported without government review.

Nevertheless, I believe this amendment strikes an appropriate balance between commercial concerns and national security requirements. Because of this, Mr. Chairman, I support the amendment.

Ms. LOFGREN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I rise in support of this amendment, but also express some regret that we did not have the opportunity to have this body act on an amendment which I think would have even been more in tune with the realities we are seeing in today's Information Age. When we look at the fact that we allow many sensitive weapons, such as tanks, high performance aircraft and missiles, to be exported from the United States with only a 30-day waiting period, it seems somewhat irresponsible and inappropriate that we would not apply that same standard to the exportation of high performance computers and technology.

We are here today because we are recognizing that we are advancing from an industrial-based economy to one that is based on information, and the forces in an information-based economy are speed, whether it is the speed of commerce, the speed of innovation, the speed of communication, and we ought to be advancing regulations that are consistent with our transformation into an information-based economy, and a 30-day review period is more than adequate to allow us to ensure that we

are not jeopardizing national security, and, at the same time, ensuring that we are not impeding the ability of our economy, which is committed to the technology sector to maximize their economic opportunities internationally.

We have had some evidence where companies have been thwarted in their ability to make sales of computers. Just last fall Apple Computers developed a single processor that exceeded the export control limits, and were precluded from marketing this product in over 50 countries.

We need to ensure that we do not have U.S. workers sacrificing market opportunities because we have a regulation on the books that is not in tune with the realities of this information-based economy in which we now find ourselves.

I rise in support of this amendment. I hope as we continue this process though that we can hopefully get back to looking at the legislation that my good friends the gentleman from California (Mr. DREIER) and the gentlewoman from California (Ms. LOFGREN) would have introduced that would have only required a 30-day period.

Mr. DREIER. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from South Carolina (Mr. SPENCE), the chairman of the Committee on Armed Services, who would like to make an announcement.

Mr. SPENCE. Mr. Chairman, pursuant to section 5 of House Resolution 503, I announce to the House we will proceed with consideration of amendments printed in the report on the rule in the following revised order: Amendment No. 4; No. 20; No. 13; Nos. 5 through 9; Nos. 11 and 12; Nos. 14 through 19; Nos. 21 through 26; Nos. 28 through 35; No. 10; and No. 27.

Mr. DREIER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say that I appreciate the very thoughtful remarks of the gentleman from California (Mr. DOOLEY) in support of the legislation that I and the gentlewoman from California (Ms. LOFGREN) introduced. Obviously I am a proponent of that 30-day period.

The fact of the matter is it was necessary for us to put together a compromise, because obviously the 6-month period with which we have had to deal over the past several years has been inadequate, and the most recent experience we had actually delayed from July 23 of last year until January 23 of this year the ability to increase the MTOPS level, and we tried then to move for some kind of movement. Quite frankly, it took the administration quite a while, because it was nearly 5 months before that July 23 letter that the President sent that we made the request of him to move for a lifting of the export control level.

So now we have come up with a compromise, which I believe is a balanced one. Again, my first choice is the legislation that the gentlewoman from California (Ms. LOFGREN) and I introduced. But we have come to a compromise, and I am very appreciative of the fact that my colleagues the gentleman from South Carolina (Mr. SPENCE), the gentleman from California (Mr. HUNTER), the gentleman from Missouri (Mr. SKELTON), the gentleman from New York (Mr. GILMAN) and the others who have come to support this, have agreed to do that.

Mr. Chairman, I yield 2 minutes to my very good friend and classmate, the gentleman from San Diego, California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank my good friend for yielding me time, and I want to thank him for his hard work in trying to put together a compromise that he feels would serve national security as well as commercial interests.

Mr. Chairman, as one of the folks that believes that we fought the Cold War right, let me just reflect to my colleagues that this species of transfer of computers and supercomputers to potential adversaries is a very dangerous game.

My colleague mentioned the Cold War. In fact, we won the Cold War and liberated about half a billion people from slavery. In winning the Cold War we were very careful not to transfer American militarily useful technology to adversaries and potential adversaries.

Computers have a deadly potential. That is, they can help to upgrade the nuclear weapons component of a military like China's. They can upgrade their ability to throw missiles. They can upgrade those militaries in almost every category, chemical, biological weapons.

One of my colleagues talked about helping American workers. American workers have another interest, and that is to see to it that their children are not killed on battlefields around the world by systems that were transferred to those countries by the United States of America.

This is a compromise. It is 60 days, and the time we are out of session does not count in the review period. For that reason, those of us who want to see very, very tight controls and review went along with it.

□ 1615

I might say to my colleagues, this is a very dangerous exercise that we are engaged in. We have to be very conservative and very careful. We have made massive mistakes in the past in transferring technology to our adversaries. We do accept this, especially because of the reservation of time that is spent out of session, so we are not going to be surprised by a transfer by the President of something that we think will be dangerous to American security. For that reason, the committee has agreed to the compromise.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just think that it is important to establish a couple of points about the agreement among Members. First, everybody in America is glad the Cold War is over and we are glad that capitalism won and we are glad that America won, so that is not an issue.

Number two, I think everybody agrees that there are some supercomputers that should not be exported. I know that I do and I think most of the companies in Silicon Valley, my home, believe that there is some high-end equipment that can be used for a dual use purpose and that it is not generally available and should be controlled. I agree with that.

The issue really is what is widely available and already accessible worldwide? And that is a changing number in terms of computing power, and once we determine that someone can get it anywhere else we are not really accomplishing anything by hampering our own economy.

I mention from time to time that if one can buy it at Fry's, it is too late to control. Recently somebody said what is Fry's? Well, what Fry's is is an electronic store in Silicon Valley where a person can walk down the aisle and they can buy computer chips and mother boards, and they can buy, and believe me this stuff is small, hardware that violates our export controls at Fry's right now. If we think that there are other countries in the world who cannot also go into Fry's, believe me there is no security ID necessary to go shopping at Fry's, if we do not think that people who want to get high computing power cannot already get it, then I think we are sadly mistaken.

So we need to make sure that our export controls are really keyed in to exporting power that is not available generally, and then once that decision is made there is no point in having a long, long period of time to implement it.

I mentioned earlier my disappointment over the 30- and 60-day issue. I will not reiterate that, but I thought it was important to highlight where we agree and not just where we disagree.

Mr. Chairman, I yield back the balance of my time.

Mr. DREIER. Mr. Chairman, do I have the right to close the debate on this?

The CHAIRMAN pro tempore (Mr. SUNUNU). The gentleman from California (Mr. DREIER) has the right to close and has 6½ minutes remaining.

Mr. DREIER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me first say that the pages are snickering because when someone put an easel up next to me here, I said I do not need charts. Well, this is one business where one can never admit to having learned anything, but the fact is I have learned that one can use charts if they are really good. So I have a really good chart here which points to the fact that when we are looking at MTOPs levels, MTOPs are millions of theoretical operations per second, MTOP

levels, we are actually debating very, very small computers here.

We are not talking about these supercomputers that go up to 3.2 million millions of theoretical operations per second. So the fact is, we are talking about computers that are widely available, and what we have done here is we have said that we simply want to make sure that since the rest of the world is making these very small computers available, that we in the United States should be able to compete with them. It seems to me that is the right thing to do.

Now today, current law says that we have a 6-month review period. As the gentleman from California (Mr. DOOLEY) pointed out, we have all kinds of other things that are approved with a much shorter period of time, 30 days. Now, people are concerned about the exports. My friend from San Diego, the gentleman from California (Mr. HUNTER), raised his question on this. The gentlewoman from California (Ms. LOFGREN) and I introduced the legislation calling for 30 days, but I want to see it reduced from the 6-month level, because if we look at the 3-month innovation cycle that exists out there we need to make sure that we do not have to be burdened with that 6-month period of time, and at the same time, recognize the top priority of national security.

So in light of that, we have come to a compromise. I have to say that I am troubled by those who would try to politicize this compromise because it is one that we have worked out. I have talked to everyone involved in this and gotten most people to agree. Again, the man for whom this legislation, the defense authorization bill, is named, the gentleman from South Carolina (Mr. SPENCE), the chairman of the committee, has made a very supportive statement here. The coauthor of the amendment is my friend from Missouri (Mr. SKELTON), a Democrat. My colleague, the gentlewoman from California (Mrs. TAUSCHER), and I suspect that my friend the gentlewoman from California (Ms. LOFGREN), will be supportive when we do have a vote on this because it is the best we can do at this juncture.

So I believe that it is the right thing to do and it is going to help us go a long way towards making sure that we do not have an incentive for our very, very important industry, the computer industry, which frankly is responsible for 45 percent of the gross domestic product growth that we have had in this country over the past 3 years, is not in any way provided with an incentive to leave the United States and go elsewhere because we put in the way hurdles for their continued success.

So I urge support of this very important amendment.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise today in support of the Drier/Gilman Amendment to shorten from 180 days to 60 days the amount of time for Congress to review the performance level that defines high-speed computers; however, I am disappointed in the Rules Committee's handling of this issue. Unfortunately, the Rules Committee did not rule in order the Lofgren/Tauscher Amendment that would have created a 30-day review time limit. I am disappointed that the amendment that we have before us today is inadequate because it does not go far enough to make meaningful change to our export policy.

On October 19, 1999, along with eleven of my Democratic colleagues from the House Armed Services Committee, I signed a letter to Chairman SPENCE and Mr. SKELTON, indicating support for a change to the export adjustment policy to a 30-day review period. That letter was meant to indicate the support of several Democratic Committee Members for this change and to reiterate the fact that advances in technology and industry product cycles are simply moving too quickly to deal with a 180-day delay in the implementation of export regulations. It is unreasonable to subject modifications in computer export regulations to a six-month waiting period, or even a 60-day delay, while the sales of tanks, rockets, and high-performance aircraft require only a thirty-day review period. That is why I was extremely disappointed that the Rules Committee did not allow an amendment to be ruled in order on a reasonable 30-day review period.

Of course, I support the 60-day waiting period amendment as an improvement, and will vote for the Dreier Amendment. Nevertheless, I do feel that we have wasted an opportunity to make an even more practical and necessary change to our computer export policy by not allowing an amendment on a 30-day amendment to be ruled in order.

Mr. CROWLEY. Mr. Chairman, I rise today in support of the Dreier/Skelton amendment to the National Defense Authorization Act to reduce the waiting period for the export of computers from 180 days to 60 days.

The current 6-month waiting period clearly does not make sense for products that have a 3-month innovation cycle and are widely available from our foreign competitors. Until recently, export controls affected only a small number of computers. But with recent advances in microprocessor performance, many of the commonly available U.S. business computers will be subject to U.S. unilateral export controls.

This amendment will enable American high tech companies to compete more effectively around the world.

But I also want to express my hope that this legislation is only a first step to a more comprehensive overhaul of the U.S. Export Control System. We have to realize that our broken export control system threatens to cost our computer industry valuable sales in some of the most critical markets in the world.

This bipartisan amendment is support by the administration and by the computer industry. I urge my colleagues to support it today.

Mr. SMITH of Washington. Mr. Chairman, I rise today in strong support of shortening from 180 days to 60 days the Congressional review period for changes to the thresholds for export controls on high speed computers. While I have consistently maintained that the review period should be 30 days, this amendment represents a workable compromise. It is good for America's security and good for our Nation's economy

I have worked hard to update and improve our export controls since almost my first day in Congress. I am proud to have consistently supported loosening export controls—even when, at times, I was the only voice in favor of doing so. Clearly, we've come a long way in the last few years.

As a Member of the House Armed Services Committee, I am particularly sensitive to the need to protect and maintain national security. This measure not only ensures our country's national security, but also allows the technology industry to deliver their products to overseas customers and remain the world's leader in high speed computer production.

One of the best ways to protect security interests is to ensure that American companies continue to develop and sell the most advance computer systems in the world. According to the independent Defense Advisory Board, allowing foreign competitors to replace us in key markets, could ". . . have a stifling effect on U.S. military's rate of technological advancement." At risk is nothing less than the technological edge that is driving America's military and security superiority.

One of the best ways to keep our economy vibrant is to promote the export of technology. Industry needs the predictability of a 60 day review period to execute their business plans and to move products that have a three to six month innovation cycle. I am confident that this measure will allow U.S. computer firms to deliver their products to market in time to stay on top of foreign competitors.

I have been proud to fight this fight over the last several years, and I am proud of the gains we have made today.

Mr. DREIER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. DREIER).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, further proceedings on the amendment offered by the gentleman from California (Mr. DREIER) will be postponed.

It is now in order to consider Amendment No. 4 printed in House Report 106–621.

AMENDMENT NO. 4 OFFERED BY MR. LUTHER

Mr. LUTHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. LUTHER:

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

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

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

(b) AUTHORIZED SCOPE OF TRIDENT II (D–5) PROGRAM.—Amounts appropriated for the Department of Defense may be expended for the Trident II (D–5) missile program only for

the completion of production of those Trident II (D–5) missiles which were commenced with funds appropriated for a fiscal year before fiscal year 2002.

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from Minnesota (Mr. LUTHER) and a Member opposed will each control 5 minutes.

Mr. HUNTER. Mr. Chairman, I rise in opposition.

The CHAIRMAN pro tempore. The gentleman from California (Mr. HUNTER) claims the 5 minutes in opposition.

The Chair recognizes the gentleman from Minnesota (Mr. LUTHER).

Mr. LUTHER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise today with my colleagues, the gentleman from Minnesota (Mr. RAMSTAD) and the gentleman from Massachusetts (Mr. FRANK), to offer a bipartisan amendment to discontinue funding for the production of the Trident II D–5 submarine launch ballistic missile.

The U.S. Navy currently operates a ballistic missile submarine fleet of 18 Ohio class submarines. Ten of these submarines are equipped with the Trident II D–5 missiles, while the 8 older submarines carry the Trident I C–4 missile, the D–5's predecessor. Each submarine carries 24 missiles.

Now, to comply with START II, the Navy is planning to retire four of the older subs carrying the C–4 missiles and to backfit the other 4 with the new D–5 missiles, even though the Navy has currently an inventory of 372 missiles. To do this backfit, the Navy has requested an additional 12 Trident II D–5 missiles at a cost to the American taxpayer of $472.9 million.

Mr. Chairman, given the dramatic change in our country's national security needs, we simply do not need to have the taxpayers of this country buy these additional Trident II D–5 missiles. The United States is the unchallenged world leader of missiles. The Russian submarine fleet is largely rusting in port. China has just one submarine with 12 ballistic missiles. We already have 372. Who could seriously argue that we need any more?

The Congressional Budget Office estimates that ending production will save the taxpayers $2.6 billion through fiscal year 2007, and retiring all 8 older subs will lead to savings of approximately $4.7 billion over the next 10 years.

These savings could be redirected toward other pressing needs in our country, including defense needs such as the retraining of our military personnel.

I urge my colleagues to support this common sense bipartisan amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, if one believes in strategic stability and deterrence, and I think almost every Member of the Chamber believes that deterrence has worked for the last 40 years, oppose this amendment.

We have three legs to our strategic triad. We have the land-based leg, that is, our missiles that are in silos in the United States. They are extremely vulnerable. They are very obvious. They are well targeted by our adversaries.

We have bomber aircraft. Those bomber aircraft are also very visible. They can be targeted on the runways very quickly.

We have one type of triad, the third type, which is not visible, which is survivable, which can survive to retaliate and therefore deter an adversary from making that first strike, throwing that first rock at the United States of America. That leg of the triad is the submarine leg.

Now we have 18 boats in the water, or boomers or SSBNs, missile boats. We go down under START II, if the Senate ratifies START II with the changes, which is no sure thing because the Russians changed START II when the Duma made the ratification, so we now have to ratify START II as changed, but even if that happens, we go down to 14 boats and that requires more D–5 missiles.

Even if we do a START III, we are going to have 14 missile submarines, and that still requires D–5. So these accurate, stabilizing systems that are now the key and the heart of our strategic triad must be preserved. Even if my colleagues think START II, as changed, is going to be ratified by the Senate and signed, fine, go ahead and think that. We still have to have 14 submarines. We still need D–5s on all of those submarines.

Mr. Chairman, I reserve the balance of my time.

Mr. LUTHER. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Minnesota (Mr. RAMSTAD).

(Mr. RAMSTAD asked and was given permission to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Chairman, I thank the author of the amendment, the gentleman from Minnesota (Mr. LUTHER), for yielding me this time.

Mr. Chairman, I rise today in strong support of the Luther-Ramstad amendment to end production of the Trident II D–5 submarine launch ballistic missile. The appropriations bill before us today includes, as the gentleman from Minnesota (Mr. LUTHER) stated, almost $473 million for the purchase of 12 Trident II D–5 missiles. The Congressional Budget Office estimates that our amendment would save taxpayers $2.6 billion through 2007 and $4.7 billion over the next 10 years, money much better spent on our enlisted families in the military who are on food stamps.

The Navy already has a surplus of missiles, 25 more missiles than it says, the Navy says, are necessary to support its submarine force.

We should not be spending scarce military dollars on a Cold War relic that is not needed to effectively support our military's mission.

As a strong budget hawk and fiscal conservative, I believe that each and every area of the Federal budget must be scrutinized for savings. This Trident missile program has outlived its usefulness. It is time to save taxpayers from being forced to fund it.

This important amendment would save taxpayers money without, in any way, jeopardizing national security, and I urge my colleagues to support it. I urge a vote for fiscal sanity. Vote yes on the Luther-Ramstad amendment.

□ 1630

Mr. HUNTER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I have a Navy document in front of me that I am reading that gives the state of play with these D5 missiles. It states, ''With no D5 production beyond FY 2000, available inventory will only support outfitting of 11 Trident 2 SSBNs. So we are stopping short three submarine-loads of SSBNs if we stop production now.

It says further, we have to pull more submarines or more missiles each year out of inventory to support testing, so we are going to be going downhill in this very important part of our strategic triad.

Mr. Chairman, I yield 2 minutes to my friend, the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, the gentleman from California is absolutely correct. If we pass this amendment, only 11 Tridents would have the D5. We need 14. We are coming down from 18 to 14.

The other problem is that the existing missile, the C4 missile, is at the end of its useful life. In order to retrofit it and improve it, in order to use it over the lifetime of the submarine, we would have to spend almost as much money to do that as to get the existing D5. We are also 50 D5s short of inventory requirements.

Having said that, this missile, the D5 missile, is the only one we have today in actual production. This is the only missile the United States is producing. Therefore, killing this program would end all of our active missile procurement at a time when I think that would be a serious mistake.

Also, if they do this, then the United States would have to either build more land-based missiles or more bombers at a much higher cost than finishing out this particular program.

The D5 is our most effective and accurate missile, and I believe that the undersea deterrent is the most survivable part of our triad. We have an advantage here that we would unilaterally be giving up at a time when we are asking the Russians to enter into a START III agreement at lower levels.

The leverage for that is because of our ballistic missile submarines. That is where we have an advantage over the Soviets. We would be unilaterally giving up that advantage. It makes no

sense. The D5 has been a first rate system. We need to backfit it on the four Pacific Tridents. It is part of our overall defense plan. It is something that this administration favors.

Who favors it? The President of the United States, the Secretary of Defense, and the Secretary of the Navy, the Chief of Naval Operations, that is who supports it, along with, I hope, a majority of the House of Representatives.

Mr. LUTHER. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Luther amendment. I appreciate my colleagues' and all of our colleagues' tireless efforts to fight and eliminate the Trident missile, a true relic of the Cold War.

With the potential for nuclear warhead reduction from the START II procedures, pending that ratification, we will not need to invest in missiles today that could be unnecessary in the near future. It is a waste.

Continuing the Trident's production wastes billions of dollars. In fact, terminating production of the Trident missiles, as this amendment does, the CBO estimates it would save over $2.5 billion over the next 7 years. In fiscal year 2001 alone it would save $473 million.

Mr. Chairman, this is money that can be invested in our children and their education, our seniors and their health care, and our families and their security. I urge my colleagues to invest in people. Vote for this amendment.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a centerpiece of our strategic deterrent. The amount of money we are talking about here is less than 1 percent of the defense budget. With a growing nuclear club around the world, it is important for us to preserve the most important part of our nuclear deterrent.

This amendment would gut that program and would hurt strategic stability. Please vote against this amendment offered by my friend, the gentleman from Minnesota (Mr. LUTHER).

Mr. LUTHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I respect the point of view that this is the centerpiece of our defense, and yes, I do not disagree with that, but we have 372 of these missiles already. Who would suggest that we need 12 more when we have the pressing needs that we have in this country?

This amendment, Mr. Chairman, is supported by Taxpayers for Common Sense, the Council for a Livable World. Let us get some common sense in this body. That is all we are asking for on this amendment. Let us support this amendment and start sharing the resources that are in this bill with the other needs of our country.

The CHAIRMAN pro tempore (Mr. SUNUNU). The question is on the amendment offered by the gentleman from Minnesota (Mr. LUTHER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. LUTHER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, further proceedings on the amendment offered by the gentleman from Minnesota (Mr. LUTHER) are postponed.

The point of no quorum is considered withdrawn.

Mr. HUNTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. VITTER) having assumed the chair, Mr. SUNUNU, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, had come to no resolution thereon.

ORDER OF CONSIDERATION OF AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that when the House next resolves itself into the Committee of the Whole House on the State of the Union for the further consideration of H.R. 4205, that the committee proceed to the consideration of amendments printed in the House Report 106–621 in the following order: No. 20, No. 13, Nos. 5 through 9, No. 11, No. 12, Nos. 14 through 19, Nos. 21 through 26, Nos. 28 through 35, No. 10, and No. 27.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The SPEAKER pro tempore. Pursuant to House Resolution 503 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4205.

□ 1636

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, with Mr. GUTKNECHT (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, a demand for a recorded vote on amendment No. 4 printed in House Report 106–621 offered by the gentleman from Minnesota (Mr. LUTHER) had been postponed.

It is now in order to consider amendment No. 20 printed in House Report 106–621.

AMENDMENT NO. 20 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 printed in House Report 106–621 offered by Mr. TRAFICANT:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, a great Georgetown basketball player not too far away, now in the NBA for the Miami Heat, was just named the most valuable defensive player in the National Basketball Association. He got that award because he did not allow anyone with bad intentions to come into his territory.

The Traficant amendment does not deal with immigration, it deals strictly with terrorism and with narcoterrorists. I submit that someone can actually send across the border the components of a nuclear missile, assemble it in Arizona, and launch it at American cities.

Mr. Chairman, I reserve the balance of my time.

Mr. REYES. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. REYES) is recognized for 5 minutes.

Mr. REYES. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I have found in my short tenure in Congress that every year we celebrate the holiday season, we celebrate Easter with an Easter egg roll, we celebrate the Fourth of July, and we every year debate this ridiculous amendment.

Mr. Chairman, this amendment is ill-advised. Every year it is ill-timed. It has the ability or the potential to put our men and women in uniform in jeopardy. I would hope that my colleagues would join me in opposition to this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I can remember when a Member stood up when I offered to change the burden of proof in a civil tax case and change judicial consent, forcing the IRS to go to a judge before they could seize a home, and I heard a colleague say the same thing: Every year we do this, we did it for 10 years.

Last year it became law. In 1997, we had 10,037 seizures of homes, I would say to the gentleman from Texas (Mr. REYES). In 1999, there were only 161 seized. Sometimes it takes time to pass good legislation.

Mr. Chairman, let me say this, a Nation that does not secure its borders has no national security. A bill that does not debate the fact that only three out of 100 trucks are even inspected and our borders are wide open, and we are asking civilians to match the firepower of terrorists who literally have those bad intentions, it makes no sense, the argument that I am hearing.

Mr. Chairman, I reserve the balance of my time.

Mr. REYES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to my good friend and colleague, the gentleman from Ohio, if this amendment were to become law, then that would mean that this country would be in serious trouble, because what this amendment does, it advocates the equivalent of martial law for communities along the border, the equivalent of martial law, where whole regions of this country who are already suffering from lack of infrastructure, lack of support, lack of money, many, many different needs that we have along our border communities would, in a very disparate way, be affected by the utilization of the military, under the guise of terrorism.

My friend speaks about good legislation sometimes taking many years. A bad idea I think does not deserve its time and its place, and certainly this amendment does not deserve to be considered by this body.

Mr. Chairman, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, this is a very moderate amendment. There are many people in America who would say it does not go far enough. We hear a lot about what our responsibilities are in the Federal government, but if we read the Constitution, Article 4 specifically says that the Federal government's responsibility is to defend our neighborhoods from outside invasion.

We have a drug war supposedly going on, and the American people are paying to send troops all over the world to defend everybody else's neighborhoods, but Members of Congress who are sworn to uphold the Constitution will not even authorize the President to use troops if necessary to defend our children from the scourge of drugs.

The gentleman from Ohio is not saying put them there, he says at least be brave enough to say that if this is what it takes, we are willing to stand by our citizens, our children, and our Constitution that says our obligation constitutionally is not to defend other countries but to defend our own children in their neighborhoods.

Mr. Chairman, I am asking my colleagues to understand, this is a moderate proposal being presented. If Members will not even authorize the executive branch to use what resources are available to defend our children, resources that are used for other children all around the world, I ask Members, who do Members defend if they are not going to defend their children and their own constitutional responsibilities?

Check it out, Article 4, the responsibility of the Federal government to stop foreign invasion. Our country is being invaded by drugs. I do not want anyone to stand up and point fingers at other countries, that they are not doing enough about fighting the drug war, when they will not stand up and execute the minimum of constitutional responsibilities of this Congress.

Mr. REYES. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Chairman, I have fought the drug war. I have served in the military. I, in the same way, want to enforce and obey the Constitution of this United States, but we need to do it in a very responsible manner.

How many Members have had a chance to go visit and learn the needs of the border? Just last week, Mr. Chairman, we had five Federal judicial judges from the border States who carried 24 percent, in five districts, carried 24 percent of the workload in the United States.

□ 1645

We put soldiers on the border. Where are we going to keep them when we arrest them? What about the judges that are needed? What about the prosecutors that are needed? We have to provide, my friends. The infrastructure is not there. I have fought the war on drugs. I have talked to the judges about the needs that they have. If we do it in a responsible manner, yes, let us do it.

Let me say something else, when you are in the military, the training is totally different from the training that

people on the Border Patrol, who serve in the Border Patrol, have. We are dealing with human beings. We are dealing with people who are destitute, who are looking for a job. Yes, we need to enforce our borders and strengthen our borders, but let us do it in a responsible way.

Mr. Chairman, my friends from Ohio know, both of them, how much respect I have for both of them, but if we do not have the infrastructure, please tell me where we are going to house them? Who is going to try them?

Mr. Chairman, I oppose this amendment.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say this, if we are worried about where we are going to house them, just let the narcotics people keep coming in. Tons of cocaine and heroin, we are debating how are we going to prosecute them, where are we going to keep them. Our borders are overflowing with narcotics. We have no war on drugs in America. It is hypocrisy.

My amendment does not deal with immigration, but it says they must be trained. They cannot make arrests. They must always be in the presence of civilian law enforcement officers.

Mr. Chairman, I reserve the balance of my time.

Mr. REYES. Mr. Chairman, I will defer, I will close. I am the last speaker on this segment.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment calls for the training of regular and reserved troops. It prohibits making arrests. They are not involved with illegal immigration. Their purpose is to support preventing terrorists from entering our Nation, and if there is one threat that we face more than anywhere else, is not a sophisticated battle somewhere overseas, it is terroristic and continued attempt to impregnate our Nation and blow up our Federal buildings.

In addition, if this is a war on drugs, then I am Woody Allen, because we have none, and we have two border patrol agents for every mile of border. I say if the Secretary of the Treasurer or the Attorney General requests it, they are allowed to do it. It does not mandate it. I want to know the program, because there is no program, our Nation is overrun by narcotics.

The weight of this problem falls right on Congress who sits back with people in the White House that have done nothing. This group has done nothing. If we need more judges, hire them. If we need more prosecutors, hire them and do that in another bill.

Mr. Chairman, I yield back the balance of my time.

Mr. REYES. Mr. Chairman, I yield myself such time as I may consume.

(Mr. REYES asked and was given permission to revise and extend his remarks.)

Mr. REYES. Mr. Chairman, in deference to my friend, Woody, the gentleman from Ohio (Mr. TRAFICANT), I would like to close by saying that the Department of Defense does have, the authority does have a plan. I want to enter into the RECORD a copy of a report that was just filed this week.

Mr. Chairman, I would like to read from it, and it says, I quote, ''in emergencies, the DOD will respond to requests for support as required. It is not in the DOD's military interests to require training in search and seizure of arrest or use of force against civilian citizens,'' what my colleague is advocating. ''This type of training has minimal military value and detracts from the training with war-fighting equipment for which we are trained in war-fighting missions. It will lead to decreased military training, which reduces unit readiness levels and overall combat effectiveness of the armed forces.''

Mr. Chairman, I ask my friend, the gentleman from Ohio (Mr. TRAFICANT), this is not what the military is trained to do. We already stretched our troops all around the world in many different types of missions. I strongly ask my colleagues to vote against this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield 2 minutes to my friend, the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Chairman, as I stated before, I am for arresting terrorists and narcotraffickers, but, my friends, the dockets of the judges who border the United States and Mexico are overloaded. They are having to look for places to incarcerate hard-core criminals. All I am saying is let us be responsible, let us come up with a plan.

I have five presiding judges, there are 89, 89 judicial Federal districts throughout the United States, my friends, and five of these judicial districts, five carry 24 percent. Yes, I am for arresting traffickers and narcotraffickers. I used to arrest them when I was sheriff, but let us come with a responsible plan. It may be my friend can help me by coming up with a bill that will give these judges help, give the United States marshals help, but this is not the place for the military to be involved in.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, it is not as though the House has had this debate. It never had this debate. It seems as though we have had it over the years, and I have great respect for the gentleman from Ohio (Mr. TRAFICANT). I have great respect for his passion and his zeal.

Let us apply a little common sense, as the gentleman from Missouri (Mr. SKELTON) always likes to teach me. This is also about the Constitution and the prerogatives of the Office of the Presidency. He is the Commander-in-Chief. The Congress, we do not have to stand here and tell the Commander-in-Chief that one of your jobs is to protect the Nation's borders. Constitutionally, it is implied in the powers of the Executive Office of the Presidency.

With regard to narcotics, let us be very upfront; 80 percent of the drugs that are coming into this country come through ports of entry. Now, we have 10 percent that are air. We probably have the other 10 percent that come through the transit countries here in particular, whether it is up through central America to Mexico, they shortland the border, and then they end up taking it across the border through mules, to humans, to motorbikes, horseback, that happens; so the gentleman is correct on that.

That issue gets addressed by, whether it is INS and DEA and those types of issues, but for the Congress to mandate placing our troops in divisions on the border is not the most prudent way to do this. I agree with the gentleman from Texas (Mr. REYES) about how it detracts from the unit readiness and those types of things, he is right. I concur with the gentleman's analysis. That is not what we should be doing.

I would urge Members to vote against the Traficant amendment, although, I have great respect for his passion.

Mr. SKELTON. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this is often one of the issues that gets contentious on the floor of Congress, and it is a lot like eating an ice cream sundae. It looks good. It feels good eating it, but it is not good for us and a lot of times people recommend against it. Part of this effort is not one of wanting to sound tough on drugs.

Like my colleague, the gentleman from Texas (Mr. ORTIZ), I fought the war on drugs. I had 26½ years working the border with the United States Border Patrol, so I know what is involved. That is why I emphatically asked my colleagues let us fund the INS, let us fund Border Patrol. Let us give them the right equipment. Let us give Customs the necessary personnel, the necessary technology to do the kind of professional job that my colleague, the gentleman from Ohio (Mr. TRAFICANT) is concerned about.

If, in fact, this issue is about fighting terrorism; if, in fact, we are concerned about the ability of this country to monitor and control the borders, it is not a Republican or a Democratic issue. It is an issue that has to be dealt fairly. It is an issue that has to be dealt even-handledly, and it is one that has got to be done strategically.

We cannot impose marshal law on communities along the border simply because they happened to live there, people happen to live there. It is imperative that we provide the same kinds of

protection to residents along the border like Brownsville, El Paso, Nogales, and the San Diego area that the same citizens in Ohio and other parts of this great country have.

It is an issue of fairness. It is an issue of working smart to protect this country, but doing it professionally by funding INS Border Patrol and Customs.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, let me start off by just saying that I think the gentleman from Texas (Mr. REYES) is the most successful Border Patrol chief in the history of this country, a great American, a great crew chief in Vietnam. I have been down in the contrawars with my great friend, the gentleman from Texas (Mr. ORTIZ), a wonderful, wonderful member of our committee. I also respect the gentleman from Ohio (Mr. TRAFICANT) and what he is trying to do. And I just want to point out a few things.

We have already entered the drug war with the U.S. military. We entered the drug war because we realized that our Customs folks and our other folks were being overwhelmed by what essentially were military operations on the side of the people that were moving cocaine and other narcotics to our children into the U.S., so we started using American military assets, even though there was a major debate 15 years ago on this subject.

This is only permissive. It requires the request of the Attorney General of the United States and the Secretary of the Treasury, and even then it is not mandatory, it is discretionary with DOD.

I would say if we look at the enormous effectiveness of the smugglers, people who are moving now, both people and narcotics into this country, and the prospect and possibility of terrorism, which always exists, this is not an unusual or an extreme request. It requires a request from the Attorney General of the United States, and in some cases, with this 2,000 mile border and an underfunded Border Patrol which is stretched very thin and which, even today, cannot meet its recruiting requirements, it is very obvious, it is very easy to envision a time when the United States in its interests, its preservation interests and security interests, should have the right to have American troops on the border.

Mr. Chairman, I do not think it is an outrageous request, and I think it is something that we should be able to have at least in our hip pocket.

I would just ask my friends, I joined with them on all of these requests for more Border Patrol funding, and I led some of those requests, the INS has not gone along with those requests, we are still short Border Patrol agents. I think this is a reasonable amendment

Mr. SPENCE. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, let us be upfront about this. Mexico has recognized how critical the war on drugs are. They have put their troops at the border. We are not even mandating that. We have Naval forces and Air forces right now working a drug interdiction on the border, and we have the National Guard of the State of California. I do not know about the other States, but the troops from California are already at the border.

Now, I have supported both gentlemen from Texas in increasing funding for Border Control, but to deny the American people who pay the taxes for the national defense capabilities of this country, to deny them the resources defending their neighborhoods, because we are worried about a public relations problem, or we are worried that it may detract from hiring more Border Patrol agents, I strongly support that. I think my colleagues know that.

□ 1700

San Diego has more drug problems through the court system than any other portion of this country. This is not about conviction. This is about interdiction. I strongly support the argument of the gentleman from Texas that we need more court processes. But do not dare walk away from the fact that the States are doing it, Mexico is doing it, the Navy is doing it, the Air Force is doing it, everyone is committed to this. Everyone is committed to controlling the border, but we are going to condition that American troops will not be used for controlling our border.

Mr. REYES. Mr. Chairman, will the gentleman yield?

Mr. BILBRAY. I do not have time.

Mr. REYES. The gentleman still has time. Let me just ask my colleague if he realizes that that authority already exists? I read from a report filed this week. That authority is already there with DOD.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The gentleman's time has expired.

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I cannot even believe this debate. Is the border a national security checkpoint or not? Are we guarding borders in the Mideast? Are we vaccinating dogs in Haiti with our military; building homes overseas?

I am not worried about the small illegal immigrant running across that border. I understand that. But, my God, I am a former sheriff. How many more overdoses are we going to have? Where is our program? We have no program.

I heard the gentleman from Indiana (Mr. BUYER) talk about the ports of entry. The Traficant bill allows the military to assist Customs as well at those ports of entry. They cannot make arrests, they must be trained, they cannot violate posse comitatus. But, go ahead, keep the doors open. Keep the cocaine and heroin coming in, colleagues, and then let the people all over America end up on slabs. Maybe we need a rocket to come across, someone to put together a warhead, maybe in Arizona. Maybe that will teach us a lesson.

I say the Constitution says Congress is responsible for our national defense. We authorized the President to conduct our programs. I do not mandate it, but I do authorize that possibility to occur.

I want to thank this chairman for being respectful enough to allow a Democrat to bring this amendment and to have time to speak granted from the Republicans.

Mr. ORTIZ. Mr. Chairman, I rise today to oppose the Traficant Amendment.

I have been a law enforcement officer, and I served in the Army. These two endeavors simply do not mix, particularly inside the borders of the United States. Putting our forces on the border is a violation of the legal protection of citizens from the military under Posse Comitatus.

Our energy should rightly be focused on the need for professional law enforcement officers; we do not have enough INS and Customs personnel to address the need that now exists. Protecting our border is a massive undertaking, one which should be performed by professional, bilingual INS and Customs personnel.

As a co-chair of the Congressional Border Caucus, I can tell you that one of our most constant and pressing issues is lobbying and fighting for resources to put the law enforcement we need on the border. Again, that is the appropriate venue for the gentleman from Ohio, and others who share his concern, to focus their efforts.

The Department of Defense has spoken to this issue and their views are very instructive for this debate. They note that it is not in the DoD's military interest to require training in search and seizure arrests—or use of force against civilian citizens.

They say this will lead to decreased military training, which reduces unit readiness levels and overall combat effectiveness of the Armed Forces. That, my friends, is not the path we want to take. Our soldiers face enough danger.

DoD also says that "the risk of potential confrontation between U.S. citizens and military members far outweigh the benefit." Indeed it does, and for one citizen on the border, it is too late.

I urge my colleagues to defeat this amendment.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. REYES. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The CHAIRMAN pro tempore. The Committee will rise informally.

The SPEAKER pro tempore (Mr. VITTER) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. McDevett, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The Committee resumed its sitting.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). It is now in order to consider amendment No. 13 printed in House Report 106–621.

AMENDMENT NO. 13 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. STEARNS:

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

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

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

(1) Types of services covered.

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

(3) Reimbursement limits for services covered.

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from Florida (Mr. STEARNS) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, every now and then in a debate we need an amendment that everybody agrees on and everybody is happy about, and this is just such an amendment. And I think it is appropriate that we have this one after our previous debate. In addition, this amendment has been worked out with the Committee on Armed Services.

The purpose of my amendment is to request that the Secretary of Defense conduct a study comparing the coverage and reimbursement for physical, speech, and occupational therapies for covered beneficiaries under the TRICARE program to coverage and reimbursement for such same therapies under Medicare and the Federal Employee Health Benefits Program. So we are comparing what is provided under TRICARE with what is provided under Medicare and the Federal Employee Health Benefits Program.

This study examines the following: The type of services covered; whether prior authorization is required to receive such services; reimbursement limits for services covered; and, fourthly, whether services are covered on both an inpatient and outpatient basis.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, we see nothing wrong with the gentleman's amendment. As far as we are concerned, we accept it.

Mr. STEARNS. Reclaiming my time, Mr. Chairman, I thank the gentleman. I will just finish my presentation for the good of the House, and I thank the chairman for his kind acceptance.

The Secretary shall submit a report on the findings of the study conducted to the House and Senate Committees on Armed Services no later than March 31, 2001. So, Mr. Chairman, I offer this amendment because it has been brought to my attention that acceptance of TRICARE patients presents a variety of problems, business concerns, to rehab providers. Because of these concerns, rehab practices are reluctant to accept TRICARE patients, and that is wrong.

For example, most patients with a diagnosis of a stroke, for example, require two and sometimes three rehab disciplines, depending upon the severity of the stroke. Therefore, the stroke patient may require physical and occupational therapy and possibly speech therapy, if the speech centers of the brain are involved. The concern here is that only the physical therapy services are covered as reimbursable service without prior written authorization, while speech therapy services require prior written authorization.

Confusing? That is what this study will determine, the proper way to go.

Occupational therapy would not be covered, as it can only be covered in an institutional facility. In most cases this creates a significant inconvenience for patients who now must receive their physical and speech therapy in one facility and have to travel to a separate institutional facility for occupational therapy services.

Another good example, Mr. Chairman, concerns patients who are referred with a diagnosis of, let us say, a head trauma or upper extremity trauma. They would have similar rehab needs as stroke patients and, most likely, experience similar inconveniences.

Providers are also concerned about the potential for interpretation of fraud by utilizing a physical therapy assistant in the treatment of TRICARE patients. That should not occur. In hospitals, skilled nursing facilities, and outpatient rehab facilities it is common for the therapy staff to be comprised of physical therapists and physical therapy assistants. When the rehab staffing is compromised due to sickness, educational leave, vacation, et cetera, the rehab provider is limited to the staff who can treat TRICARE patients. These TRICARE patient appointments may need be canceled and the therapy interrupted due to the compromised staffing pattern.

This situation does not occur in treating traditional Medicare patients. Neither does it occur with Federal Employee Health Benefits. The requirement for utilizing only registered physical therapists serves to create a more expensive model in which to deliver rehab services.

In Florida, for example, physical therapy assistants, by their practice, can perform all of the therapy services rendered by a registered physical therapist, with the exception of performing a patient evaluation, changing a patient's plan of care or treatment, or discharging a patient. The risks associated with a TRICARE patient accidentally being treated by a physical therapy assistant presents a significant concern to all these rehab providers.

So, Mr. Chairman, I think this study will try to determine how these problems can be resolved. My district has many active duty and retired military and their dependents who rely on this program for their health care. By having DOD conduct such a study, we would be provided with the necessary information to make a fair assessment about coverage of the rehab therapies by TRICARE. I urge my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does any Member claim time in opposition to the amendment?

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Chairman, pursuant to section 3 of House Resolution 503, I offer en bloc amendments consisting of the following amendments, printed in House Report 106–621: Amendment No. 5, as modified; amendments 6, 7, 8 and 9; amendment No. 11,

as modified; amendments 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, and 35.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc and report the modifications.

The Clerk designated the amendments en bloc and proceeding to report the modifications.

AMENDMENT NO. 5 AS MODIFIED

OFFERED BY MR. HUNTER OF CALIFORNIA

The amendment as modified is as follows:

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

SEC. 125. ECONOMIC ANALYSIS OF CERTAIN SHIPBUILDING PROGRAMS.

(a) ECONOMIC ANALYSIS.—The Secretary of Defense, in consultation with the Secretary of the Navy, shall conduct an economic analysis on the potential benefits and costs associated with full funding, and with alternative funding mechanisms, for the procurement of large aviation-capable naval vessels beginning in fiscal year 2002.

(b) COVERED VESSEL CLASSES.—For purposes of this section, the term ''large aviation-capable naval vessel'' means the following classes of vessel:

(1) The CVN(X) class aircraft carrier.

(2) The LHD and LHA replacement class amphibious assault ships.

(c) REPORT.—The Secretary shall submit to the congressional defense committees a report detailing the results of the economic analysis under subsection (a). The report shall be submitted concurrently with the submission of the President's Budget for fiscal year 2002, but in no event later than February 5, 2001. The report shall include the following:

(1) A detailed description of the funding mechanisms considered.

(2) The potential savings or costs associated with each such funding mechanism.

(3) The year-to-year effect of each such funding mechanism on production stability of other shipbuilding programs funded within the Shipbuilding and Conversion, Navy, account, given the current acquisition plan of the Navy for the large aviation-capable ships and other shipbuilding programs through fiscal year 2010.

(4) A description and discussion of any statutory or regulatory restrictions that would preclude the use of any of the funding mechanisms considered.

AMENDMENT NO. 6

OFFERED BY MR. UNDERWOOD OF GUAM

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

Page 41, after line 15, insert the following:

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

AMENDMENT NO. 7

OFFERED BY MR. HANSEN OF UTAH

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

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

AMENDMENT NO. 8

OFFERED BY MR. MCKEON OF CALIFORNIA

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 9

OFFERED BY MRS. FOWLER OF FLORIDA

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

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

AMENDMENT NO. 11, AS MODIFIED

OFFERED BY MR. BUYER OF INDIANA

The amendment as modified is as follows:

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

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

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

At the end of subtitle D of title I (page 30, after line 2), insert the following new section:

SEC. 132. KC–135E REENGINING KITS.

Of the amount provided in section 103(1) for procurement of aircraft for the Air Force, the amount of $52,000,000 provided for two reengining kits for KC–135E modifications shall be available for the Air Force Reserve Command.

AMENDMENT NO. 12

OFFERED BY MR. CAMP OF MICHIGAN

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

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 14

OFFERED BY MR. STENHOLM OF TEXAS

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

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

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

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

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

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

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

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

(2) the Secretary determines that a specific procedure must be maintained at the affected military medical treatment facility to

ensure the proficiency levels of the practitioners at the facility; or

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

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

AMENDMENT NO. 15

OFFERED BY MS. VELAZQUEZ OF NEW YORK

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

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

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

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

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

AMENDMENT NO. 16

OFFERED BY MR. TRAFICANT OF OHIO

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

SEC. 8___. COMPLIANCE WITH BUY AMERICAN ACT.

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

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

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

AMENDMENT NO. 17

OFFERED BY MR. BEREUTER OF NEBRASKA

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

Page 292, after line 5, insert the following:

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

AMENDMENT NO. 18

OFFERED BY MR. COBURN OF OKLAHOMA

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

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

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

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

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

AMENDMENT NO. 19

OFFERED BY MR. GILCHREST OF MARYLAND

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

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

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

AMENDMENT TO NO. 21

OFFERED BY MR. WELDON OF FLORIDA

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

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

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

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

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

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

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

(A) the budget;

(B) research and development;

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

(D) operation and maintenance;

(E) international trade and export of technology;

(F) taxation; and

(G) science and engineering education.

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

(A) aerospace research and development and procurement;

(B) maintaining the national space launch infrastructure; and

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

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

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

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

(A) Aerospace manufacturing.

(B) Labor organizations associated with aerospace manufacturing.

(C) Economics or finance.

(D) National security.

(E) International trade or foreign policy.

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

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

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

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

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

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

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

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

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

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

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

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

(3) The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter

III of chapter 53 of that title relating to classification and General Schedule pay rates.

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

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

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

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

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

AMENDMENT NO. 22

OFFERED BY MR. GARY MILLER OF CALIFORNIA

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

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

It is the sense of Congress that—

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

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

AMENDMENT NO. 23

OFFERED BY MR. HALL OF OHIO

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

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

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

''(i)(1) In this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(B) The agency's plan shall include—

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

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

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

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

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

''(5)(A) The amount remitted to the Treasury shall be the sum determined as follows. First, apply the following percentages to the final basic pay of each employee who is covered under subchapter III of chapter 83 or chapter 84 to whom a voluntary separation incentive has been paid under this section and who retires on an early retirement or an immediate annuity:

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

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

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

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

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

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

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

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

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

''(o)(1) An employee of the Department of the Air Force who is separated from the service voluntarily as a result of a determination described in paragraph (2) after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity.

''(2) A determination under this paragraph is a determination by the Secretary of the Air Force that the separation described in paragraph (1) is necessary for the purpose of maintaining continuity of skills among employees of the Department of the Air Force and adapting the skills of the workforce of the Department to emerging technologies critical to the needs and goals of the Department.''.

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

''(d)(1) An employee of the Department of the Air Force who is separated from the service voluntarily as a result of a determination described in paragraph (2) after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity.

''(2) A determination under this paragraph is a determination by the Secretary of the Air Force that the separation described in paragraph (1) is necessary for the purpose of

maintaining continuity of skills among employees of the Department of the Air Force and adapting the skills of the workforce of the Department to emerging technologies critical to the needs and goals of the Department.''.

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

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

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

(2) shall expire on December 31, 2003.

AMENDMENT NO. 24

OFFERED BY MR. HUNTER OF CALIFORNIA

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

SEC. 1205. NATO FAIR BURDENSHARING.

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 25

OFFERED BY MR. SKELTON OF MISSOURI

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

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

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

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

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

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

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

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

(A) Financial contributions.

(B) Contributions of military personnel and units.

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

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

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

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

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

AMENDMENT NO. 26

OFFERED BY MRS. FOWLER OF FLORIDA

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

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

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

AMENDMENT NO. 28

OFFERED BY MR. RYUN OF KANSAS

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 29

OFFERED BY MR. BAIRD OF WASHINGTON

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

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

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

(b) CONVEYANCE OF EAST BARRACKS.—Upon vacation, or agreement to vacate, by the Army Reserve and the Army National Guard of the parcel of real property at Vancouver Barracks encompassing 10 structures, which are identified by the Army using numbers between 704 and 786 and the numbers 987, 989, 991, and 993, and are known as the east barracks, the Secretary may convey, without

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

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

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

AMENDMENT NO. 30

OFFERED BY MR. HEFLEY OF COLORADO

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

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

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

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

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

AMENDMENT NO. 31

OFFERED BY MR. HASTINGS OF WASHINGTON

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

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

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

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

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

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

AMENDMENT NO. 32

OFFERED BY MR. HAYES OF NORTH CAROLINA

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

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

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

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

AMENDMENT NO. 33

OFFERED BY MR. UDALL OF COLORADO

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Except as provided under paragraph (3), an eligible employee of the Department of Energy who is paid a retention allowance under subsection (d)(2) and who violates an agreement under subsection (e), or is dismissed for cause, before the end of the period or date of employment agreed upon under such agreement shall refund to the United States an amount that bears the same ratio to the aggregate amount so paid to or received by the employee as the unserved part of such employment bears to the total period of employment agreed upon under such agreement.

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

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

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

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

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

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

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

(3) An employee with critical knowledge and skills (as defined by the Secretary) may

not participate in a voluntary separation under paragraph (1)(A) if the Secretary determines that such participation would impair the performance of the mission of the Department of Energy.

AMENDMENT NO. 34

OFFERED BY MR. LAMPSON OF TEXAS

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

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

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation (referred to in this section as the ''Secretary'') may, without consideration, convey all right, title, and interest of the United States Government in and to the offshore drill rig OCEAN STAR, to the Offshore Rig Museum, Inc., a nonprofit corporation established under the laws of the State of Texas and doing business as the Offshore Energy Center (in this section referred to as ''the recipient'').

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 35

OFFERED BY MR. BRYANT OF TENNESSEE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. SPENCE (during the reading). Mr. Chairman, I ask unanimous consent that the modifications be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. VITTER) for the purposes of a colloquy.

Mr. VITTER. Mr. Chairman, I would like to discuss with the gentleman from Virginia (Mr. BATEMAN) whether the committee was able to consider the issue of the Information Technology Center located in New Orleans, Louisiana.

Mr. BATEMAN. Mr. Chairman, will the gentleman yield?

Mr. VITTER. I yield to the gentleman from Virginia.

Mr. BATEMAN. Mr. Chairman, the mission of the Information Technology Center has recently been brought to my attention. This Center plays an important role in the development of information technology systems for the Navy and for the Department of Defense. For the last several years, the committee has been urging the Department of Defense to move away from military service specific, or stovepipe computer systems. The Information Technology Center, or ITC, is an example of new and innovative thinking on the part of the Navy.

Currently, ITC is examining military personnel information technology systems and is bringing an enterprise-wide approach to the development of Navy Systems Integrated Personnel Systems as well as the Defense Integrated Military Human Resources Systems. These major undertakings require innovative acquisition techniques, modular contracting, commercial off-the-shelf technology, as well as the consolidation and integration of existing manpower and personnel information systems.

I understand that to assist the Navy in proceeding with this worthwhile project additional funding is required. Unfortunately, no funds were authorized in the bill before us. It is my understanding that the other body has recognized the importance of ITC and has included additional funding.

I would say to the gentleman from Louisiana that I will do everything I can to ensure that the conference committee on this bill endorses this important program.

Mr. VITTER. Reclaiming my time, Mr. Chairman, I thank the gentleman very much, and I also want to pass along the thanks of the gentleman from Louisiana (Mr. TAUZIN) and that of the gentleman from Louisiana (Mr. JEFFERSON). We all appreciate the gentleman's speaking on behalf of the Information Technology Center and pledging his support, and we all look forward to working with him and other members of the committee.

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Mr. SKELTON. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Ms. VELAZQUEZ).

(Ms. VELAZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELAZQUEZ. Mr. Chairman, I rise today to offer an amendment in cooperation with the gentleman from Missouri (Chairman TALENT) to protect and support our Nation's small businesses.

Mr. Chairman, we all talk about what a strong economy we have; and no one disputes the fact that small businesses are, in large part, responsible for this. It is almost cliche to say that small businesses are the backbone not just of our economy, but they also help to form the foundation of the cities and towns we call home.

America looks to small businesses to be the innovators and problem solvers everywhere, everywhere except in the case of the Federal Government. We are currently seeing a disturbing downward trend in the number of Federal prime contracts awarded to small businesses.

As an example, from fiscal year 1997 through fiscal year 1999 the number of prime contracts awarded to small businesses by the Department of Defense has decreased by over 34 percent; the number of contracts awarded to minority-owned firms has decreased by over 25 percent; and most dramatically, the number of contracts awarded to woman-owned businesses have decreased by over 38 percent.

These trends have been so alarming that the gentleman from Missouri (Chairman TALENT) and I have held two hearings on this issue in the first half of this Congress alone. During these hearings, we have found that the move by the Federal Government to streamline and reduce costs has resulted not in saving money, but in the unintended consequence of harming small businesses.

There is no truth, as far as businesses are concerned, that bigger is necessarily better. The Department of Defense, the largest purchaser of goods and services in the entire U.S. Government, has increasingly relied on the practice of contract bundling to the exclusion of small businesses. It has struggled with the dual roles of supporting the war fighter and awarding prime contracts to small businesses.

To solve this problem, the Velazquez-Talent amendment will direct the Secretary to conduct a comprehensive study of contract bundling and its effect on small businesses. To assist in this study, the Secretary, working with the General Accounting Office, is to develop a database containing information on all bundled contracts.

In a hearing before the Committee on Small Business in November of last year, the Department agreed to commission a study of contract bundling. Within 2 months it became evident that the Department has no data to conduct an accurate and comprehensive bundling study. This amendment helps the Department keep its promise.

Mr. Chairman, we are all aware that Federal agencies are operating in a do-more-with-less environment. We must ensure that the Federal marketplace is efficient. However, we must also provide for a Federal marketplace that includes the small business community. This amendment will go a long way to begin to level the playing field for small businesses.

I would like to thank the gentleman from South Carolina (Chairman SPENCE) and the gentleman from Missouri (Mr. SKELTON), the ranking Democratic member, for their support of this amendment and our Nation's small businesses.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to speak very briefly on an amendment that is en bloc that I have offered, No. 25, which requests a GAO study of the value of the United States' military engagement in Europe.

Mr. Chairman, much has been said about burdensharing. Much has been said about American interests and troops being stationed in Europe. In an effort to understand where we are today, were we to look back in history, and had American and allied forces formed together as we have today in the NATO alliance, the Second World War would never have come to pass.

I think that a full study explaining the definitions and all the ramifications and include our Armed Forces and our strategies and the attempt to shape the international environment, a study such as this should be included.

I urge the adoption of the en block, which, of course, includes No. 25.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER) for the purposes of a colloquy.

Mr. BUYER. Mr. Chairman, I speak in reference to Amendment No. 11 that makes technical corrections regarding the Army National Guard Selective Reserve, the Active Guard and Reserve, which are referred to as the AGR and the dual status military technicians regarding the end strengths for fiscal year 2001. Those technical corrections will be made.

I would like to enter into a colloquy with the gentleman from California (Mr. HUNTER), chairman of the Subcommittee on Military Procurement.

As co-chair of the Guard and Reserve Caucus, along with the gentleman from Mississippi (Mr. TAYLOR), the chairman of the committee, along with the ranking member and the gentleman from California (Mr. HUNTER) it permits the caucus to work with Members to put together their concerns regarding funding the Reserve excepts along with the Guard. They permit us to put together these packages and then deliver to their committee.

We extend to our colleagues great compliments for accepting the first $250 million of the NGRE list. NGRE stands for the National Guard Reserve Equipment List. We worked very hard this year, working with the committee, to address the proportionality questions.

In this amendment, we have a technical correction with regard to what came out of the full committee regarding some of the funding, whether it was $52 million that goes directly to the Air Guard or was that really meant for the Army Reserve.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I want to thank the gentleman, first for working with us here on the floor, but, secondly, for chairing this caucus, along with the gentleman from Mississippi (Mr. TAYLOR), who have put in a lot of long hours working with the Guard and the Reserve trying to develop requirements and ultimately coming up with recommendations for the Subcommittee for Military Procurement.

Let me tell my colleagues what we worked for this year. We worked for parity. We did not have a lot of money. We had right at $300 million to spend on Guard and Reserve elements. The request we got from the gentleman and lots of our colleagues was let us have parity, let us have an even distribution of this money between the Guard and the Reserve, let us not have it all for the Guard or the Reserve.

I agreed to do that. I gave my word on it. And the gentleman put together, along with the gentleman from Mississippi (Mr. TAYLOR), a package of $250 million. We added the $50 million that we had available to that. So we came to a total of about $300 million.

We split it down the middle. In fact, we gave a little bit more to the Guard, about $158 million to the Guard, $153 million to the Reserve, but right down the middle between the two.

When we were putting the elements together in putting our bill together, our office made a mistake and we put the KC–135 reengining kits on the Guard side even though we had them in the reserve side when we put the bill together. That would have made the bill very lopsided for the Guard. It would have then gone to $218 million for the Guard, only $93 million to the Reserve.

I represented to the committee and to the subcommittee and to the gentleman that we were doing an even split. I gave him my word. And, of course, when we tell somebody that we are going to do something and we have a very thick bill, the gentleman from Indiana (Mr. BUYER) relied on my giving him that representation.

So, in this technical amendment, we are moving that item, the KC–135 reengining, the $52 million, back into the air reserve account, which is where we started out.

Mr. BUYER. Mr. Chairman, reclaiming my time, as I understand, that is two KC–135 engine kits at $52 million.

Mr. HUNTER. Mr. Chairman, if the gentleman will continue to yield, that is right. It is two KC–135 reengining kits. So if some folks that thought they were going to get those and not are not going to get them, give me a phone call. Our office made a mistake on that. We put the items in the wrong column. But we fixed it now.

For people who are proponents of both the Guard and Reserve, what we did again this year was try to give parity. We tried to give an even split on the few dollars that we have. We have lots more requirements. We are going to have to wait for another budget to get to those.

Mr. BUYER. Mr. Chairman, reclaiming my time, I want to thank the gentleman from California (Mr. HUNTER) again for working with us. He is absolutely correct with regard to parity. We have enjoyed our working relationship with the Guard and Reserve components. I look forward to working with the gentleman in conference.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. HILL).

(Mr. HILL of Indiana asked and was given permission to revise and extend his remarks.)

Mr. HILL of Indiana. Mr. Chairman, I rise in support of this en block package and urge my colleagues to support it as well.

This package includes a couple of amendments that will help free up money for economic development in towns with old military installations. All communities should be able to use closed facilities as engines of economic growth. This is simply a matter of fairness.

I, too, have a closed military installation in my district. It is called the Indiana Army Ammunition Plant.

Unfortunately, under current law, some communities that lose military installations are treated differently than others.

Yesterday, I testified before the Committee on Rules about an amendment that I believe levels the playing field. My amendment would authorize the Secretary of Defense to convey former military installations in property communities free of charge. Of course, I hope that my amendment will be made in order. But I am pleased that we are helping the communities in this bill, and I urge my colleagues to support it.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS) for the purpose of a colloquy.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Chairman, I want to thank the chairman for including my amendment regarding the Office of River Protection in the en bloc amendment.

Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPENCE) for yielding me the time.

Mr. Chairman, as the gentleman from California (Mr. HUNTER) is aware, the Office of River Protection at the Hanford site in my district is currently engaged in the world's largest and most pressing environmental cleanup project.

I would like to first thank the gentleman for his leadership on this project through the creation of the Office of River Protection in the Fiscal Year 1999 National Defense Authorization Act.

As the gentleman is aware, the Office of River Protection was created to manage the retrieval and treatment of waste at Hanford by removing the many layers of bureaucracy that impede cleanup and transfer authority back to the site. This model has proven itself to be an effective initiative because local experts have the knowledge and the authority to ensure the timely treatment of this waste.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, the gentleman is correct to point out the very excellent model that was created by his amendment to transfer authority back to the site. Since its inception, the Office of River Protection has effectively managed the complex problems without layers of bureaucracy that very often stymie what we are looking for, and that is cleanup.

I am committed to the success of the Office of River Protection and congressional intent that the manager of the Office report directly to the Assistant Secretary for Environmental Management.

I would also like to commend the gentleman from Washington (Mr. HASTINGS) on his tireless efforts on behalf of his constituents impacted by the Hanford site. The committee values his input on how best to proceed with this cleanup project.

If I might, also, I just want to thank the chairman of the full committee, too, for his support in passing the football off to us and letting us run with it and put together the best program we could. That is kind of the trademark of the gentleman from South Carolina (Mr. SPENCE), whose quiet strength has led us through this markup and floor process. But I thank the gentleman for everything he has done.

There has been a lot of confusion at Hanford with the contractor that is now leaving rather abruptly from this project. There is some confusion in the Department of Energy. But there is one guy whose steady hand on the helm of this ship has been moving it steadily forward and will continue to move the Hanford site forward to successful cleanup, and that is the gentleman from Washington (Mr. HASTINGS). I thank the gentleman for what he is doing.

Mr. HASTINGS of Washington. Mr. Chairman, I, too, want to thank the chairman for his work on this.

Mr. Chairman, as my colleagues know, under the President's fiscal year 2000 budget request, the privatization account that we were alluding to at Hanford would receive $450 million. However, due to the recent developments that the gentleman mentioned with the lead contractor, privatization, unfortunately, is no longer a viable option at this time.

In light of these developments, the Department of Energy has identified a new path forward to ensure the timely cleanup of the waste. As a result of this new path forward, the Department identified and updated funding requirement of $370 million for fiscal year 2001 to fully fund the necessary design and long-lead procurement to keep the project on schedule.

Mr. Chairman, I ask the gentleman from California (Chairman HUNTER) whether he concurs with this.

Mr. HUNTER. Mr. Chairman, if the gentleman would continue to yield, yes. Over the last 2 weeks, largely as a result of his leadership, the Department of Energy has identified a need of $370 million in required work to keep the project on schedule in fiscal year 2001.

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What the gentleman from Washington basically asked us to do was to keep this thing going and make sure that the design and engineering work continued, that the procurement that was necessary was allowed to take place and that we had a contingency fund available so that we could keep the project moving forward and keep the commitments that the Federal Government has made to Washington State. As a result of the gentleman's leadership and direction, we put those numbers together and indeed did come up with the $370 million requirement that is going to be needed to keep the project going for the next 12 months.

Mr. HASTINGS of Washington. I thank the gentleman for his remarks. This issue is not confined just to my district in central Washington. In fact it is the whole Pacific Northwest. I would like to ask the gentleman if he will continue to work on the fiscal year 2001 funding level when we go to conference with the other body for the necessary $370 million of design and long-lead procurement needs for this project.

Mr. HUNTER. If the gentleman will continue to yield, absolutely we will continue to press for that figure, make sure that that amount of money is available. As the gentleman knows, there is money that is in the first $491 million that was a tranche of money that was approved initially for the BNFL contractor and that contract is now no longer with us. So there is some question in DOE as to how much is carryover and how much is not carryover, but we do agree because of the gentleman's leadership that $370 million is needed. I will work in the conference to make sure that we get that.

As the gentleman knows, the Department is currently unable to give us a firm funding requirement for 2001 due to the fact that they have ongoing contract negotiations right now that resulted from this new path that they are taking. I just want to assure the gentleman I will continue to work with him in conference and we will make sure that we fully fund that $370 million required for this work. So under the steady leadership of the gentleman from Washington, these other problems notwithstanding, we are going to continue to move the Hanford cleanup forward.

Mr. HASTINGS of Washington. I thank the gentleman for that commitment.

Finally, Mr. Chairman, section 3131 of the legislation provides a waiver of the requirement to accumulate a reserve for termination liability funding. Will the gentleman work with my office and with the Department of Energy in conference to assure that this

section is clarified to meet the needs that we are talking about within the River Protection Project in the future?

Mr. HUNTER. I will be very happy to work with the gentleman on this issue and make sure the section is carried out as intended. Again, the gentleman from Washington's guidance and advice is very important to our committee and our subcommittee. We thank him for his leadership on this issue.

Mr. HASTINGS of Washington. I thank the gentleman very much for his commitment. I thank the chairman for his commitment, also, on that. Their assurances to my constituents in central Washington and to all of us in the Pacific Northwest that the final legislation will contain full funding that has been identified for the work required this year is appreciated.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

For the benefit of those who do not understand the purpose of the en bloc amendments, I might briefly explain that we had about 101 amendments offered to our bill. Many of these were noncontroversial, did not require a vote, and so we put them into the en bloc category. Others, we offered some suggestions as to how they could amend their amendment and they were accepted and we were able then to accept these without controversy and without vote, all of this with consultation with our ranking member the gentleman from Missouri. This has been agreed upon by both sides.

Mr. HINOJOSA. Mr. Chairman, I am in strong support of the amendment to H.R. 4205 offered by the Ranking Minority Member on the Committee on Small Business, NYDIA VELAZQUEZ. It has come to my attention, as a member of the Committee on Small Business, that the Department of Defense, to the exclusion of the growing number of small business owners in our nation, has relied on the practice of contract bundling. Furthermore, the Department has no objective criteria to justify the use of this mechanism. The result of this bundling is nothing less than devastating to small business, and additionally translates into higher costs to taxpayers due to the decreased competition.

The amendment offered by Ms. VELAZQUEZ expands the contract bundling study proposed in H.R. 4205 to require a Department-wide study on contract bundling. It further requires the Department to develop with GAO a database to monitor the effects of contract bundling. I am confident that this amendment will assist small business in combating the many problems relating to contract bundling.

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support of the enbloc amendment to H.R. 4205, and in particular thanks to the Chairman for incorporating this Member's amendment addressing the Asia-Pacific Center for Security Studies.

H.R. 4205 authorizes the Secretary of Defense to operate regional centers for security studies. Among those centers are the Marshall Center in Garmish, Germany, and the Asia-Pacific Center in Hawaii.

H.R. 4205 provides the Marshall Center with a waiver authority for reimbursement of the costs of conferences, seminars, courses or instruction, or similar educational activities for certain military officers and civilian officials within the European theater. It does not provide such a waiver authority for military officers and civilian officials in the Asia-Pacific region.

Countries in the Asia-Pacific region, even perhaps more than those in Europe, represent the entire economic spectrum. Many countries in the Asia-Pacific region that would greatly benefit from such education can not afford to send their officers or civilian officials. Bangladesh comes to mind, a country that provides peacekeepers as a major source of revenue can not afford to send their military officers or civilian officials to the Center where they would be exposed to our way of integrated security. We lose a national security objective by not being able to interact with these officers or civilian officials in an educational open forum. It is important that all our allies, regardless of their economic ability to do so, can attend and interact with not only our own forces, but with our other allies and friendly countries.

This Member would observe there is no mandated additional costs associated with this amendment. While the Secretary has the authority to waive these costs, as such, the costs must be absorbed within the Centers' budget. It provides for a management decision by the Secretary, not a budgetary burden on the American taxpayers.

It is important to stress here that countries that are prohibited by statute from receiving assistance funds will not be allowed to attend the Asia-Pacific Center. Military personnel of Cambodia and Burma, for instance, where direct government-to-government assistance of any kind is prohibited, would not be allowed to attend, much less receive any such waiver. Military personnel of the People's Republic of China, under the Tiananmen sanctions would not be allowed to attend. There are real safeguards in place to ensure such countries do not have the opportunity to attend the Center.

Mr. Chairman, this Member urges adoption of the Managers En Bloc amendment.

Mr. HALL of Ohio. Mr. Chairman, I rise in support of the Hall-Hobson amendment offered as part of the Chairman's en bloc amendment. The amendment creates a 3-year program permitting the Air Force to offer early outs and retirement incentives of up to $25,000 for as many as 1,000 civilian employees each year for the purpose of maintaining continuity of skills among employees and to hire workers with critically needed technical skills. The early out and retirement incentive authority established in this amendment is similar to the authority already in the law for personnel reductions.

As The Washington Post pointed out in a week-long series last week, the Federal work force faces a crises. In the next five years, more than 50 percent of civil servants will be eligible to retire. The situation is even worse in the Department of Defense, where that figure is almost 60 percent. Unless personnel practices are changed, the Pentagon will lurch from a predominantly senior work force to one that is largely inexperienced.

At the same time, rapid advances in defense-related technology make it more critical now than ever before to maintain a defense work force with cutting edge technological skills.

Unfortunately, existing personnel laws do not give Defense Department managers the flexibility they need to keep up with rapidly changing personnel needs, especially in the scientific and technical fields. After more than ten years of much needed draw down and virtually no new hiring, the military services have been stymied in their efforts to acquire such personnel.

This problem is particularly acute for the Air Force because of its historically heavy reliance on science and technology. The preservation and advancement of our Air Force's high tech advantage is particularly important as new and uncertain threats to our country develop. Solving this problem is the Air Force's top civilian work force priority.

Moreover, this experimental pilot program will provide valuable information that can be used to address similar work force problems in the other services and non-defense federal agencies.

The amendment I seek to offer is similar to an amendment Mr. HOBSON offered last year to the National Defense Authorization Act which was adopted by the House, but which was not accepted in conference.

It is my intention that the Air Force will use the personnel slots created under the authority of this amendment to hire new workers and that the authority will not be used to reduce overall levels of civilian employment.

I thank the Chairman of the Armed Services Committee, Mr. SPENCE, and the ranking minority member, Mr. SKELTON, for their support of my amendment. I also thank Mr. SCARBOROUGH, chairman of the Subcommittee on Civil Service, and Mr. CUMMINGS, the ranking minority member, as well as their staffs, for their assistance.

And finally, I offer a special thanks to the amendment's cosponsor, Mr. HOBSON, and to his staff, for their critical help.

Mr. RYUN of Kansas. Mr. Chairman, I rise today in support of H.R. 4205, the Fiscal Year 2001 National Defense Authorization Act.

I would like to thank Chairman SPENCE and Chairman HEFLEY for including my amendment as part of the en bloc amendments, scheduled for discussion and vote later today.

Mr. Chairman, over one thousand World War II veterans die every day. A final honor bestowed upon these veterans and their families is burial at a military or veterans cemetery.

My amendment will enable the Secretary of the Army and the Kansas Commission on Veterans Affairs to agree to a transfer of property at Fort Riley, Kansas for the purpose of establishing a State-constructed, operated and maintained veterans cemetery.

Mr. Chairman, Congress is here to work for the people of the United States. The veterans organizations of the 2nd District of Kansas have worked hard to establish support both within the state and here in Washington, D.C. to support veterans that have sacrificed for our freedoms.

I ask my colleagues to support the passage of the en bloc amendments and continued support for final passage of H.R. 4205.

Mr. GILCHREST. Mr. Chairman, I rise in support of my amendment to the H.R. 4205, The National Defense Authorization Act.

This amendment is designed to urge the Secretary of Defense to add five additional Weapons of Mass Destruction Civil Support Team (WMD–CST) to the fiscal year 2001 defense bill.

At the direction of Congress, the Department of Defense recently expanded this program to embrace a total of 27 teams, known as WMD Civil Support Teams.

The WMD Civil Support Teams were established to deploy rapidly to assist a local incident commander in determining the nature and extent of an attack or incident; provide expert technical advice on WMD response operations; and help identify and support the arrival of follow-on state and federal military response assets. Each team consists of 22 highly-skilled, full-time members of the Army and Air National Guard.

The first 10 teams have completed their individual and unit collective training and are in the process of receiving highly sophisticated equipment. Each team has two large pieces of equipment: a mobile analytical laboratory for field analysis of chemical or biological agents and a unified command suite that has the ability to provide communications interoperability among the various responders who may be on scene. The first 10 teams will be certified as fully mission-capable later this spring, with the remaining 17 expected to come on line in early 2001.

The first 10 teams are based in Colorado, Georgia, Illinois, California, Massachusetts, Missouri, New York, Pennsylvania, Texas and Washington. The remaining 17 teams, announced in January, will be based in Alaska, Arizona, Arkansas, California, Florida, Hawaii, Idaho, Iowa, Kentucky, Louisiana, Maine, Minnesota, New Mexico, Ohio, Oklahoma, South Carolina and Virginia.

Surprisingly, our Nation's capital does not currently have a National Guard civil support team. The closest team is in rural Virginia or the center of Pennsylvania. These locations are too far away to provide comfort that my state, Maryland, will have adequate protection and civil support in the event a terrorist uses poison gas or germs in the Washington, DC or Maryland area.

Having a team available to deploy rapidly, assess the situation, and coordinate assistance with local first-responders is extremely important.

The WMD Civil Support Teams are unique because of their federal-state relationship. They are federally resourced, federally trained and federally evaluated, and they operate under federal doctrine. But they will perform their mission primarily under the command and control of the governors of the states in which they are located.

They will be, first and foremost, state assets.

Operationally, they fall under the command and control of the adjutant generals of those states. As a result, they will be available to respond to an incident as part of a state response, well before federal response assets would be called upon to provide assistance.

If the situation were to evolve into an event that overwhelmed state and local response assets, the governor could request the president to issue a declaration of national disaster and to provide federal assistance. At that point, the team would continue to support local officials in their state status, but would also assist in channeling additional military and other federal assets in support of the local commander.

It is essential to note that these teams are in no way connected with counter-terrorism activities. They are involved exclusively in consequence management activities. The civil support teams will link with the consequence managers in their jurisdictions. The WMD–CST will have robust planning and command and control capabilities and the ability to mobilize a military task force quickly in support of FEMA requests. It will also have rapid access to military forces and quick reach-back capability to subject matter experts, labs and medical support.

If terrorists release bacteria, chemicals or viruses to harm Americans, we must have the ability to identify the pathogens or substances with speed and certainty. The technology to accomplish that is still evolving, and current technology is very expensive, technically challenging to maintain, and largely unaffordable to most states and localities.

In this regard, my goal is to support America's fire, police and emergency medical personnel as rapidly as possible with capabilities and tools that complement and enhance their response, not duplicate it.

It is better to have these teams be funded, fielded and idle than to have no team at all. Every Governor should, and must, have the flexibility to call on a WMD–CST Team if the situation warrants.

My amendment to this year's defense bill will increase the number of WMD–CSTs to 32, providing greater coverage to the American population.

I support the efforts Congress and the Defense Department have made to establish state-controlled WMD Civil Support Teams, which leverage the best military technology and expertise available, to achieve that goal.

I thank you for the opportunity.

Mr. HAYES. Mr. Chairman, my amendment is very simple. I offer it to ensure that Section 3157 of the National Defense Authorization Act of FY'98 is consistent with Section 1211 of that same Act. In 1998, the Congress adopted to its defense authorization legislation provisions to establish export control thresholds for computer technology to tier III countries. We established those provisions in two places of the '98 legislation, Section 1211 and Section 3157. Since then, Congress has revisited Sec. 1211 and updated the threshold level to better reflect technological advancements. In modernizing the law, however, a slight oversight has been made.

While Congress made adjustments to Section 1211 to raise export control thresholds, it did not make the same necessary adjustments to Section 3157. My amendment ensures the MTOP level (millions of theoretical operations per second) included in Section 1211 is consistent with the levels included in Section 3157.

By no means do I intend to reopen the debate on MTOP levels and verification requirements. In fact, the gentlemen from California, the Chairman of the Rules Committee has ably engaged that very policy debate in this chamber today. Instead, I only wish to correct an inconsistency in our legislation that calls for two different standards.

Mr. BRYANT. Mr. Chairman, as many of my colleagues may recall, the FY98–99 Defense Authorization bill included my provision establishing a life without parole sentencing option in the Uniform Code of Military Justice.

What prompted me to push for a life without parole sentence involved the case of Sgt. Michael Teeter. Sgt. Teeter was sentenced to life in prison on June 10, 1980, by a military court for the brutal rape and murder of Eva Hicks-Ransom. The murder occurred in my district in Clarksville, Tennessee. After serving only 15 years of his life sentence, Teeter was granted parole.

Because the only alternative to a life sentence was the death penalty, I felt a new, life without parole sentence would provide a jury with a broader range of options depending on the severity of the crime. In cases where the death penalty was too harsh, but the possibility of an offender eventually re-entering society was unconscionable, life without parole would give the jury a reasonable alternative.

Since the creation of the life without parole sentence, however, the Department of Defense has issued an Instruction which states that a person sentenced to life without parole will still be eligible for clemency. Under clemency, a prisoner sentenced to life without parole can see his sentence reduced for good behavior and/or successful treatment after only 10 years. In theory, a person sentenced to life without parole could be released after serving just 15 years.

Mr. Chairman, Section 544 of H.R. 4205 does attempt to address my concerns about clemency by increasing the time before clemency can be considered from 10 to 20 years. While I appreciate the lengths to which full committee Chairman SPENCE and subcommittee Chairman BUYER have gone to address this issue, it was always my intent that a person sentenced to life without parole would spend the rest of their life in prison unless they were pardoned by the President. Clemency was not meant to apply. I strongly believe that the Defense Department misinterpreted the language establishing a life without parole sentence, and my amendment would replace the language in Section 544 with language which would clarify and reaffirm the intent of Congress that life without parole means life and that clemency does not apply.

I urge my colleagues to support this clarifying amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The question is on the amendments en bloc, as modified, offered by the gentleman from South Carolina (Mr. SPENCE).

The amendments en bloc, as modified, were agreed to.

Mr. SPENCE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HAYES) having assumed the chair, Mr. GUTKNECHT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, had come to no resolution thereon.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO SUDAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–237)

The SPEAKER pro tempore (Mr. GUTKNECHT) laid before the House the following message from the President

of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 410(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997.

WILLIAM J. CLINTON,
THE WHITE HOUSE, *May 17, 2000.*

RESPONDING TO CHALLENGE ISSUED IN OTHER BODY

(Mr. HAYES asked and was given permission to address the House for 1 minute.)

Mr. HAYES. Mr. Speaker, I come to the floor today to respond to a challenge issued in the other body, the Senate.

Mr. Speaker, during the course of debate, the Democrat Senator from Iowa issued a challenge to Republican lawmakers. The Senator challenged any takers to a contest in trap shooting.

He said, and I quote, I take a back seat to no one in being a legitimate hunter. I hunt every year. I've hunted since I've been a kid. I'll take on anyone over there in trap shooting.

Mr. Speaker, the Congress and the Senate gathered on Monday to have a shoot-off. We had great competition. Conservation was the beneficiary.

I gladly accept the senior Senator from Iowa's challenge and will be glad to meet him for a charity shoot-off event. I look forward to coordinating this with him.

PREVIEW OF UPCOMING SPECIAL ORDER REGARDING PNTR FOR CHINA

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise to inform my colleagues that after we get through the wonderful 5-minute special orders that people are going to be delivering here, I am going to take an hour or a good part of that 1-hour to talk about the single most important vote that will be casting this year, and that is whether or not we are going to pry open the markets with 1.3 billion consumers in the People's Republic of China so that our workers can export goods and services and other great things, including American values, into that very repressive society in the People's Republic of China.

We have got a lot of very, very interesting things, so I want to encourage my colleagues who are here in the Chamber to stay because it is going to be a very, very enlightening special order that I plan to deliver.

TRIBUTE TO HONORABLE PATRICIA A. HEMANN

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I rise today to honor a very special constituent and friend of mine, the Honorable Patricia A. Hemann, magistrate judge of the United States District Court for the Northern District of Ohio on the occasion of her receipt of the Ohio Women's Bar Association's Justice Alice Robie Resnick Award of Distinction. The award is the OWBA's highest award for professional excellence.

Pat Hemann was the first woman magistrate judge of the United States District Court for the Northern District of Ohio. Previously she was in private practice for 11 years, litigating complex cases and becoming a member of the board of directors of Hahn, Loeser & Parks, LLP in Cleveland.

At the same time she actively mentored women and minorities, taking on issues that were vital to their inclusion in the legal community. In 1991, she along with Justice Alice Robie Resnick and another attorney, Pam Hultin, founded the Ohio Women's Bar Association.

It gives me great pleasure to rise today and join with the OWBA in congratulating Judge Hemann and wishing her continued success.

Mr. Speaker, I rise today to honor a very special constituent and friend of mine, The Honorable Patricia A. Hemann, magistrate judge of the United States District Court for the Northern District of Ohio, on the occasion of her receipt of the Ohio Women's Bar Association's Justice Alice Robie Resnick Award of Distinction. This award is the OWBA's highest award for professional excellence and is bestowed annually on a deserving attorney who exhibits leadership in the areas of advancing the status and interests of women and in improving the legal profession in the state of Ohio. It gives me great pleasure to wish Judge Hemann my warmest congratulations on this truly special occasion.

Patricia Hemann was the first woman magistrate judge of the United States District Court for the Northern District of Ohio. Previously, she was in private practice for 11 years, litigating complex cases and becoming a member of the Board of Directors of Hahn, Loeser & Parks LLP in Cleveland.

At the same time, Judge Hemann actively mentored women and minorities, taking on issues that were vital to their inclusion in the legal community. In December 1991, Judge Hemann, along with The Honorable Alice Robie Resnick and Cleveland attorney Pamela Hultin, founded the Ohio Women's Bar Association. The OWBA is the only statewide bar association within Ohio solely dedicated toward advancing the interests of women attorneys while encouraging networking and the creation of statewide mentor program for women attorneys.

Judge Hemann volunteers at the Cleveland Public Schools and is also active in the Cleveland Bar Association as a trustee and as chair of the Justice for All Initiative.

Today, May 17, 2000, OWBA President Jami Oliver will be presenting Judge Hemann with the Ohio Women's Bar Association's Justice Alice Robie Resnick Award of Distinction at its annual meeting in Toledo, Ohio.

It gives me great pleasure to rise today, Mr. Speaker, and join the OWBA in congratulating Judge Hemann and wishing her continued success.

AGAINST PNTR FOR CHINA

(Mr. TANCREDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. TANCREDO. Mr. Speaker, I have in front of me a letter from the Reserve Officers Association of the United States to the gentleman from Virginia (Mr. WOLF). I would like to refer to excerpts from it and then enter it into the RECORD.

DEAR CONGRESSMAN WOLF: Just within the past few weeks, China has made military threats against Taiwan and threatened military action against the United States if we defend Taiwan. Just 4 years ago, China fired several live missiles in the Taiwan Strait, necessitating deployment of two American carrier groups to the area.

A report issued last month by the CIA and the FBI indicates that Beijing has increased its military spying against the United States. Less than a year ago, the Cox Committee reported that China stole classified information regarding advanced American thermonuclear weapons.

Additionally, Beijing has exported weapons of mass destruction to Iran and North Korea, in violation of treaty commitments. Finally, China's record of human rights abuses is well documented.

A recent Harris Poll revealed that 79 percent of the American people oppose giving China permanent access to U.S. markets.

RESERVE OFFICERS ASSOCIATION
OF THE UNITED STATES,
Washington, DC, April 27, 2000.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WOLF: The Reserve Officers Association (''ROA''), representing 80,000 officers in all seven Uniformed Services, is concerned about the proposal to grant Permanent Normal Trade Relations (''PNTR'') to China.

ROA acknowledges the importance of our relationship with China, including our growing economic ties to China. Nevertheless, ROA believes that it would be a mistake to grant PNTR to China at this time. The annual process of reviewing trade relations with China provides Congress with leverage over Chinese behavior on national security and human rights matters. Granting PNTR would deprive Congress of the opportunity to influence China to improve its human rights record and behave as a more responsible actor on the national security stage.

Just within the past few weeks, China has made military threats against Taiwan and threatened military action against the United States if we defend Taiwan. Just four years ago, China fired several live missiles in the Taiwan Strait, necessitating a deployment of two American carrier battle groups to the area.

A report issued last month by the CIA and FBI indicates that Beijing has increased its military spying against the United States.

Less than a year ago, the Cox Committee reported that China stole classified information regarding advanced American thermonuclear weapons.

Additionally, Beijing has exported weapons of mass destruction to Iran and north Korea, in violation of treaty commitments. Finally, China's record of human rights abuses is well documented.

A recent Harris Poll revealed that fully 79% of the American people oppose giving China permanent access to U.S. markets until China meets human rights and labor standards. On this issue, Congress should respect the wisdom of the American people. Now is not the time to grant Permanent Normal Trade Relations to China.

Sincerely,

JAYSON L. SPIEGEL,
Executive Director.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HULSHOF) is recognized for 5 minutes.

(Mr. HULSHOF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

(Mr. METCALF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO WAYNE SHACKELFORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. COLLINS) is recognized for 5 minutes.

Mr. COLLINS. Mr. Speaker, I rise today to pay tribute to a friend and colleague, one of the most outstanding transportation leaders in the Nation, Wayne Shackelford, Commissioner of the Georgia Department of Transportation. Commissioner Shackelford is retiring from the Georgia DOT in June, though he is a man of much energy and many talents who clearly will not retire from his involvement with the transportation community.

Wayne Shackelford has served as Commissioner of the Georgia DOT since 1991. During this time, he has guided the State, the region and the Nation through a decade which has experienced immense growth with massive demands on transportation and infrastructure requiring new and innovative solutions. Commissioner Shackelford met the challenges head-on. He is a man who chose to personally be involved in developing solutions for congestion and gridlock and exploring transportation alternatives.

Under the leadership of Commissioner Shackelford, Georgia has repeatedly been cited as having one of the most outstanding highway systems in the Nation. And as the State experienced explosive growth, the Commissioner worked to develop plans for commuter rail, light rail, increased intercity rail and improved bus service. With Georgia being one of the first States to have construction plans halted due to nonconformity with the Clean Air Act, Commissioner Shackelford worked with Federal, State and local officials to determine how best to meet both transportation and environmental demands.

As if these challenges were not enough, during his tenure the Centennial Olympic Games were held in Atlanta and under Commissioner Shackelford's leadership, the most comprehensive traffic and incident management system in the world was developed for the event.

Commissioner Shackelford also has been a leader in aviation. Well before Hartsfield Atlanta International Airport became the busiest airport in the world, he was an outspoken and vigorous supporter of the airport, recognizing its contribution to jobs and the economy of the State and entire Southeast. He has been an active supporter of general aviation and regional airport development and was involved in the development and implementation of the 1998 governors regional airport enhancement program to bolster small airports across the State of Georgia.

From Georgia to the Nation's capital and all across the country, Wayne Shackelford's involvement in transportation activities has earned him the admiration and respect of transportation officials at every level. Georgians were proud that one of their own was selected as President of the prestigious American Association of State Highway and Transportation Officials. Heading this national association, whose membership is composed of highway and transportation officials from each State, Commissioner Shackelford worked closely with his peers and colleagues, administration officials and Members of Congress to shape transportation policies for the 21st century, benefiting all States and particularly Georgia.

He also served as Chairman of the Executive Committee of the Transportation Research Board, perhaps the foremost national organization involved in transportation research, renowned for its professional and balanced approach to the issues. Commissioner Shackelford also served as National President of the Southeastern Association of State Highway and Transportation Officials as well as Chairman of the Executive Committee of the Intelligent Transportation Society of America.

As one can imagine, Commissioner Shackelford has also received innumerable citations and awards for his contributions to the transportation arena through the years. The record is clear that Commissioner Shackelford is one of the most outstanding officials in his field. However, it is the person of Wayne Shackelford that causes so many of us to hold him in such high esteem. He has always taken the time to listen and to answer. Though we have served in opposite political parties, he has always done everything possible he could to help.

□ 1745

He is known for a forceful voice that booms above most others, yet his attitude is just the opposite. He is known for treating others with the highest respect and regard. He has reached out to those representing every viewpoint, to bring about cooperation and coordination in the best interests of the citizens of Georgia and beyond.

So, Mr. Speaker, today it is my great pleasure to pay tribute to Wayne Shackelford, for the outstanding job that he has done, and for the awards, the citations and the offices which he has held. But, Mr. Speaker, more importantly, I pay tribute not to just his professionalism, but to Wayne Shackelford, the person. I am proud to have worked with him on behalf of the citizens of Georgia, and I am proud to consider him a friend.

SHOW OF FORCE WAS NOT NECESSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, a few days ago on this floor I mentioned that most polls showed that the people thought that Elian Gonzalez should be

returned to his father. As a father, I could understand those feelings. I had very mixed emotions about that case.

But I said that regardless of how people thought the custody should be handled, all Americans should have been shocked and saddened by the way the excessive gestapo-like way the Justice Department handled that predawn raid at the home in Miami. I quoted Lawrence Tribe and Alan Dershowitz, two very liberal Harvard professors, who said that the way this was handled with the Justice Department taking the law into their own hands should be considered a real danger to the freedom of all Americans.

In the May 10 edition of the Conservative Chronicle, there is a column reprinted by Charley Reese, the nationally syndicated columnist, who last year was voted by C-SPAN viewers as their favorite or most popular nationally syndicated columnist. I would like to read most of the column that he wrote concerning this, because it expresses a lot of views that I think need to be expressed and people need to think about.

Mr. Reese wrote this: ''The comic book raid on Elian Gonzalez's Miami family is a new low, even for the Federal Government. Pointing machine guns and screaming obscenities seem to be standard operating procedure for Federal law enforcement officers, even when the only people to scream at and point guns at are unarmed Christian men and women and small children.

''The truth is that two unarmed female officers could have gone to that home during any normal hour and removed Elian Gonzalez without any danger to the child, to themselves or to bystanders. That Miami family has never once said it would resist. It has always tried to follow the law, which I should point out is not the same as Attorney General Janet Reno's whim. Instead, the feds chose to act as if they were raiding the hideout of Colombian drug dealers.

''The U.S. action was disgraceful. You don't transfer children at gunpoint. And I, for one American,'' Mr. Reese continues, ''I, for one American, am getting tired of Federal cops screaming profanity, pointing guns, and shoving around people who have not been convicted of any crime. This is not how a free society operates. It is how dictatorships and authoritarian governments act.

''The real message of this raid is how estranged the Federal Government is from the American people. The government apparently fears the people, and people who are feared are soon hated. The Federal Government has increasingly acted as if it has merely to speak, and all of us must lock heels and shout 'Sieg Heil.' Horse manure.

''Sovereignty in this country resides with the people. The government is our servant, not our master. The American people had better pull their heads out of that place where they cannot see and reassert their sovereignty before it is too late. There aren't any trends in Washington moving toward respect for the law and liberty. The trends are moving toward arbitrary and authoritarian government.''

Mr. Reese continues in this great column and says this:

''Reno's poor decision-making notwithstanding, the issue of custody is not as clear-cut as she makes it out to be. One of the points to be settled by the Appeals Court is can someone else speak for a child when the child's interest and that of the parent is in conflict?

''The heel-clickers are now pointing to pictures of Elian as if that proves their point. It doesn't. Nobody in Miami has tried to estrange Elian from his father. Their concern all along has been to keep Elian from being forcibly returned to Cuba without having his day in court, which Reno tried to deny him.

''It is the boy's father who has refused to go to Miami, refused to meet with the boy and family at any neutral site. Whether that is his decision or his instructions from the Cuban or American or both governments, I don't know. But I do know that nobody in Miami ever suggested that Elian would not be happy to see his father. They had talked several times on the telephone while Elian was in Miami.

''Once more the Clinton administration has shown its contempt for the law and contempt for the American people, especially conservative Americans. It has, from day one, taken exactly the same position as the communist dictator Fidel Castro. Those who think that Castro really cares about Elian should ask the old greybeard why he ordered his goons to drown more than a dozen children and their parents when they tried to escape Cuba in 1994.

''This administration has slapped in the face and insulted one of the finest groups of Americans within the United States, the Cuban exile community.''

I commend this column by Mr. Reese. I will place it in full in the CONGRESSIONAL RECORD. I say again that we should be very concerned when the Justice Department takes its law into its own hands and ignores very strong criticism from Federal courts of appeal.

Mr. Speaker, I include the article for the RECORD.

SHOW OF FORCE WASN'T NECESSARY

(By Charley Reese)

MAY 1.—I had thought that there was nothing Bill Clinton could do that would make me think less of him than I already do. That was a mistake on my part.

The comic book raid on Elian Gonzalez's Miami family is a new low, even for the federal government. Pointing machine guns and screaming obscenities seem to be standard operating procedure for federal law-enforcement officers—even when the only people to scream at and point guns at are unarmed Christian men and women and small children.

The truth is that two unarmed female officers could have gone to that home during any normal hour and removed Elian Gonzalez without any danger to the child, to themselves or to bystanders. That Miami family has never once said it would resist. it has always tried to follow the law, which, I should point out, is not the same as Attorney General Janet Reno's whim. Instead, the feds chose to act as if they were raiding the hideout of Colombian drug dealers.

The U.S. action was disgraceful. You don't transfer children at gunpoint. And I, for one American, am getting tired of federal cops screaming profanity, pointing guns and shoving around people who have not been convicted of any crime. That is not how a free society operates. It's how dictatorships and authoritarian governments act.

The real message of this raid is how estranged the federal government is from the American people. The government apparently fears the people, and people who are feared are soon hated. The federal government has increasingly acted as if it has merely to speak and all of us must lock heels and shout ''Sieg Heil.'' Horse manure.

Sovereignty in this country resides with the people. The government is our servant, not our master. The American people had better pull their heads out of that place where they can't see and reassert their sovereignty before it's too late. There aren't any trends in Washington moving toward respect for the law and liberty. The trends are moving toward arbitrary and authoritarian government.

Reno's poor decision-making notwithstanding, the issue of custody is not as clear-cut as she makes it out to be. One of the points to be settled by the appeals court is: Can someone else speak for a child when the child's interest and that of the parent is in conflict?

The heel-clickers are now pointing to pictures of Elian with his father as if that proves their point. It doesn't. Nobody in Miami has tried to estrange Elian from his father. Their concern all along has been to keep Elian from being forcibly returned to Cuba without having his day in court, which Reno tried to deny him.

It's the boy's father who has refused to go to Miami, refused to meet with the boy and the family at any neutral site. Whether that's his decision, or his instructions from the Cuban or American or both governments, I don't know. But I do know that nobody in Miami ever suggested that Elian wouldn't be happy to see his father. They had talked several times on the telephone while Elian was in Miami.

Once more the Clinton administration has shown its contempt for the law and contempt for the American people—especially conservative Americans. It has, from day one, taken exactly the same position as the communist dictator Fidel Castro. Those who think that Castro really cares about Elian should ask the old greybeard why he ordered his goons to drown more than a dozen children and their parents when they tried to escape Cuba in 1994.

This administration has slapped in the face and insulted one of the finest group of Americans within the United States, the Cuban exile community. I expect that a lot of Florida Democrats will regret that in November.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MINGE) is recognized for 5 minutes.

(Mr. MINGE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 5 minutes.

(Mr. SENSENBRENNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocation for the House Committee on Appropriations pursuant to House Report 106–617 to reflect $115,000,000 in additional new budget authority and $113,000,000 in additional outlays for emergencies. This will change the allocation to the House Committee on Appropriations to $600,410,000,000 in budget authority and $625,192,000,000 in outlays for fiscal year 2001. This will increase the aggregate total to $1,528,615,000,000 in budget authority and $1,494,413,000,000 in outlays for fiscal year 2001.

As reported to the House, H.R. 4461, the bill making fiscal year 2001 appropriations for the Department of Agriculture, includes $115,000,000 in budget authority and $113,000,000 in outlays for emergencies.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation. Questions may be directed to Dan Kowalski or Jim Bates at 67270.

GRANTING PERMANENT NORMAL TRADE RELATIONS TO CHINA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. DREIER) is recognized for 60 minutes as the designee of the majority leader.

Mr. DREIER. Mr. Speaker, as I said during the one-minute speech I delivered just a few minutes ago, I am going to talk about this very important vote that we are going to be facing next week here in the Congress.

I will tell you during my nearly decade-and-a-half as a member of the minority, I often would utilize this special order time to talk about a wide range of issues, but during the past 6 years since we have been in the majority, since we have been very successful at implementing so many of those issues around here, I have not taken a lot of special order sessions to talk about public policy questions. But I think it is very important for us to talk about this one, because, as I have said, the vote that we will face next week that will decide whether or not we grant permanent normal trade relations to the People's Republic of China, which will allow the United States of America to finally gain access to that consumer market of China, is, as I said, at least, at least, the most important vote that we will cast in this session of Congress, and there are many who have come to me and said things, like Leon Panetta, the former White House Chief of Staff, the former Director of the Office of Management and Budget, the former chairman of the House Committee on the Budget, my former California colleague, said to me when I ran into him the other night, ''David, I believe this will be the most important vote of the decade.''

My colleague the gentleman from California (Mr. MATSUI), with whom I have been working very closely to put together bipartisan support for this vote, said that he believed that this will be probably the most important vote that will be cast during the entire Congressional careers of Members.

I, for that reason, felt it important to take some time to explain why it is that this is such an important vote and to try and clarify some of the very confusing statements and, frankly, some of the inaccurate statements that have been put forward by a number of people who are opponents.

Let me begin by saying that I share the concern that opponents have raised about a wide range of issues. In fact, I would like to say that I will take a back seat to no one when it comes to demonstrating outrage over the human rights policies that we have seen in the People's Republic of China, or anyplace in the world, for that matter.

I am very concerned about the fact that we have an imbalance of trade. I am very concerned about the continued threats that we have observed from Beijing to Taipei, the most recent one having been made today. I am very concerned about religious persecution that exists in China. I am very concerned about the people who are in Tibet and have been mistreated.

So as we go through these issues, it is important for us to realize that this is not, as many have described it, simply a desire on the part of the proponents to line the pocketbooks of the U.S. business sector of our economy and worshipping at the altar of the all-mighty buck. That is an absolutely preposterous claim that the opponents have made.

Those of us who have embraced this policy do so because we recognize that the single most powerful force for positive change in the 5,000 year history of Chinese civilization has been what? Economic reform, reform of the economy which began in 1972 with Deng Xiaoping's embrace of what was known as, following the Shanghai Communique, dramatic economic reforms. Those economic reforms have led to some tremendous changes that are positive in China.

Guess what? Not many people are aware of this. There are more shareholders, more shareholders, in the People's Republic of China today than there are Members of the communist party. There are in fact today in China people who have their own small businesses. So we have private property recognized, we have a entrepreneurial class that is recognized, and we have these very, very bold and dynamic reforms that Premier Zhu Rongji has put into effect which have led towards privatization, decentralization. He has closed down state-owned entities.

These reforms are things that cannot be ignored. And, guess what? These are the kinds of reforms that are based on what we in the United States of America believe in, and that is individual responsibility and initiative, pursuit of the free market, opportunity.

Now, I am not claiming that life is perfect in the People's Republic of China. In fact, life is not that great in the People's Republic of China. We need to address religious persecution, human rights violations, the threats toward Taiwan, the transfer of military weapons and technology to Pakistan and Iran and other spots. Those sorts of threats are very, very important and we need to address them. But in trying to address those, we should not consider withdrawing the one good thing that exists there, which has been the economic reform.

Now, I am one who has actually sat down and gone through the full intelligence briefing on this issue, on the national security question, and I asked myself, how is it that we can deal with the espionage problem and those other things that are out there? I say, well, suppose we have the opportunity to close off the United States of America, to prevent any opportunity for access to be gained in the United States of America. But, guess what? We live in a free society today, and that is not going to happen. We are not going to see the United States of America close itself off to the rest of the world.

So while we are concerned about things that have taken place in China, what is the best way for us to deal with those concerns? It is to do everything within our power to open it up, to get in there.

Now, what we have before us is a vote which will be coming next week that, for the first time ever, we are going to not say, as we have for the last two decades, simply that China, the People's Republic of China, will be able to gain one way access to the U.S. consumer market by selling their goods and services here at very low tariffs, being able to get into our consumer market. What we are saying is now we have the reverse situation, where we are going to, by seeing China accede to the World Trade Organization, which, of course they will be able to do anyway, so the U.S. worker and U.S. businesses will be able to gain access there, we will be, again, prying open that market, with a population that approaches five times that of the United States of America. We are the third most populous nation on the face of the Earth, behind the People's Republic of China and India, which has just now gone to a billion people. We are the

third most populous. Yet the most populous nation is nearly five times the size of ours. So, think about that; the chance we have to open up that market is one which we would be foolish, foolish, to deny.

I see this vote that we are going to face as a win-win-win. It is a win for our first class U.S. workers, and it is a win for our farmers in this country.

□ 1800

Earlier today a news conference was held by members of the Committee on Agriculture in which they were pointing to the fact that an opportunity to export U.S. agricultural products into the People's Republic of China is a very important thing.

The chairman of the Committee on Agriculture, Mr. Combest, last night took some time here on the floor to talk about the importance of that. So it is a win for our workers. It is a win for businesses and farmers. I am convinced that when Americans compete, Americans win. We have proved that time and time again.

The thing that I want to talk about this evening, that I believe is very, very important, is to talk about American values and our quest to spread those American values throughout China, and frankly throughout the world. The rest of the world is embracing those American values. We know that to be the case, not universally, but it is spreading.

This building in which I am standing right now is a symbol throughout the entire world of freedom and liberty, and that kind of freedom is today taking place. I mean, we are taking bold steps forward in China.

What I would like to do is, again, point to the very serious problems that exist there, realize that there are many people who have been victims of the repressive policies in China, who have said time and time again, and just as to my colleague, the gentleman from Pennsylvania (Mr. PITTS) pointed out, that it is very, very important for the U.S. to grant permanent normal trade relations if they are going to have a chance to gain further freedom and further liberty.

The power of the United States to get those values in has been enhanced through technology. Today there are 70 million cellular telephones in the People's Republic of China. Now what does that say? It says that people are communicating. We knew that the spread of fax machines brought down the evil empire and the Iron Curtain. Similarly, we are able to get our values spread throughout China with fax machines and, of course, the World Wide Web is one of the best ways to get our values spread throughout there.

Just a few years ago there were roughly 4 million Internet users, computers in China. Today we are up to 9 million. That is going to continue to grow dramatically in the coming years.

Why? Because the proverbial genie is out of the bottle and they cannot put the cap back on it. Yes, they have tried to control the Internet, but as someone pointed out not too long ago, a kid can crack through the kind of protection and limitation that the government has tried to impose. So the genie is out of the bottle.

I believe that the leaders of China understand that. Why is it that they are embracing this? Well, there happens to be a great deal of poverty that exists in China, and they know that in dealing with the couple of hundred million people who live in poverty in China, that the best way for them to see their standard of living to improve is to continue with economic reform. That is really what has led them to do that.

A number of my colleagues have sent out letters in opposition to this, in which they have somehow described this as a gift, a gift, to the leadership in Beijing. If the people in Beijing want this, it is obviously bad for the people of China, bad for the United States of America and bad for the rest of the world.

I not only do not see this as a gift, Mr. Speaker, I see this as, again, the best way to undermine the repression that exists in China and has existed there.

Now I would like to get very specific and point to a couple of individuals who have really stepped forward and indicated that this vote will, in fact, be the best way to deal with the human rights situation that exists there.

One is a statement, and this is from a dear colleague letter which I would commend to all, that I suspect is on the Web page of the gentleman from Pennsylvania (Mr. PITTS), and I know that that would be available to our colleagues, but this is a dear colleague letter that he sent out from having met with a number of religious leaders, and I would like to share some of the quotes. This is a statement from Zhang Rong-Liang, and I will not say who he is because he describes it, and this is the statement that he has released. He said, I am a leader of a Chinese house church and a co-worker of the Unity Movement of China's church. I have been in ministry for 20 years. It will have a direct impact on China if it joins WTO and keeps its door open to the outside world.

As a result of it, Christians from overseas can enter China in great numbers, thus challenging the ideas and old thinking of the Chinese people. By keeping itself open to the outside world for over the past 10 years, the door of the gospel has already gradually opened as China undergoes its open door and reform policy. If China cannot enter WTO, that means closing the door on China and also on us Christians.

Now, that is the statement from Zhang Rong-Liang, who is one of obviously the religious leaders in China.

Now, I am happy to also state that I just received a letter that came to me last week from the Reverend Billy Graham. Many people have talked about the fact that religious leaders in this country are opposed to this because of the problems that exist in China. Well, Billy Graham is clearly one of the most respected human beings not just in the United States, but throughout the world because of the inspirational leadership that he has provided.

I would like to share the letter that he sends because he does not actually come out and say we need to vote for permanent normal trade relations because Billy Graham, and I have a great deal of respect for him, because of this, does not inject himself into political debates; but he did feel so strongly, as we head towards this, that he wanted me to share this with my colleagues.

He says, Dear Congressman DREIER, thank you for contacting me concerning the People's Republic of China. I have great respect for China's long and rich heritage and I am grateful for the opportunities I have had to visit that great country. It has been a tremendous privilege to get to know many of its leaders, and also to become familiar with the actual situation of religious believers in the People's Republic of China. The current debate about establishing permanent normal trade relations with China raises many complex and difficult questions. I do not want to become involved in the political aspects of this issue. However, I continue to be in favor of strengthening our relationship with China. I believe it is far better for us to thoughtfully strengthen positive aspects of our relationship with China than to treat it as an adversary. In my experience, nations can respond to friendship just as people do.

While I will not be releasing a formal statement on the permanent normal trade relations debate, please feel free to share my view with your colleagues. May God give you and all of your colleagues His wisdom as you debate this important issue.

I think that that is a very telling statement from Reverend Graham. He is not injecting himself into the debate, but he knows that next week we are going to be voting on this, and he does talk about the importance of having a relationship with China which does, in fact, include openness and extending a hand.

I believe that if we look at what has taken place, again, at the last decade, that Reverend Graham has said that if one goes back to 1992, there were 200,000 Bibles distributed throughout China. Mr. Speaker, last year 2 million Bibles were distributed throughout China. So this opportunity to spread the gospel, to spread our goal of western values, is one that has been dramatically enhanced since in the last couple of decades we have had this policy of openness.

I would also like to share a statement. One of the most prominent dissidents in China is a man called Tong Bao, and he lays out a very key division about the issue of human rights

and that aspect of the debate. While everyone supports greater freedom and democracy in China, Bao points out that some want things in China to get as bad as possible, primarily, through the denial of commercial relations. And it is true, there are some who want things to get as horrible as possible as Tong Bao points out.

Now, I believe that since we have observed not a perfect society but improvements, we need to do everything within our power to make sure that those positive things continue.

I have lots of other thoughts on this, but I am happy to see that several of my colleagues have entered the Chamber, and at the direction of my friend from Dallas who is on the Committee on Rules, I would like to recognize my very good friend, the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for yielding.

I want to congratulate the gentleman for having this special order. I have been somewhat disappointed, I have to say, at the way this issue has been framed, both by the opponents and by the administration. This is a very, very important vote, and unfortunately there is a misunderstanding among an awful lot of Americans that somehow we are giving up an enormous amount to the Communist Chinese under this agreement. Really, the exact opposite is true. Under this agreement, what happens is the Chinese lower their tariffs from somewhere in the neighborhood of about an average of about 27 percent down to a level more like the rest of the world deals with, for us to get into their markets.

The Chinese already have almost unlimited access to American markets, and that is part of the reason we do have a very large trade deficit with the Chinese. That is true. It is also true, there are human rights problems with China. The way they deal with Tibet, the way they deal with religious leaders in China, all of those things, there is at least a strong degree of truth to it.

I really do have to fault the President and the Vice President for not doing a better job of explaining to the American people why this is important and what is at stake.

Recently I had a chance to visit with some people from the administration, some of the highest ranking people down at the White House, and I suggested that the President give an Oval Office speech to the American people, and in that speech I really think he needs to reframe what this debate is about. I really believe it comes down to this: This is really a debate between those who believe that America can compete in a world marketplace and those who believe that we cannot. And I for one am not willing to give up on American farmers, American workers, American businesspeople, American entrepreneurs, and most importantly, I am not willing to give up on American ingenuity.

Someone that we admire greatly, jointly, Winston Churchill, said at the beginning of the last century, when he first entered the stage, how important trade was, and he said that the countries that master trade and develop the newest technologies and are willing to compete in the world marketplace, those are the countries to bet on. He was absolutely right then, and it is true today. So this is a debate between people who believe at the end of the day America cannot compete in a world marketplace and those who believe that we can.

Mr. DREIER. If I could reclaim my time, I would just say that Winston Churchill was obviously one of those on the cutting edge of the establishment of what was the initial organization that has today become the World Trade Organization. It was in 1947 and it was the general agreement on tariffs and trade, following the war, we observed an effort made by the free countries in Europe and the United States, who came to the realization that protectionist policies, in fact, played a role in the rise of the Third Reich. And if you look going back to the Smoot Hawley Tariff Act, which, I am embarrassed to say, it was a Republican initiative, but I should say it was a Republican initiative that began as a tariff reduction measure and ended up being the greatest tariff increase since 1893, but it led to the Great Depression, and I believe and most economists agree that those protectionist policies strengthened the hand of Adolph Hitler.

Well, following the defeat of Nazism, we saw the free countries come together and realize that the goal of eliminating tariff barriers was a very, very important priority. So in 1947, when the general agreement on tariffs and trade was established, that was the goal, and it has had a great deal of success over the years, and then in the middle part of the last decade, we established the WTO, which has been the follow-on organization, heavily criticized by many people in this Congress and around but, in fact, it has continued with that goal of tax reductions because we all know a tariff is a tax, so it has continued that pursuit of tax reductions.

My friend mentioned a 27 percent tariff level which exists. In fact, we export about 600 automobiles per year to the People's Republic of China. The tariff on automobiles is 45 percent. Now, under this WTO structure, with that tariff level reducing, it seems to me that we will have a greater opportunity to export more U.S. manufactured automobiles into the People's Republic of China, and in light of that, while we have the United Auto Workers and other friends of ours within organized labor adamantly opposing this measure, why are they doing it, I ask rhetorically? Because we know if the tariff barriers come down in the PRC, the chance to export more automobiles is enhanced.

□ 1815

So what I have concluded is that the pro-union member vote is for permanent normal trade relations, because the U.S. worker, which is the most competitive and dynamic and successful on the face of the Earth, will have an enhanced opportunity to get that expertly crafted vehicle or other good into the People's Republic of China.

I think we have a wonderful, wonderful opportunity to benefit the U.S. worker. I think that while a lot of us have become friends with some of the union leadership here in Washington, I think that union members are being ill-served by this call by union leadership to oppose the granting of permanent normal trade relations.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for having this special order. I hope the people at the other end of Pennsylvania Avenue would realize this is a very important vote. If it is left to some other people to define the terms and conditions of this debate, we could lose. I do not mean just we who support PNTR. I think the American people could lose. If this vote goes down, I think this is a loss that will take literally generations to recover from.

Let me just say in closing, I think virtually every economist worth their salt has come to the conclusion that free markets, free people, ultimately lead to a much higher standard of living, and that is true literally from the days of Venice. If we look at all of the great city states and countries that have shown great economic prosperity for their times, the one thing they all had in common is that they were trading nations.

We must be a trading Nation. We must be engaged in the world market. We cannot ignore China. To try and wall it off now, as we enter the next century, it seems to me would be a mistake of historic proportions.

Winston Churchill was correct: Free markets, free people, free trade, lower tariffs, ultimately raises the standard of living of all people.

Mr. DREIER. My friend is absolutely right. I thank him very much for his very thoughtful contribution to this debate and for his strong support of this.

I am not going to argue with him, but I will make one point in slight disagreement. That is, I do not make it a pattern of standing here and praising President Clinton unless he is right.

In the 1992 campaign, he opposed George Bush, saying that a policy of engagement and trade with China was wrong. We Republicans have stood firmly as a party for free trade since the failure of the Smoot-Hawley Tariff Act in the 1930s. Guess what, President Clinton has come to our position on this.

I can criticize his trade policy, and my good friend the gentleman from Arizona (Mr. KOLBE) is here and we can

talk about fast track negotiating authority, about his statements in Seattle last December, about the fact that a year ago last month when Zhu Rongji was here with a terrific deal on WTO, better the one we ended up with, the President made a mistake in turning that down. So there is room for criticism.

But I do believe that the event that the President held, which had former President Jimmy Carter, former President Gerald Ford, former Secretaries of State from past administrations, did in fact bring together a bipartisan coalition.

Again, everyone knows that Republicans are going to be providing many more votes for this than Democrats are, because the Republican party is the party of free trade. But there are some thinking Democrats who have agreed to support this, and I congratulate and welcome their support.

I would like to continue, as my friend, the gentleman from Minnesota (Mr. GUTKNECHT) has, to encourage the President to continue his work. I think it would be great if in the next week he could go on television and make as compelling a case as he possibly can.

Today the presumptive Republican nominee for President, George W. Bush, made a spectacular speech in Seattle, Washington, in which he talked about the benefits of trade. So we do need to do this in a bipartisan way.

In many respects, if we look throughout history, trade has been a bipartisan issue. We want to do everything we can to encourage that. I welcome President Clinton to our position, even though he was dead wrong in 1992 when he was campaigning for President. I thank my friend for his contribution.

Let me just say that there is no one in this House who has done more on behalf of the cause of free trade than the gentleman from Arizona (Mr. KOLBE). He is an expert on it, has a great understanding, and has provided inspiration and leadership to many of us.

I had the privilege of attending the world economic forum at which President Clinton said in his remarks that it would be a grave mistake for the future of the United States if we did not do that. I attended that meeting, along with my friend, the gentleman from Tucson, Arizona (Mr. KOLBE), and most recently he led a great delegation for the largest congressional turnout in two decades for the Mexico-U.S. Interparliamentary Conference. On a wide range of these issues he has done a great job. I am happy to yield to the gentleman from Arizona (Mr. KOLBE), and I would compliment him on his sartorial splendor at the same time.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for taking this special order tonight, and I thank him for his statements.

As I was listening to his opening remarks, it occurred to me that those of us who have been proponents of permanent normal trade relations, of developing this relationship with China, have perhaps been falling down on the job. We have been so busy talking to our colleagues, so busy working the issue, that we have not really taken the time I think sometimes to explain not only to our colleagues but to the American people the benefits that flow from permanent normal trade relations with China.

I think those benefits are many. We have heard many of them talked about here tonight, particularly in the economic area. I thought I would just emphasize one that perhaps has not yet been talked about. That is what I believe is the importance of this vote, this decision to grant PNTR to China as it relates to what I would call a national security issue for the United States.

It is an important national security issue. In fact, I would argue that this may be the most important national security issue that any of us in this Congress will face in these 2 years, or perhaps in the last decade.

As we have seen the end of the Cold War come a decade ago, we have now struggled as the United States has tried to find exactly its role in the world. Today I think we clearly can see that the U.S.-China relationship is going to be the most significant relationship that will occupy the face of the Earth over the next 50 years.

We have an opportunity to get this right, to not find ourselves thrust into another cold war, as we did at the end of World War II, but to have the opportunity to engage China, not necessarily to agree with them, not necessarily always to be friends with them, but to have a constructive engagement so we can have a dialogue, a political dialogue, as well as an economic dialogue with China.

I believe that when we do that, that both countries will benefit and the world will benefit because the United States and China are engaged in a constructive dialogue.

We do not need to spend more of our money than we have to, than we should have to, on arms. We do not need to spend it in fearing a confrontation with this large country. We need to be engaged with them. That is why I believe this is of such importance.

I think the Chinese understand that, as well. Zhu Rongji knows very well that his opportunity to cut the cord from the State-owned industries in China depend on his joining the global forces that are at work around this Earth today. He knows becoming a member of the World Trade Organization is absolutely critical to doing that. So he is fighting his own battle within China.

Perhaps that is not well understood by some of the people here in this body or in the United States, but he has his own struggle against those who would not seek reform in China. He clearly stands on the path towards reform.

In helping China become a member of the World Trade Organization through granting permanent normal trade relations so we can have this relationship ourselves with China strengthens the hand of reformers in China. I am convinced, and I know my colleague knows as well, believes this as well, that with economic reforms, political reforms will follow.

We saw that in Taiwan, we have seen that in South Korea. We have seen it even more recently in Mexico, a neighbor directly to our south, as they are going through major political changes today. Economic reform leads to political reform. When people have choices in the economy, when they have more opportunities, more wealth, more choices of the goods they have, they will also want to have the same choices in the political realm.

I believe very strongly that this is a national security issue for the United States. Those who would vote against it because they believe that China is an adversary of ours need to think twice about that, because indeed, we have an opportunity not to let them become an adversary, but to have them on a constructive path, not always where we are going to agree with them, not always where we are going to be friends with China, but to at least engage them. I believe that is why this vote is so important.

Mr. DREIER. Mr. Speaker, I thank my friend for his very thoughtful contribution. I will say that as the gentleman was speaking, I was reminiscing in my mind about 7 years ago when we stood at this table as a team debating the question, should U.S. trade policy be used to enforce human rights.

We took the negative in one of the three Oxford-style debates that were held here in the Congress. One line that we used over and over and over again was that trade promotes private enterprise, which creates wealth, which improves living standards, which undermines political repression.

When my friend mentioned Taiwan and South Korea, and the fact that we are going to be seeing on July 2 a very historic election, for the first time in seven decades we may see an opposition party in fact win the election there.

It is just an incredible thing to see the kind of political pluralism that has spread throughout Mexico, but also in this hemisphere two other countries that immediately come to mind in the last decade and a half, countries in which we have had very strong economic engagement and we have brought about political reform, who can possibly forget the very repressive human rights policies that existed in Chile?

In that country we for years saw a strong economy. They were the only country during the decade of the 1970s and 1980s that was successfully servicing its debt as many other countries in South America were having a great deal of economic difficulty. We maintained strong ties there. That economic involvement I believe played a

big role in bringing about political pluralism, the recognition of human rights, and an overthrow and change of the repressive policies of Augusto Pinochet.

Similarly, in Argentina we saw very repressive policies, and again, bold economic reforms there. In fact, they moved in many ways in Argentina, as we know, more boldly than the United States in the area of economic reform, and that brought about the recognition of political freedom. So the way my friend appropriately described the interdependence of economic and political freedom is right on target.

I am happy to further yield to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Very briefly, because I also have an obligation downtown, and I know there are other people waiting to speak here this evening, but I thank the gentleman for yielding to me. I also want to thank him for taking this special order tonight.

As I do, I want to thank the gentleman for his leadership. There has been nobody in this House of Representatives that over the years has been as stalwart on this issue as the gentleman has been. His leadership now in the Committee on Rules has been absolutely essential to this. I think this country owes him a tremendous debt of gratitude. I am very grateful to him. It is a great opportunity and a privilege to work with the gentleman on this issue.

Frankly, I look forward and I am confident that we will have victory next week on this issue, because I believe the American people want to see us have this permanent normal trade relations with China.

Mr. DREIER. I thank the gentleman very much. If the gentleman was to continue those sorts of kind remarks, I would hope that the gentleman would cancel that event that the gentleman is headed to downtown and continue talking that way. I understand that the gentleman has probably said all the nice things about me that he possibly could, so he should get off to his event now.

Mr. Speaker, I am happy to yield to the gentleman from Dallas, Texas (Mr. SESSIONS), my good friend and an able member of the Committee on Rules.

Mr. SESSIONS. I thank the gentleman from California (Mr. DREIER), my chairman, for yielding to me, and would like to pick up on the same comments that our colleague, the gentleman from Arizona (Mr. KOLBE) talked about.

For those who are listening to this, I would say to my chairman that we have just ended just a few minutes ago the meeting that we had, what is called a whip meeting, the permanent normal trade relations meeting. A good number of Members are around and very excited.

We had a great report today not only about the status, what we call the whip check, but we also took comments and feedback from a number of Members of not only their concerns but also their ideas about what this all entails, what this PNTR stands for, the importance not only for America, but we broke it down during this meeting. We talked about the farmers, we talked about middle America, we talked about the importance of them being able to open up markets and get markets around the globe that will be available to them; in particular, China.

How about if the people from Texas or the Midwest were able to sell an extra just one, one hamburger a day to every person in China? A billion hamburgers a day would be consumed. We talked about people who are in telecommunications and commerce in this country, the things that they develop. We know that many times it is not only goods and services, but it also includes intellectual property, the things that are developed as a result of the computer age, the technology that America has.

□ 1830

And what is put at risk by this and China becoming a member of the WTO is nothing less than as I or United States Customs officials will tell us, them being in China and going throughout the stores in China, which in some sense are just like America, they have the Wal-Marts and the Biz-Marts and the everything marts, but on their shelves are many of the same items that we would have in America by a different name, because you see they do not have to follow the trade policies of the general world community.

They can have what are called pirated software, pirated pieces of information, and that is the intellectual property that belongs to America. When they are a part of normal trade relations and WTO, they will participate with America and be trading partners. They will be interested in making sure that what is on theirselves is a relationship between the American company that makes this and the Chinese worker that will buy it.

Continuous improvement, we talked about that being at risk. We talked about what is being at risk in terms of the ability that we have in our country to ensure that our national security, as well as the freedom in China is further. I can think of no better relationship to have with the country to continue being friends then to reach out to them and offer them not only the handshake of economic opportunity and trade, but also for them to become more like America. This is how they become more like America.

Mr. DREIER. If I can reclaim my time on that point, I would say our quest to have them become more like America is one which is, as my friend, the gentleman from Texas (Mr. SESSIONS) has said very appropriately, is recognition of the rule of law, and he touched on the fact that piracy has existed, the so-called intellectual property debate, and it is an important one. The promotion of the rule of law is key to that relationship.

And we have made great strides in our quest to improve it. I know of people in this government who have been working very hard for years to try and promote that rule of law, because that, again, recognition of private property and, again, intellectual property is something that we cannot ignore and is a very important part of the debate.

And one person who I think has underscored the importance of that has been Martin Lee, who a week before last met up in our Committee on Rules office and talked with a few of our colleagues about the issue. Martin Lee is someone who some may have forgotten. If we go back nearly 3 years ago, to 1997, when we observed the handover of Hong Kong from British colonial rule to the People's Republic of China, Martin Lee has been on the cutting edge in Hong Kong as the greatest promoter of democracy and freedom and human rights.

He came to Washington as the great champion of human rights and democracy in Hong Kong to say that he believed that it is so important that we grant Permanent Normal Trade Relations. Now, this is not someone who is involved with industry and all the disparaging remarks that have been made by opponents of Permanent Normal Trade Relations. He is not a part of that camp.

He is one who simply focuses on democracy, the rule of law, freedom and opportunity, and he has made great sacrifices in the pursuit of that. And in his statement, he said that China's WTO membership, and I quote, would not only have economic and political benefits but would serve to bolster those in China who understand that the country must embrace the rule of law.

He understands that it is very key to the promotion of the rule of law for China to become a member of the World Trade Organization.

Mr. SESSIONS. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, it is this infancy that we are talking about of the idea of democracy, a fair play of world order, and what is interesting is that reformers in China are those who are asking for America to recognize them and for what they are trying to accomplish. That is why PNTR; that is why WTO.

And after watching China, and I know the gentleman from California (Chairman DREIER), not only as a Member of Congress for a longer period of time, but also just his esteemed vision of China for quite some time. We know that what happens is that when China joins this organization of world nations that what they will do is then begin to have a different agenda and instead of it being an adversarial one where, perhaps, it might manifest itself in the use of force, I believe and they believe that it will manifest itself to looking inward to China.

The changes I believe and others espouse is that foreign or outside pressure will not be that which is the catalyst for change in China. It will be what is inside that comes from the people, that comes from the heart, which comes from their own ingenuity, which comes from their own spirit for freedom. And if we are able to match our can-do attitude, American ingenuity, with Chinese desire, we can create a catalyst that will change even the coldest heart. It is these things that America needs to stand for.

Mr. DREIER. Mr. Speaker, reclaiming my time, that is why it is so important to recognize that we should not considering withdrawing the one good thing which is encouraging that reform there. It is the Chinese people who are going to in fact lift themselves up and improve their standard of living so that they are able to buy more U.S. goods and services, and if we decide that we are going to pull up the drawbridge and erect some kind of barrier, letting the rest of the world into that market but cutting the United States of America out, we would be, for lack of a better term, cutting off our nose to spite our face.

I believe that if we look at a tiny spot of 24 million people, the Island of Taiwan, known as the Republic of China, where Chiang Kai-Shek in the latter part of the 1940s, 1949 fled trying to get away from the Communism that had taken over in China. This is a wonderful, wonderful spot, and these are people who have desperately sought and have now been able to successfully obtain freedom, and they unfortunately are being targeted often by Beijing, and it is wrong.

I am a strong supporter of the Taiwan Relations Act we passed. And I voted for the Taiwan Security Act here, but it is important to note that the candidate who, according to news reports, was the least desirable candidate on the part of Beijing was elected President of Taiwan. His name is Chen Shui-bian and he had an interview with the Los Angeles Times the morning after his election, and in that interview he said that one of the most important things that needed to take place was for the People's Republic of China to become a member of the World Trade Organization.

Taiwan is, as I say, a small island with 24 million people, juxtaposed to the nearly 1.3 billion people in the People's Republic of China, but they stand for the things that we as Americans embrace, and something that I like to point to is the fact that they are playing a role just as the United States is in extending freedom throughout China, because there are 46,000 businesses on the mainland that are owned by Taiwanese nationals.

They, too, are working to pursue that, to encourage the people of China, to improve their standard of living, so they will be able to again be the beneficiaries of the U.S. manufactured goods and services which we finally achieve as they lower those tariffs and live with the rules based trading system in China by opening up their markets for us.

I think that Ronald Reagan, and I was honored to have been elected to the Congress the same day he was elected President of the United States back in 1980, and he said, if we give people a taste of freedom, they will thirst for more, and that is why when I said earlier that the genie is out of the bottle, the people of China are getting a taste of freedom, and the technological changes which have taken place here in the United States and throughout the world have eliminated so many of these barriers that existed in the past.

Thank heavens that genie is out of the bottle and so they have gotten that taste of freedom, and it is obvious that the people of China are thirsting for more. And so it would be a great disservice if we as the greatest Nation on the face of the Earth, the symbol of freedom for the world were to say you go it on your own and we are not going to stand up for the principles that make this country so great.

I thank my friend for his very thoughtful contribution. I know that he is here, and we in about 3½ hours are going to be meeting in the Committee on Rules on the Department of Defense authorization bill, and we have got lots of work ahead of us. As I said at the outset, this is the most important vote that we will cast at least in this session of Congress.

I hope very much that the American people will understand how key this is to our global leadership and the need for us to maintain our economic prosperity and will urge my colleagues to vote in support of it.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4205.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HIGH COSTS OF PRESCRIPTION DRUGS FOR SENIORS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Maine (Mr. ALLEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. ALLEN. Mr. Speaker, many of my Democratic colleagues tonight are headed to Michigan to be with our colleague, the gentleman from Michigan (Mr. STUPAK) and his family in a moment of great trial for them. The Stupaks have suffered the tragedy most feared by all parents. They have lost one of their sons, and our thoughts and our prayers are with them tonight.

Mr. Speaker, I am here tonight to talk about the problem that many of our seniors are facing with the high costs of prescription drugs. This is a problem that is becoming more and more apparent to a majority of Americans.

Seniors in my home district in Maine and across the country are finding it increasingly difficult to pay for the drugs that their doctors tell them they have to take. And over the last 2 years, as I have listened to people in my district, as I have conducted studies in my district that show that seniors pay on average twice as much for their medications as the best customers, the pharmaceutical companies, that is, the big hospitals, the HMOs and the Federal Government itself through Medicaid or the VA, as those studies have rolled out first in Maine and then around the country, we have had more and more correspondence, more and more phone calls from people who say they simply cannot do it any more.

They cannot take their medication because they cannot afford their medication. I have had letters from women who tell me I do not want my husband to know, but I am not taking my prescription medication, because he is sicker than I am, and we both cannot afford to take the medicines that our doctors say we must.

I have had letters from people who describe how much they are paying, in many cases hundreds of dollars a month, when their only income is a Social Security check for $650 a month. The math does not work. They cannot make it. And I regret to say that the response in this Congress has not been fast enough. It has not been quick enough to deal with this particular problem.

Part of the answer lies in the tremendous power of the pharmaceutical industry, this industry which has done so much good in this country, developed new medicines that prolong lives, that enhance the quality of life for so many people in this country, if, and only if, they can afford to take the medication that the industry has developed.

Here in Washington, this is the industry that spends the most in campaign contributions, that spends the most in lobbying, and anyone who watches television knows this is an industry that spares no expense when it comes to advertising its products on TV or trying to influence public opinion through TV. When we watch those ads, $1.9 billion last year in direct-to-consumer advertising, all of that costs gets wrapped into the costs of the pills that our seniors and that others need to maintain their quality of life and simply to stay out of the hospital.

We need to take some action, and there are two ways to go at this problem fundamentally, two sensible ways to go at this problem. One is to update Medicare and to provide a prescription drug benefit under Medicare. When Medicare was created in 1965, over 50 percent of our seniors had absolutely

no coverage at all for their hospital coverage. They had no health insurance at all.

So if they got sick and had to go to the hospital, they either had to pay out of their own pocket or they could not get the care that they needed. That is why Medicare was enacted. And today in the year 2000, no one in his right mind would create a system like Medicare and not provide prescription drug coverage.

Many employees across this country have coverage for their prescription drugs, but then they get to 65, they retire, they fall under Medicare, and they do not have coverage for their prescription drugs. Some get Medigap policies, about 8 percent get Medigap policies, but they have limits on the amount of the benefit that they provide and they are often very expensive.

Mr. Speaker, 37 percent of seniors in this country have no coverage at all for prescription drugs and when we add those who do not have any coverage to those who have Medigap insurance, to those who have some coverage of prescription drugs through an HMO plan, that group is again 50 to 60 percent of the country which really does not have adequate coverage.

Why do I say that those who are covered by Medicare Plus, Choice or other managed care plans do not have adequate coverage? Well, look at what happens with these private sector plans. What happens is that the benefits change every year. And lately the benefits have been going down. The cap on prescription drug coverage has been going down each year. And today 62 percent of all Medicare managed care plans have an annual benefit of a $1,000 or less.

□ 1845

Now, people need help. We have got a couple of different approaches here that I will talk about a little later: One, an approach to create a benefit under Medicare; secondly, a bill that I have sponsored and has 153 cosponsors in the House, to provide a discount to everyone who is a Medicare beneficiary who buys prescription drugs and pays for it out of his or her own pocket, a discount for everyone. That is one approach; the benefits another.

What I wanted to start with tonight are some of the new developments that are occurring. Today, on the floor of the House we have the defense authorization bill, and this is a very important piece of legislation, $310 billion to provide for our national security. It covers a wide range of different topics. And what I want to do is to reflect on one of the provisions in that legislation. It is a provision to extend pharmaceutical benefits to military retirees over the age of 65.

Now, as I have said, prescription drug coverage is a vital issue for all seniors, and I am pleased that the Committee on Armed Services, on which I sit, has made a small but important contribution to provide affordable and meaningful coverage to a segment of the Medicare eligible population. What we need to do is go beyond providing this benefit to military retirees, which I support, to make sure that everyone on Medicare has this kind of benefit.

Now, to describe the military retiree program, the TRICARE Senior Pharmacy Program in the bill would allow all military retirees to participate in the Department of Defense pharmacy program. And under that government-run prescription drug benefit, the Defense Supply Center in Philadelphia negotiates prices for its beneficiaries that are as low or lower than those obtained by other Federal agencies.

Now, the Defense Supply Center receives some drugs off the Federal supply schedule and negotiates pricing agreements with more than 200 pharmaceutical manufacturers around the country and uses as a starting point the 24 percent mandated discount that is specified in the Veterans Administration statute. The Department of Defense estimates that these negotiated prices are 24 to 70 percent lower than the average private sector price.

Now, the bill I have does much the same, gives the same kind of discount to all Medicare beneficiaries, not just military retirees. What it does is it allows pharmacies to buy drugs for Medicare beneficiaries at the best price given to the Federal Government, and that best price is usually a price obtained through the Veterans Administration or a price obtained by Medicaid.

Now, what we have done in this defense authorization bill is very much like the Democratic Medicare prescription drug plan. The TRICARE Senior Pharmacy Program is administered by a Federal agency and basically makes good on a part of the government's promise to provide health care for life for military retirees, only, unfortunately, part of the promise, and the promise to provide health care for the over 65 population at large.

Now, the TRICARE Senior Pharmacy Program uses the government's volume purchasing power to negotiate and achieve the same drug price discounts that favored large purchasers obtain. This is very different from the Republican plan which is emerging from this Congress. This program, unlike the Republican plan, does not throw military retirees to the whims of the private insurance market, leaving them guessing about whether they can get prescription drug insurance from an industry that says it cannot offer such insurance anyway.

Let me make that point clear. What we believe will be the Republican prescription drug plan, after 2 years of talking about this issue on our side of the aisle, the Republicans are believed to be coming up with a plan that involves a government subsidy to seniors to buy private prescription drug insurance. There are a couple of problems with this approach.

Number one, there is no cost containment, no way to hold down prices, and no leverage over price, which means that probably drug prices will go up.

But there is a second problem. As the head of the Health Insurance Association of America has said, insuring seniors against prescription drugs is like covering people for haircuts. There are too many claimants. Everyone is a claimant. The industry is basically saying, we are not going to provide stand-alone prescription drug insurance, and yet that is what the Republican prescription drug plan is based on, both in the Senate and here in the House. And you cannot get there from here, as we say in Maine.

So I am arguing that military retirees deserve the kind of coverage that is set forth in this defense authorization bill that we discussed today and will vote on tomorrow, but I do ask all people in this Congress and across the country this question: If Congress can provide a government administered prescription drug benefit with the Defense Supply Center in Philadelphia negotiating lower prices, why can we not do the same thing for all of the Medicare population across the country? If Congress can give 1.4 million Medicare eligible military retirees access to the best prices that the government can negotiate, why can Congress not give the other 38 million American seniors the same access to the best prices that the government can negotiate?

I mean, this is very, very simple. Here we have a plan, a discount plan, reflected in my bill, which is H.R. 664, the Prescription Drug Fairness for Seniors Act, which involves no significant Federal expense, involves no new bureaucracy, but would provide seniors with up to a 40 percent discount on their prescription drug prices simply by organizing seniors into a block to negotiate lower prices. This is exactly what happens in the private sector. Aetna, Cigna, United, the Blue Cross plans, all of the private sector health care plans negotiate lower prices for their beneficiaries. Why should Medicare not do the same?

Well, I can tell my colleagues what is happening here. What is happening here is the pharmaceutical industry is saying this is price controls. This is price controls. And my argument is nonsense. It is not true. Because what we are talking about is a price that is negotiated and that reflects a price that is a percentage below what is called the average manufacturer's price, which is a market price. The pharmaceutical industry controls that. All we are saying is there is no reason, there is no reason why seniors in this country should pay the highest prices in the world.

This problem, in summary, is very simple. The most profitable industry in the country is charging the highest prices in the world to people who can least afford it, people without coverage for their prescription drugs. And in this country seniors are 12 percent of the population, but they buy 33 percent of all prescription medications. That is

why we have a national crisis, that is why this is a national scandal, and that is why it needs to stop.

One of the recent developments besides the defense authorization bill is what has happened, I am proud to say, in my home State of Maine. The State legislature and the Governor have agreed on a bill which breaks new ground. It is very much like the bill that I have introduced here and which has 153 cosponsors, unfortunately no Republicans yet, but in Maine what the State legislature has done is basically to provide that the State of Maine will, in effect, be what is called a pharmacy benefit manager. The State will negotiate lower prices for 350,000 people in Maine who today have no prescription drug coverage.

It is very simple. Buy in bulk and save money. Very simple concept. Since these people have no insurance plan to negotiate for them, they will get something called the Maine RX card, and the State Department of Health and Human Services will negotiate lower prices with the pharmaceutical industry for those people in Maine. We are confident that we can get lower prices because the State will be representing so many different people.

Now, once again the pharmaceutical industry is saying this is a terrible step to take, but people are fed up. People are fed up in Maine and they are fed up around the country. They know that price is the problem. They know that this industry charges the highest prices in the world to people here.

Let me elaborate on that for a moment. The study that I did first in Maine and now has been replicated in probably 140 districts around the country showed that seniors, on average, pay twice as much for their medications as the drug companies' best customers. And the best customers, as I said, are the big hospitals, the HMOs, and the Federal Government itself. That study was done first in July of 1998.

In October of 1998, I released a second study, and it was the first to do these international comparisons. What it showed is that Mainers pay 72 percent more than Canadians and 102 percent more than Mexicans for the same drugs in the same quantity from the same manufacturer. There is no justification for that. None.

The fact is that the industry charges whatever the market will bear. And because seniors, and more generally people who do not have prescription drug insurance, are not organized, do not have anyone to negotiate for them, they pay the highest prices in the world. It needs to stop, and Maine is doing something about that.

What is going on here in Congress is also worth noting. What the Democrats have done is come up with a plan, it was announced last week, a plan in which the Senate Democrats, the Clinton-Gore administration, and the House Democrats can agree. That plan is simple. It provides a universal but voluntary prescription drug benefit under Medicare. Enrollment is voluntary but anyone can sign up when they are ready to enroll in Medicare. The coverage basically works this way. There are two parts to the coverage. First, the basic benefit and, secondly, a catastrophic benefit.

The basic benefit works like this: At the beginning, for a small monthly fee, an individual will get a reimbursement for up to $1,000 on a 50 percent copay basis for their prescription drugs. In other words, if an individual spends $2,000 on prescription drugs in the course of a year, and many seniors do, they will be reimbursed $1,000 from the Federal Government. Not reimbursed, but the Federal Government will pick up 50 percent of the cost as they go along. If at some point they hit $3,000 in out-of-pocket expenses, at that point our plan will pick up all of the subsequent costs. Medicare will pick up all of the subsequent costs.

What we are trying to do is make sure that those who are hurt the most get the most help, but that everyone benefits. And everyone benefits in another way as well, because the discount concept, which is reflected in my legislation, has been incorporated into this Democratic Medicare Prescription Drug Act of the Year 2000.

□ 1900

Because for those people, when they are not entitled to a benefit, when they run over the price a bit, then they still get a discount, they still get the buying power of Medicare behind the price. So there will be a negotiated reduction in price.

Now, the important thing is the goal, and the goal is very simple. We would use private-sector pharmacy benefit managers to administer this particular plan. And that is what they do for Aetnas, the Cignas, the United HealthCares of the world right now. But they would be charged, very clearly, with getting the same deal for Medicare beneficiaries as they do for their own.

In other words, the goal is simple. We are going to get the best price for Medicare beneficiaries. And within 2 years, there would be a review by the GAO to see whether or not the Health and Human Services is meeting that goal. It is very important that we meet that goal. And if we do not, then we will have to go back and try another approach.

There are benefits here for employers. Because employers who are now providing drug coverage to their employees would get an incentive payment to keep continuing that coverage. And there is low-income protection, as well. Some people simply cannot afford their prescription medication at all.

So for those below 135 percent of the poverty line, what the Democratic plan does is provide all the co-pays and all of the premiums, so that at that level people would get the full coverage for their prescription drugs. Between 135 percent of the poverty level and 150 percent of the poverty level there would be a subsidy-based on a sliding scale.

But the important point is this: Everyone would get the benefit of a discount and everyone would get covered under Medicare. That is very different from the Republican plan, because the Republican plan really relies on private-sector insurance companies. And if we know one thing about private health care insurance, it is that the premiums change every year. In fact, they almost always go up every year.

Talk to any small businessman or woman, talk to any of the self-employed around the country today and what they will say is, my premiums went up 15 percent, 20 percent, 25 percent, 30 percent this year and about the same amount the year before. They cannot afford it.

The small business community is having a terrible time affording health care and largely because of the rapid increase in the prices of prescription drugs. We have to get some control over this system, some level over the system, some ability to hold down prices so that small businessmen and women can afford their health care premiums, and seniors in this country can afford to buy the drugs that their doctors tell them they have to take.

Now, this is, as I have found, a very long struggle, a very long struggle. What is going to happen, I suspect, over the next few months, is we will have a lot of battles back and forth over whose plan is best. But it is clear now that there is a growing consensus that we have got a problem, we have got a major problem, not a small problem, but a major problem for millions of Americans all across this country.

And their problem does not vary with their income. This is not a case where we can say, well, let us help those who are low income, because there are lots of Americans, middle-income seniors, who cannot afford their prescription drugs because their prescription drug costs are so high.

The size of their problem depends less on their income and more on the amount of prescription drugs that their doctor tells them they need to take. That is the problem. So we have to deal with price. We have to deal with price.

To contrast for a moment what appears to be the Republican plan with the Democratic plan, the Democratic plan is designed to cover everyone both with a benefit and with a discount.

The Republican plan is aimed primarily at low-income beneficiaries. The Democratic plan has a way to contain costs, to use pharmacy benefit managers contracting with Medicare as a way to negotiate lower prices with the pharmaceutical industry. The Republican plan relies on private insurance companies, which have not been successful at holding down costs. There is no real cost containment in that plan.

Thirdly, the Democratic plan is an improvement in updating of Medicare, the foundation of health care for seniors, one of the most successful programs that we have that the Federal Government has ever adopted, a plan that needs to be strengthened and reformed but not weakened. The Republican plan relies on private insurance companies.

What we need in this country for our seniors is stability and continuity and predictability. We do not want plans where every year the co-pay changes, the benefit level changes. And in many cases, as we are finding with Medicare managed care, whole areas in this country are simply dropped by the insurance industry.

That is not what we want in Medicare. We want stability and continuity and predictability and equity in this system. That is what we need and that is what we can get with the Democratic prescription drug plan.

I urge everyone who cares about this issue to make their voices known.

One of the things I found in my 4 years in this place is that what we do here depends on the amount of public energy, public concern outside these halls. This is a case where those who care about this issue need to speak up.

In the weeks and months ahead, what we will find in this debate, I believe, fundamentally is that we can find common ground, if not this year, next year. But we need to reach across the aisle and come to a conclusion about how best to approach this particular problem.

People who cannot afford their prescription drugs are Democrats, Independents, Republicans. They are people from all walks of life, all parts of the country. And this is a case where although we have partisan differences over proposed solutions, we do not have partisan differences over the problem. The problem is the same for everyone.

If we can find a way to work across the aisle to pull these two different approaches together, then I think we can find success, as others have done in this House on a Patients' Bill of Rights and in other areas. We can do it with prescription drugs, as well.

NORMAL TRADE RELATIONS WITH CHINA

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, I am going to talk tonight about the vote that the House is going to make next week on extending permanent normal trade relations to China.

Capitol Hill is abuzz about this vote which we are going to make next week. It seems that everyone and their uncle has been lobbying on this issue.

Goldie Hawn, the actress, has been wandering the halls of Congress. She is against; while Jesse Ventura was in the East Room of the White House. He is for.

In my opinion, Mr. Speaker, this vote will be the most important trade vote in a long, long time, and undoubtedly, the most important agriculture vote this year.

President Clinton said last week, ''If the Congress votes against it, meaning permanent normal trade relations, they will be kicking themselves in the rear 10 years from now because America will be paying the price.''

The President suggested that lawmakers who oppose the measure are focusing on politics rather than its merits. The President said, ''Virtually 100 percent of the people at the other end of Pennsylvania Avenue,'' meaning Capitol Hill, ''know it is the right decision.''

Well, Mr. Speaker, our country has benefitted greatly from the growing international marketplace and American efforts to reduce tariffs and trade barriers.

For example, between 1993 and 1998, my own State of Iowa had its exports increased nearly 75 percent. Export sales from the capital city of Iowa, Des Moine, alone totaled nearly half a billion dollars in 1998. And this growth was a two-way street.

My State has attracted more than $5 billion in foreign investment. International trade supports thousands of jobs in my home State and thousands, if not millions, of jobs across the country.

My State's economic growth depends on international trade. But Iowa is not unique. Iowa is right in the middle of the country. There are other States on both coasts where there is shipping and exports, where exports are even more important.

Now, my State has agriculture as an agricultural industry, but we also have a strong financial services industry and a strong manufacturing industry. I think my State is typical of States all across the country.

China very much wants to get into the World Trade Organization, the WTO. Last fall the United States completed a trade agreement by which we would welcome China into the WTO. Under that new trade agreement, China makes significant concessions that are important to American farmers and businesses.

Under this new agreement, China agreed to reduce its tariffs on American goods in order to get U.S. support for accession into the World Trade Organization. Chinese tariffs will drop from an average of 24.6 percent in 1997 to an average of 9.4 percent in the year 2005. That is a 62 percent drop in tariff rates on most of our products that we are trying to get into China.

In addition, China agreed to phase out most import quotas by the year 2005, making these new tariff rates applicable to most products regardless of quantity. China also agreed to allow American businesses to sell directly to the Chinese public.

This agreement cuts out the interference of Chinese middlemen or Chinese trading enterprises that are often corrupt. This new agreement means American companies will be allowed to provide maintenance and service for their products.

China conceded on agricultural trade matters things that are very important to our Nation's agriculture. China agreed to lower the average tariff on American agricultural products from nearly 40 percent to 17 percent. In addition, China will lower its tariffs on pork, beef, and cheese to 14.5 percent.

China also agreed to accept the U.S. Department of Agriculture's certification that American meat and poultry are safe. What this means is that China will now open its markets to U.S. pork, beef, and poultry access, which has been denied because of China's unscientific claim that our products were not safe.

This is important for many, many States, not just my own, many States, I might add, where there are some other considerations for legislators to think about in terms of voting against permanent normal trade relations.

China consumed more than 77 billion pounds of pork in 1998. And as its population of more than one billion people increases, so will its need for pork, U.S. pork.

China also agreed to eliminate oil seed quotas and gradually increase the quota for corn to 7.2 million metric tons each year. By comparison, in the last 10 years' total, China imported a mere 6 million tons of American corn. China also pledged not to provide export subsidies for its agricultural products.

□ 1915

All of these are very significant concessions on the part of the Chinese. In sum, the Chinese are opening up their market. They are easing their quota restrictions. They are reducing their tariffs. And they are agreeing not to subsidize their own products. These agricultural provisions hold the promise of significant growth for our country's farmers.

Another treaty component important to our country is insurance and financial services. We just passed a bipartisan bill on financial services reform so that our financial services industry in this country can compete in a global market. This new treaty with China will help us get our financial services industry into China. My State, for example, is a leader in insurance, not just agriculture. Currently, foreign insurance companies are allowed to operate in only two cities in China. The bilateral agreement will remove all geographic limitations for insurance companies within 3 years. Within 5 years, American insurers will be able to offer group, health and pension insurance which represents the majority of premiums paid. American firms will be allowed 50 percent ownership for life insurance and will be allowed to choose

their own joint venture partners. Non-life insurance companies will be allowed to establish local branches, hold 51 percent ownership upon accession and form wholly owned subsidiaries within 2 years.

In another area, China will lower tariffs on American automobiles to 25 percent. The current Chinese tariff on American-made automobiles ranges from 80 to 100 percent. And American financing programs for those cars will be available.

Another area is tariffs on information technology like computers and Internet-related equipment. Those will be eliminated by the year 2005 under the new agreement. And banks and financial institutions will have unprecedented access to the Chinese population.

All of these Chinese concessions are significant. They amount to a very good deal for us, a deal that will move American goods and values into China. Under this good deal, the United States is not making any concessions. All the concessions come from the Chinese. Nor will we be dropping our guard against further Chinese espionage. We will not be abandoning Taiwan, and we will not be pretending that the Communist Chinese have improved their human rights record. Altogether, a vote for this new trade treaty and for normalizing trade with China should be, as they say, ''a no-brainer.'' And it should not be a partisan issue, either. A majority of Republicans in Congress support approval of this agreement. In addition to President Clinton and Vice President GORE, many Democratic governors, such as Iowa's Governor Tom Vilsack support the agreement, too. Governor Vilsack wrote me, saying, ''There is more potential for opening up new markets in China than just about anywhere else in the world and a major step in that process was taken by reaching an agreement on the U.S.-China bilateral World Trade Organization accession. The next step is to establish permanent trade with China.''

Governor Vilsack finishes by saying, ''I support permanent normal trade relations for China.''

So, Mr. Speaker, what is all of this controversy about? By all accounts, this is going to be a nail-biter of a vote. Every day, practically, the vote tally is reported in the Congressional Quarterly or in the newspapers. It is big news when, for instance, the gentleman from New York (Mr. RANGEL) yesterday came out and said that he would vote for permanent normal trade relations. Every Member's vote is going to count significantly next week. So what is it all about? If the treaty is so good, if the Chinese basically made all the concessions, if under current trade with China we cannot get our goods into China because they have high tariffs on our goods but under the new treaty they lower those tariffs so that we can send our American-made goods and services over to China, what should be the controversy? One would think that this would pass with 300-plus votes.

Well, in my opinion the controversy is not so much about the treaty. It is more about symbolism. For some in the labor movement, blocking permanent normal trade relations is symbolic of labor's clout, even though in my opinion their position actually hurts manufacturing jobs, such as those at the John Deere plant in Ankeny, Iowa, just north of Des Moines where cotton pickers are made. With this new treaty, that John Deere plant would have the opportunity to sell more cotton pickers in China. That would mean more United Autoworker jobs in Ankeny, Iowa.

Now, along with many, I abhor China's human rights violations. But I do not agree with those who believe that denying normal trade relations will improve the human rights situation in China. Mr. Speaker, we have had this debate for years annually. It has become pro forma. Even last year when I voted against most-favored-nation status for China, when we were dealing with the Chinese having stolen American nuclear secrets, the biggest vote count we could get to overturn that or to send a message was about 175 votes. But one of the other main reasons that I have voted in the past against most-favored-nation trade status for China is that under the current trading agreement with China, we basically get taken to the cleaners. That is why we have such a huge trade deficit with China. They can make goods over there and they can send it into the U.S. when we have very low import tariffs on their goods but then they slap high tariffs on our goods and commodities going over there. The current situation is just not fair. That has created a trade imbalance. That is why this new trade agreement is such a good thing.

As I said, I previously voted against the annual extension of normal trade relations with China. I did so because past extensions gave China open access to our markets, as I have said. This has been a one-way street right into the American market. I also voted ''no'' because of concern about Chinese forced abortions and other human rights violations, Chinese espionage, and Chinese arm sales to Iran and Iraq. I would point out that these same issues will remain concerns even if the United States chooses not to gain access to China's markets. However, I have come to the conclusion that the best chance we have to address those human rights violations is by actively engaging the Chinese people politically and economically. We cannot defend fair labor practices in China by staying at home, by defaulting on our obligation to stand up for the rights of workers and democratic values. What better way to improve labor conditions for the Chinese people than to introduce rule of law into their business relations. No kickbacks. No bribes. In addition, Chinese workers employed by American companies clearly enjoy better working conditions, higher pay and an improved quality of life. Now we have the opportunity to extend these opportunities to more Chinese workers, allowing them to absorb and practice our values. What better way to spark change in a closed Communist society than by introducing western technology and ideology. The elimination of tariffs on information technology will help open China to the global information highway. That highway of American enterprise and values will run right into China, right through that great wall, and it will challenge its political and social repression.

We do not need to dispatch an army to carry forth our values and market system. Our farmers, our workers and our businesspeople have the tools to do that job.

But do not just take my word for it. Listen to one of China's most prominent dissidents, Bao Tong, who has endured tapped phones, police surveillance and restrictions on everyday freedoms. Despite that treatment by the Communists, Bao Tong has this message for Congress: Pass permanent normal trade relations with China. Pull China into international agreements like WTO. Bao believes this will force China to adhere to international standards on human rights. Bao says, ''It doesn't make sense to use trade as a lever. It just doesn't work.'' That goes back to my comments about the annual pro forma debate that we have had on this issue. Or listen to Dai Qing, perhaps China's most prominent environmentalist and independent political thinker who has served time in prison because she opposed the 1989 crackdown on student protesters in Tiananmen Square. She said, ''All the fights for a better environment, labor rights and human rights, these fights we will fight in China tomorrow, but first we must break the monopoly of the state. To do that, we need a freer market and the competition mandated by the World Trade Organization.'' She also said, ''One of the main economic and political problems in China today is our monopoly system, and a monopoly on power and business monopolies. The World Trade Organization's rules would naturally encourage competition and that's bad for both monopolies.''

Mr. Speaker, what happens if next week we say no to this opportunity? Well, China will still join the World Trade Organization, but China will be trading with our competitors, not us, the European Union, Australia, other Southeast Asia countries. In addition, if we reject permanent normal trade relations, the Chinese leadership will feel the United States, the world's only superpower, with its economic, military and democratic arsenal, they will feel that we want to isolate the mainland. Remember, China has a long history of xenophobia. We do not need to play to that xenophobic tradition. That perception that the Chinese could have of our motives could do us and the world a lot of harm.

I want to return to the symbolism of this vote. While the symbolism of a defeat for permanent normal trade relations might benefit certain groups in the short run, in the long run I think it will hurt us all. Paul Krugman in the Washington Post asked us to consider the symbolism that rejecting permanent normal trade relations would send to other governments. The United States, the home of the free market, the home of the free society, would appear to be saying, ''Sorry, markets and democracy work for us but we aren't letting any more countries into the club.''

Mr. Speaker, a national poll last week by the Wall Street Journal/NBC News showed that Americans favor approving the trade agreement with China by a margin of 44 percent to 37 percent. So it is clear, the public is still learning about this very important issue.

□ 1930

That is why I sent a letter on permanent normal trade relations to every household in my district explaining what is at stake and why I support that agreement.

Mr. Speaker, I will vote next week for permanent normal trade relations with China on its merits. It is a good agreement for my state. It is a very good treaty for our country. It is much more fair to us than our current trade relationship. This new agreement will actually grow jobs in the United States, not lose them.

Passing permanent normal trade relations with China will send a strong symbolic message abroad, about America's commitment to democracy and market-based economics. I can think of no more important vote that any of us will make in a long time about the future of our economy and our position in a global market.

I urge all my colleagues on both sides of the aisle, do the right thing; vote for permanent normal trade relations with China, and we will continue to shine the spotlight on China's human rights violations and continue to put heat on them to act in a more responsible way.

WORLD BANK SHOULD NOT CONSIDER LOANS TO IRAN AT THIS TIME

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. SHERMAN) is recognized for 60 minutes.

Mr. SHERMAN. Mr. Speaker, tomorrow the World Bank meets. We will not have the huge demonstrations of a month ago. No one will be comparing this meeting here in Washington, D.C., to the events in Seattle. But they may play a more important role on whether the World Bank and its sister organization, the IMF, continue to have the support, precarious as it is, of the American people, and whether the World Bank continues to exist and foster in its present form.

Mr. Speaker, I am among the strongest advocates in this House of our foreign aid program, our involvement in the world, and, up until now, our support for the World Bank and the IMF.

Mr. Speaker, just a year-and-a-half ago over $500,000 was spent in a campaign designed exclusively to vilify me personally for supporting the IMF and the World Bank. I continue to support those organizations, yet I am not sure that that support can continue for long, because while I am a proud supporter of world development and of our foreign aid and of our efforts to try to have all of humanity live in dignity, I do not know if I can continue to be a proud supporter of the World Bank.

You see, the World Bank garners its support from the community here in America that supports human rights and the dignity of men and women, and yet it will make a decision tomorrow that will indicate whether it deserves the support of those who are concerned with human rights.

For one case, in one nation, has garnered the imagination of the world when it comes to human rights. I speak of the show trial being conducted in the City of Shiraz, Iran, in which 13 Jews face the absurd charge of being spies for the United States and Israel.

Mr. Speaker, let me first give you and the House some background. The Jewish community in Iran is 2,500 years old. It arose out of the Babylonian captivity after the destruction of the first Temple. It is the oldest Jewish community anywhere in the world except Israel itself.

For 2,500 years Jews lived in peace and in loyalty to whichever regime governed Persia, now Iran. In 1979 the Iranian revolution led to the creation of the Islamic Republic of Iran, and since then that Islamic Republic has found it necessary, or at least has decided, to oppress religious minorities. Their treatment of those who practice the Baha'i faith is well-known and is deplorable. For those who have practiced the Jewish faith, some 17 have been killed after trumped-up charges over the last 20 years, roughly one per year. It seems this is a regime that finds it necessary to keep this small Jewish community under control through terror and fear. I say a small Jewish community, because this community, which once numbered over 100,000, has now dwindled to 25,000 as people who have fled their ancestral homelands, homelands that trace their ancestors back for 2,500 years. They have left under the oppression, but 25,000 remain.

But apparently the Islamic Republic of Iran is no longer satisfied with killing one of its Jewish citizens roughly every year, and so about a year-and-a-half ago it went out and arrested 13 and charged them with espionage.

Now, why are these charges so absurd? Well, Mr. Speaker, we have grown up here in the United States, a multi-ethnic country, where people of all backgrounds and all religions are found in every part of our government, including our national security agencies. From the CIA to the Pentagon, our national security agencies look like America. So, anyone of any ethnicity, could, if things turned out wrong, grow up to be a spy.

We have British-American spies, we allegedly have Chinese-American spies, there have been Jewish-American spies, and that is because people of all ethnicities and religions are found in the agencies that contain the most sensitive national security secrets.

Iran is a very different country. No one of the Jewish faith is allowed near anything of national security significance. Now, I know the CIA occasionally makes a mistake, but to think that the CIA would, over a period of years, hire not one, but 13 individuals in Iran, each a member of a tiny group prohibited by their religion from getting anywhere near anything the CIA would want to know, it stretches all credulity to believe that the CIA would do that and that the United States could remain a superpower if that is how it pursued its national security and intelligence efforts.

These charges are not only absurd, but the trials that began less than a month ago are also absurd. They are modeled after the trials of Joseph Stalin, trials devoid of public attendance, trials in which the prosecutor is always the judge, trials in which there is virtually no information, no evidence, except the hollow conclusionary and detailless confessions of coward confessions. Nothing has been proven at trial, except that the defendants are afraid.

The information that they would have had access to would have been only information observable by anyone walking the streets of an Iranian city, and, of course, diplomats of countries, both friendly to and hostile to the Islamic Republic of Iran, walk those streets every day, every month, observing the same things, and with diplomatic immunity while they do so.

So this trial has captured the attention of those in the world who care about human rights. Maybe it is because 13 people are so obviously innocent. Maybe it is because the trials so closely resemble those of the dark ages of Joseph Stalin. Maybe it is because the defendants are a remnant of an historically significant and dwindling community.

But where does this leave the World Bank? The World Bank will consider tomorrow a package of loans to the Islamic Republic, and we are told that these loans will be used for humanitarian purposes. But let us remember that money is fungible. The money the Islamic Republic does not spend on building a sewer system in Tehran can be used to develop weapons, to field an army or to increase the reach of its forces of oppression and interrogation.

Not only that, but this nearly one-quarter of a billion dollars in contracts will go only to those contractors and

organizations in Iran tied to the dominant faction of the Iranian government, so not a penny will be spent that does not inure to those who are politically connected to the same government conducting these show trials in Shiraz.

Now, we are told that the World Bank must make its decisions independent of politics, but one cannot ignore the results of a decision to be made tomorrow in Washington, especially when that decision does not have to be made tomorrow. It can and should be deferred.

But beyond the human rights concerns, there is another issue that the World Bank should focus on. It may grow out of the human rights concerns, but it is a separate issue. No financial institution should be allowed to make a loan that imperils the success of the institution itself, and the World Bank, if it makes this loan, is sowing the seeds of its own impairment. American participation in the World Bank is critical to its survival, or at least to its success, and that participation depends upon the consent and acquiescence of a restive American public.

The support for that participation comes from those who care about human rights, and to fund this loan this week is to turn to those in America who care about human rights and declare that the World Bank is on the other side; that the World Bank is happy to be an instrument, an instrument, of oppression.

Now, there are those who will disagree with what the effect of this World Bank loan will be in Iran, but they do not speak with any expertise about what effect this loan will have on America and American support for the World Bank. Those who understand how foreign policy is made in a superpower, where the people are supreme, and most of them do not care very often about foreign policy, those who are involved in foreign policy and in the political process should warn the World Bank, as I do tonight, that a loan of this type undermines and corrodes the very thin pillars of support that the World Bank and the IMF have in the American public.

□ 1945

If you say no to those Americans who care about the 13 Jews in Iran, if you say no to those Americans who care about human rights, then who will stand up for the IMF and the World Bank when the voices of isolationism and the voices of just spending less money on foreign affairs, when those voices bellow that it is time for America to reduce its commitment?

I am not saying that an approval of these loans will lead to street demonstrations reminiscent of Seattle. It will not. I am not saying that the State Department or the Treasury Department will talk about cutting back its support or participation in the IMF and the World Bank if these loans are approved tomorrow, for there will be no such immediate effect. But those who study how foreign policy is made in a democratic country, where the people are supreme but only a few of them focus on these issues, will understand that over the next 3 years or 5 years or 8 years American support for the IMF and the World Bank are subject to corrosion if this loan goes forward.

Certainly those who are voting at the World Bank tomorrow need to give the World Bank staff a chance to analyze these issues in greater depth, and certainly the loans themselves and the details of the loans need to be reviewed in greater depth than has been done to date. When the World Bank makes a loan, it tries to avoid obvious corruption, knowing that that is not only a waste of its money but a waste of its political capital.

These loans will be under a level of scrutiny beyond those that the public has imposed on any other World Bank decision. Certainly these loans need to be reviewed for efficiency and absence of corruption at a higher level than the World Bank has ever analyzed loans, because here, here, not only does the World Bank stand to see a portion of its quarter billion dollars hijacked and diverted but it has a chance to have each detail of these loans and their expenditures reviewed with the greatest possible public attention, particularly in the United States.

Certainly the board members, the shareholders at the World Bank, would be well advised, let the staff have some time. Let us see whether the details of these loans meet the higher standard than the World Bank, for its own interest, needs to impose on loans that will receive a greater level of public scrutiny than any other loans have ever faced, and let the World Bank staff review whether that institution can long endure and long survive as an organization with the active and enthusiastic support of the people of the United States if it acts precipitously. If the Bank votes tomorrow to ignore these concerns, it takes an irrevocable action or an action that appears to be irrevocable, that could eat away at the fabric of the Bank itself. If instead the Bank votes to delay considering these or if these loans are simply not on the agenda and no one puts them there, then the Bank can consider these actions in light of the concerns I have brought to the attention of this House and I hope to the attention of the Bank shareholders as well.

PERMANENT NORMAL TRADE WITH CHINA

Mr. SHERMAN. Mr. Speaker, I was originally scheduled to address the House for only 5 minutes. The House, in its rules, in its wisdom, has instead given me a full hour. Whether that was a wise decision of this body remains to be seen, but it is an hour I plan to use to discuss some other issues, issues that I have not mapped out in detail and so I will apologize to the Speaker if my remarks are not as tightly phrased and as well organized as I would like them to be.

I would now like to address the same subject addressed by the prior speaker, the vote we will deal with on granting permanent most favored nation status to China.

Mr. Speaker, I am pro-engagement. I am against isolationism and I am against protectionism. I am against this agreement. This agreement has enough in the way of disadvantages in three different categories so that any one of those categories of disadvantage is reason enough to vote it down. If it was only for the adverse effect that this agreement will have on human rights in China, we should vote no. If it was only for the adverse impact that this agreement is going to have on American workers and on American exports and on the balance of trade of the United States, we should vote no. And if it was only for the adverse effect this agreement is going to have on our ability to deal with the national security issues that confront us when we deal with China, we should vote no.

Let us first talk about human rights, or let me first talk about human rights.

This deal has nothing in it to protect labor rights, environmental standards, but we are told that the dissidents in China are for this agreement.

Well, most of the dissidents I have heard of are against it. The overwhelming majority of those who have done time in the Chinese gulag are against this agreement, and certainly the overwhelming majority of those who have done time in the Chinese prison system and are free to speak their minds are against this agreement.

For many months, this country debated whether the father of Elian was free to speak his mind while he lived in Cuba, and so we insisted that he come here and announce, with his child and with his new wife, what their views were and what they wanted for their son. And yet, those who questioned the accuracy, the credibility of statements made by someone living under Fidel Castro seem to accept at face value the statements made by people in China today, people who have been subject to interrogation, some, a few, subject to imprisonment before, as if they could not be subject to that again.

There are those in China who have had the courage to stand up in the past who may not want to risk their freedom over this particular agreement and who may, therefore, have made statements consistent with their own freedom, notwithstanding the fact that those same individuals have in the past had the courage to risk imprisonment where they felt the issue more strongly, or where they felt they were at a time in their lives when they were willing to take such a personal risk.

So the dissidents are, for the most part, indecipherable. Some say one thing. Some say another. Some are here in the United States to speak their mind freely and some are subject to imprisonment tomorrow if they say

the wrong thing today, but we are told that this agreement is not only supported by the dissidents, and sometimes the word ''dissident'' is confused with this second group that they refer to as the reformers. The reformers are not the dissidents. The reformers are the elements in power in China that we are told want open markets. They may want open markets. There are members of the Central Committee of the Communist Party of China that want open markets, but wanting open markets does not mean want human rights. Wanting open markets does not mean abandoning the monopoly on power enjoyed by the Communist Party of China.

There may be different factions in the Central Committee of the Communist Party. There may be different factions in the ruling circles in Beijing, but there is one thing that unites them. So-called reformers, so-called hard-liners are united. They want to see the Communist Party maintain its monopoly on power forever. Reformers just want to do it with a different flavor.

There is one group in China that is free to speak their minds. That is the members of the ruling elite, the members of the Central Committee of the Communist Party, and they have spoken with a loud voice. They have said this deal helps us achieve our objectives. This deal is good for us. It is indeed good for the ruling classes in China. It is indeed in the interest of maintaining the monopoly power of the Communist Party, because make no mistake about two facts: First, the entire ruling elite is unified, dedicated that its most important objective is maintaining a monopoly on power for themselves. They would not enter into this agreement if it, dare I say it, was for all the tea in China if they thought it would shorten for one day the monopoly on power of the Communist Party of China. So first fact, the ruling elite believes this will lengthen its hold on power. Otherwise they would not be for it.

Second, the ruling elite knows a lot more about holding on to power in China than all of the U.S. experts and all of those who have come to lobby us. There are those who say that China will unravel just like the Soviet Union. I hope that is true. Perhaps long-term it is true, but the Soviet Union did not unravel because of trade with the United States. There was very little trade with the United States. There was no WTO membership for the Soviet Union. It was not that every pair of tennis shoes, every toy and half your shirts came from the Soviet Union in 1985. So if we hold up the Soviet Union's unraveling as a model it does not compel us to accept this deal. If we believe that the Communist Party of China at the highest levels understands their own country, understands holding power in their own country, then we will understand that the agreement will help them do just that.

Second, we need to focus on the human rights of Americans. Now I am told that our economy is doing spectacularly well. Well, it is doing well for many people. Unemployment is down, but many of those people who might have been unemployed just a few years ago today are the proud owners of $6 an hour jobs and $7 an hour jobs. These people should be working in the manufacturing sector in America at $20 and $30 an hour jobs. Export jobs to make machinery and aircraft, et cetera, those are very high-paying jobs in the manufacturing sector. But what kind of jobs has the Chinese Government provided? Through their limitation of our exports, they have provided us with a market smaller than Belgium. That is right. We sell less to China than we do to Belgium, and we do not sell very much to Belgium; $13 billion.

Put another way, the trade deficit with China, $70 billion every year and rising, is six times the size of all of our exports.

□ 2000

If our exports to China doubled, we would hardly know it. Has anyone come to this floor and said, if we could just increase by a bit our exports to Belgium, that there would be dancing in American streets and a revitalization of every American town? I do not think so. But it is unlikely that there will be even a small increase in American exports to China as a result of this deal.

I know that many have come to this floor and said just the opposite, so let me explain why. We in the United States have lived our entire lives under the rule of law. If the government is going to affect anything in the economy, they had better write a law or a regulation and publish it, and in the absence of a law, in the absence of regulation, we have the right to do what we want as individuals and as companies.

We have lived our lives where published law is very important. So we should be forgiven if, for a moment, we believe that the published law in China is of great significance; that if we could just change their published tariff rates, their published quotas, then everyone in China would be free to buy American goods.

China is not a country that lives under the rule of law. China is a command and control economy. In China, you do not start your own airline just because you want to and then buy American planes just because you think they are the best deal.

In fact, when we look at what we are likely to export to China, we see an incredible level of control of the Communist party of China without any need to have published rules.

We sell airplanes. The party controls the airline. We sell telecommunications systems. The party controls all the buyers for those systems. We sell large factories. We are not going to do a large factory in China over the opposition of the ruling elite.

We do not sell little toys on the street corner to individual consumers. We sell big things, big ticket items. How are we going to sell them? We are only going to sell the quantity that the people in Beijing decide they are willing to allow their country to buy.

Two years ago we sold $14 billion worth of goods. Last year they cut us down to $13 billion. With this agreement, they can, without fear, cut us as low as they want, or at least maintain us where we are, while they increase their sales to the United States, or at least maintain them where they are so that we continue to run $70 billion trade deficits forever.

How are they going to do that? Well, there may be no tariff on American airplanes to China, but the board of the airline might vote not to buy our planes. Can that be taken to WTO court? No. Any enterprise is free to buy or not buy. The fact that the government controls the enterprise does not change that, so we sell only what they decide they want to buy. When I say ''they,'' I mean the political elite.

We want to do telecommunications systems, the same thing. But let us imagine that there is an independent business in China. The board of directors is not dominated by the government or the party. This business wants to import $1 billion worth of American goods. They are the best goods. They are going to get them at the best price.

The published regulations say that the business is free to do so. The director of that business receives just one phone call, one phone call saying, Mr. Businessperson, we know you are planning to conclude a deal to buy $1 billion worth of American goods. But, you know, China has always wanted to restrict the quantity of American goods purchased. We have always run this huge trade surplus with America, and the Communist Party wants to continue that.

So Mr. Businessperson, we know you will decide not to buy the American goods. We know you will make the right decision. We know you will help us punish the American people for what the Communist party would call their meddling, what we would call human rights advocacy.

Mr. Businessperson, we know you will make the right decision because you are well educated. We would hate to think you need to be reeducated.

There is not a single importer in China that is not subject to arrest on trumped up charges if that importer decides to buy American goods against the advice, oral advice, of the Communist party of China. American exports to China are not dependent upon changing the published rules. Those are only for our lawyers to read.

Getting more exports to China depends upon changing the policy of the Communist party, a policy that has been discriminating against American goods for a long time, a policy which has caused them to run a $70 billion trade surplus with us and a significant

trade deficit with the rest of the world as they deliberately decide to use the money that we pay them for the tennis shoes to buy goods from Europe and Japan and elsewhere.

Why would they change? Are we going to stop talking about human rights on this floor? Are we going to stop our support for Taiwan? Are we going to ignore the rape of Tibet? I hope not.

But that leads to another concern. We have seen an army, an army of businesspeople and lobbyists come to our offices asking us to give China what China wants in the expectation that these lobbyists will get from China what the lobbyists want.

Well, I do not think our businesses are going to get what they want. I think China, having had a 10- and 20-year policy of discriminating against American goods, at least a 10-year policy, will continue that policy and will do it quite well through the mechanism I have described, and does not need published regulations and tariff rates to achieve the balance of payments that they decide to have.

So if this army of lobbyists feels this year that they must do what China wants in order to have access to the Chinese markets, and they do not get that access, they will be back here next year or the year after saying, whoops, looks like American exports to China are still only $13 billion, but we hear through the grapevine that if only America would stop selling weapons to Taiwan, China will start buying our goods. If only America will stop caring about Tibet, China will start buying our goods.

The same army of lobbyists asking us to do what China wants now will find that what China is asking for now is insufficient to garner them that favored status that causes the Chinese enterprises to buy their goods. They will be back asking us to do more. I shudder to think, will we be asked to ignore Chinese proliferation of nuclear technology to countries like North Korea and Iran? Will we be asked to cut off Taiwan and to lay that island, that democratic island, open to possible invasion, or at least blockade?

I do not know, but I will say this, Mr. Speaker, the gentleman from California (Mr. BERMAN) from the adjoining district has proposed that we add a provision to this MFN deal that says that China would get its permanent most-favored-nation status, but if they blockade Taiwan or if they invade Taiwan, they lose it.

The pro-China forces have been unwilling to embrace that amendment, an amendment which might gather them the votes they need to pass this deal. I worry about a Chinese embassy or I worry about supporters of China unwilling to even say that we should deny China something if they actually invade or blockade Taiwan.

We will have to see how this develops, but if my colleagues care about Taiwan, at least hold out for this: Deny their vote to those who want to permanently open our markets to China with little real access to theirs, withhold their vote until at least we get a provision that says that Taiwan, if invaded or blockaded, that those actions would lead to an end of most-favored-nation status, also called normal trade relations, with the United States.

Now, Mr. Speaker, recently those who support this deal have come up with a couple of Band-Aids. One of those is called ''antisurge'' provisions. It sounds good. It sounds like at least if there was a sudden flood of Chinese goods from a particular sector, perhaps being sold at cost, dumped on our market, that we would have a special provision to deal with it.

Read the provision. The proposal is simply that the United States, if it saw its workers losing their jobs, would not be free to stop the onslaught of Chinese goods. No. But we would be allowed, look at this tremendous grant of power to us, we would be allowed to appropriate money for education programs and retraining programs for our displaced workers.

I never thought that we lacked the power to appropriate funds to provide help for American workers who are in trouble for one reason or another. I do not think we have to thank Beijing for having the power to do so. It would be nice if the importers would give us some of the money we would need for that, but that is not found in the antisurge provisions.

Second, we are given a second Band-Aid. That second Band-Aid is, more reports about human rights in China, Helsinki Commission style reports. Come to my office, I will show the Members all the reports on human rights in China. They take up a lot of room. There are more organizations issuing more reports all the time. They will turn Members' stomachs as to their content.

Since when is it a major concession to know that there will be reports issued in the future? We know there will be reports. The fact that they will be called Helsinki style, who cares? We could have Los Angeles style reports, Vienna style reports, Rome style reports. We could have semi-annual reports, we could have biannual reports. We have reports.

We will get more reports. All it will do is demonstrate the abuses of human rights happening in China, as to which we have granted the Chinese government an absolute guarantee that they will not lose a penny no matter what they do. No matter what they do to the practicing Christians, Buddhists, and Muslims; no matter what they do to the people of Tibet, they will be hit only with a report. They will not lose access to a single sale of a single pair of tennis shoes in the United States.

So, Mr. Speaker, I turn, as I have already foreshadowed it, to the third reason that we should oppose this deal. Not only does it ensure more power and more tenacity to the Communist party in China, not only does it limit our access, or does it fail to eliminate limits to our access to their market, but finally, it ties our hands when national security issues come up, because if China does something, whether it is providing nuclear weapons or their technology to Iran or blockading Taiwan, our choices will be only twofold. We can declare war, which I do not advise, or we can mail them a scathing report.

Right now we have the most valuable tool. We do not have to just eliminate most-favored-nation status, we can condition it or we can reduce it. Under most-favored-nation status, for example, and I will just use these numbers for an example, not because they are accurate, a country without most-favored-nation status might face a $10 per pair tariff on tennis shoes. China, because it has most-favored-nation status this year, is entitled to bring those tennis shoes in for a $1 tariff.

We in Congress could react to anything China does that threatens the national security of ourselves or our allies by raising that tariff from $1 to $2 or $3 or $4, or eliminating all most-favored-nation status and having it go to $10.

□ 2015

We have the tools; 43 percent of all Chinese exports come to the United States, and if we can modulate that, if we can impair slightly, or more than slightly, their access to American markets, then we have an abundance of tools to deal with whatever China might do that is offensive to our national security interests.

If, instead, we grant them Most Favored Nation status forever, we lose those tools, and our choices are either war or a scathing letter.

Mr. Speaker, there is one thing on which I agree with the proponents of this agreement; it is better than the status quo. Today we have a $70 billion trade deficit with China, and this contract, this deal makes it permanent; not a real accomplishment. It is the most lopsided trading relationship in the history of life on earth, a trade deficit six times as large as our exports.

If we were to just continue what we have been doing year after year, it would be just as bad. What we have to do instead is open new negotiations with China, negotiations based on results, not process and procedure, because China is a command and control economy where the procedures are all underground and immune from American inspection.

We need an agreement with China that sets targets that says okay, now the trade deficit is $70 billion, next year we would like it to be $60 billion instead of $80 billion, and that we will modulate our tariffs up on Chinese goods, if necessary, to achieve that goal.

We hope it is not necessary. I am not a protectionist. I am not an isolationist. I hope we do not have to raise

our tariffs a single cent on a single pair of tennis shoes, instead China needs to start buying goods from the United States.

If they knew that they would suffer some loss of access to the U.S. market, they would do it. The Chinese, when confronted by real tariffs or the real threat of tariffs, will find that our goods meet their needs, but if they are confronted by a deal that asks them to do nothing more than change the irrelevant regulations that they place on the top of the table and ignores the results of what happens underneath the table, then they will be laughing all the way to even larger trade surpluses with the United States.

Mr. Speaker, let me now bring up, in the waning minutes of this brief presentation, a third topic, a topic that is very important. I have only a bit to say about it, because, frankly, it is a topic that has me stumped. Let me by way of introduction mention that this is a topic that, as far as I know, has never been addressed.

It is a topic that my staff has said, BRAD, maybe you do not want to bring that up, because you will be the only one talking about it, you will look weird. It is a topic I ought to bring up, because it is one of the seminal topics. And it is only one of several seminal topics that gets no attention; by seminal topics, I mean one of the topics that really goes to where we are going as a species and what are the dangers, not only to the prosperity of the people in my district and in the country, not only to the issues we fight about here everyday, but to where we are going as humankind.

Now, there are a number of issues that rise to that level of significance that do receive significant attention: nuclear proliferation, environmental catastrophe, overpopulation; all of these threaten humankind's continued prosperous existence on this planet.

There is a fourth issue that does, I think, rise to the level where it can be included, and it is an issue really without a name; I call it the issue of engineered intelligence.

I am going to propose to this House, I hope some of my colleagues will join me, we will have dinner, we will have a drink or two, we will think this over, not maybe a drink or two, we will think over what form this bill should take, but I am planning to introduce a bill calling for the creation of a national commission on engineered intelligence.

There are several different forces coming together or scientific technologies that come under the title of engineered intelligence: First, there is biological engineering which could give us either of two huge ethical dilemmas; one is the prospect that biological engineering will allow us to design some sort of animal, perhaps starting with human DNA and going down, perhaps starting with chimpanzees' DNA and going up, but some sort of animal that is significantly more intelligent than the domestic animals that help us do our work, sheepdogs or watchdogs or seeing eye dogs, considerably smarter than the canines that help us do work, but less intelligent, less self-aware than human beings, and one wonders whether this would be an engineered slave race or just an improvement in today's pooches, a better seeing eye dog, or a sparely self-aware cognitive entity engineered by man to serve man, arguably to be enslaved by man.

Biological engineering can engineer intelligence at a level where some will argue that that entity deserves the protection of our Constitution, and others would argue that that entity is here to serve us in the same humane way that we turn to watchdogs and seeing eye dogs. Likewise, biological engineering can go beyond.

I can see, not today, but we are within 20 years or 30 years or 50 years of when biological engineering cannot only do what I just covered, but could also engineer an intelligence well beyond that of the average person, perhaps well beyond that of any human that has ever lived, and we would have to wonder, do we want our scientists to create a new species that Darwin might think is superior to our own? I do not know.

But it raises ethical issues that are going to take longer to resolve than it will take the science to get there and present those logical issues, those ethical issues to society.

One example is that Einstein a few years before World War II, together with others, brought to the attention of Franklin Roosevelt the great power or potential power of nuclear science and the nuclear bomb, and we had only a few years to consider what that would mean. The science developed more quickly than the ethics, and we had to struggle as a species to figure out, and we are still struggling to figure out what the rules are with regard to the nuclear engineering.

We need to begin thinking now of the ethics and the international agreements and the laws that are going to apply when science gets to where only science fiction is today.

Mr. Speaker, it is not just is biological engineering capable of engineering intelligence; it is also mechanical engineering. One of my friends has said that perhaps the last decision that will be made by the human race is whether our successors are the products of biological engineering or mechanical Silicon Valley engineering; whether our replacements are carbon-based or silicon-based, because I do not know whether it will be biological engineering that engineers intelligence first, or whether intelligence rivaling our own or perhaps surpassing our own will first come from silicon chips; but the same ethical issues arise.

One can imagine a thinking machine capable of spirituality. I believe there is a book that addresses that issue by that title.

One can imagine a thinking machine smarter than any computer, almost self-aware, some would argue properly used by people, others would say properly embraced as the constitutional equal of human beings. Likewise, it is possible for us through silicon engineering, through computer engineering that some day we will invent machines considerably smarter than us who may or may not regard us as their appropriate peers or masters.

I know this is science fiction, but would it not be wise to spend a few years, and a few, in the minds of a few people a lot smarter than I am trying to figure out what we would do if science begins to offer this as an alternative for human kind?

I can only mention third, nanotechnology, the idea of engineering at the molecular level, at a level where perhaps it would be hard to decide whether what we had engineered was biological or mechanical, or maybe we will see a fusion of biological and mechanical or biological and electronic engineering where a combination of silicon chips and brain cells from human DNA or brain cells from dog DNA are fused together.

I do not want to sound unusual, but the science of the future will be a little unusual. We in this Congress will not do the science, but we in this Congress should make sure that we focus the appropriate societal attention long in advance on the ethical dilemmas that will face us as engineered intelligence either approaches or surpasses our own.

Mr. Speaker, although there would be one benefit of such marvelous engineered intelligence for, perhaps if we had an engineered intelligence massively smarter than myself, maybe we would know what the right course was for the World Bank to take or what the right course was for this Congress to take on the issues I addressed earlier in this speech.

RECESS

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 28 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2345

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 11 o'clock and 45 minutes.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr GOSS, from the Committee on Rules, submitted a privileged report

(Rept. No. 106–624) on the resolution (H. Res. 504) providing for further consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WAMP (at the request of Mr. ARMEY) for today, on account of attending a funeral.

Mr. COBURN (at the request of Mr. ARMEY) for today, on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SKELTON) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. MINGE, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. HULSHOF, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. COLLINS, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, on May 24.

Mr. DUNCAN, for 5 minutes, today.

Mr. SENSENBRENNER, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Thursday, May 18, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7660. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 1999–2000 Crop Natural (Sun-Dried) Seedless and Zante Currant Raisins [Docket No. FV00–989–4 IFR] received April 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7661. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Olives Grown in California; Decreased Assessment Rate [Docket No. FV00–932–1 FIR] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7662. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Transfer and Repurchase of Government Securities [No. 2000–13] received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7663. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Cardiovascular, Orthopedic, and Physical Medicine Diagnostic Devices; Reclassification of Cardiopulmonary Bypass Accessory Equipment, Goniometer Device, and Electrode Cable Devices [Docket No. 99N–2210] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7664. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Gastoenterology-Urology Devices; Nonimplanted, Peripheral Electrical Continence Device [Docket No. 00P–1120] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7665. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Laser Fluorescence Caries Detection Device [Docket No. 00P–1209] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7666. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Hematology and Pathology Devices; Reclassification; Restricted Devices OTC Test Sample Collection Systems for Drugs of Abuse Testing [Docket No. 97N–0135] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7667. A letter from the Director, Office of Regulatory Managment and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [CA095–0234; FRL–6579–3] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7668. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [CA095–0234; FRL–6579–3] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7669. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Hospital/Medical/Infectious Waste Incinerators State Plan For Designated Facilities and Pollutants: Idaho [Docket No. ID–02–0001; FRL–6580–6] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7670. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Elaine, Arkansas) [MM Docket No. 99–280 RM–9672] (Ringgold, Louisiana) [MM Docket No. 99–281 RM–9684] (Hays, Kansas) [MM Docket No. 99–283 RM–9711] received March 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7671. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Section 73.202(b) Table of Allotments, FM Broadcast Stations (Princeville, Kapaa, and Kalaheo, Hawaii) [MM Docket No. 99–139, RM–9402, RM–9412] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7672. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

7673. A letter from the Acting President, Inter-American Foundation, transmitting the Annual Performance Report for Fiscal Year 1999; to the Committee on Government Reform.

7674. A letter from the Chairman, National Capital Planning Commission, transmitting the FY 1999 Annual Performance Report; to the Committee on Government Reform.

7675. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule To List as Endangered the O'ahu 'Elepaio From the Hawaiian Islands and Determination of Whether Designation of Critical Habitat Is Prudent (RIN: 1018–AE51) received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7676. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments From Cape Falcon to Humbug Mountain, OR [Docket No. 990430113–913–01; I.D. 032700C] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7677. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Trawling in Steller Sea Lion Critical Habitat in the Central Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 991223349–934901–01; I.D. 021000A] received April 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7678. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments [Docket No. 99123347–9347; I.D. 032700D] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7679. A letter from the Regulations Officer, FHA, Department of Transportation, transmitting the Department's final rule—Safety Fitness Procedures; Safety Fitness Rating Methodology [Docket No. FMCSA–6789 (Formerly FHWA 97–2252)] (RIN: 2126–AA43) received March 21, 2000, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7680. A letter from the General Counsel, Government Contracting, Small Business Administration, transmitting the Administration's final rule— Government Contracting Programs—received April 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

7681. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule—Modified Eligibility Criteria for the Montgomery G.I. Bill—Active Duty (RIN: 2900–AJ69) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7682. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 2000–14] received April 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7683. A letter from the Deputy Assistant Secretary, Congressional Liaison, Program Research and Evaluation, Economic Development Administration, transmitting the annual report on the activities of the Economic Development Administration for fiscal year 1998, pursuant to 42 U.S.C. 3217; jointly to the Committees on Transportation and Infrastructure and Banking and Financial Services.

7684. A letter from the Secretary of Transportation, transmitting a draft bill, ''To provide for enhanced safety and environmental protection in pipeline transportation, and for other purposes''; jointly to the Committees on Transportation and Infrastructure and Commerce.

7685. A letter from the Secretary of Transportation, transmitting a draft bill, ''To authorize appropriations for fiscal years 2000 and 2001 for the United States Coast Guard, and for other purposes.''; jointly to the Committees on Transportation and Infrastructure and Armed Services.

7686. A letter from the Administrator, General Services Administration, transmitting a draft bill entitled, ''Federal Property Asset Management Reform Act of 2000.''; jointly to the Committees on Government Reform, Transportation and Infrastructure, Ways and Means, and Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOLF: Committee on Appropriations. H.R. 4475. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–622). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Suballocation of Budget Allocations for Fiscal Year 2001 (Rept. 106–623). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 504. Resolution providing for further consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes (Rept. 106–624). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WOLF:

H.R. 4475. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. CLAY (for himself, Mr. MARTINEZ, Mr. OWENS, Mr. ROMERO-BARCELO, Mr. PASTOR, Mr. CLYBURN, Mr. PAYNE, Mr. HINOJOSA, Mrs. MINK of Hawaii, and Mrs. MEEK of Florida):

H.R. 4476. A bill to authorize a program of assistance for partnerships between minority-serving institutions and other institutions of higher education that enable students attending minority-serving institutions to earn dual degrees and enter fields in which students from those institutions are underrepresented, and for other purposes; to the Committee on Education and the Workforce.

By Mr. TOWNS (for himself, Ms. WATERS, Mr. DINGELL, Mr. RUSH, Mr. WYNN, Mr. CUMMINGS, Ms. KILPATRICK, Ms. JACKSON-LEE of Texas, Mr. HILLIARD, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MEEK of Florida, Mr. FORD, Ms. CARSON, and Mr. PAYNE):

H.R. 4477. A bill to establish a Digital Bridge Trust Fund to fund programs to improve the skills and career opportunities in information technology and related fields for individuals in underserved rural and urban communities, and for Native Americans, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, Transportation and Infrastructure, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ (for himself, Mr. SANFORD, Mr. DAVIS of Illinois, Ms. WATERS, Mrs. CHRISTENSEN, Mr. WYNN, and Mr. DELAHUNT):

H.R. 4478. A bill to exempt certain small businesses from the increased tariffs and other retaliatory measures imposed against products of the European Union in response to the banana regime of the European Union and its treatment of imported bovine meat, and for other purposes; to the Committee on Ways and Means.

By Mr. CUNNINGHAM (for himself, Mr. NADLER, Mr. PACKARD, Mr. COYNE, Mr. FROST, Mrs. MEEK of Florida, and Mr. BERMAN):

H.R. 4479. A bill to provide for coverage of augmentative communication devices under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE:

H.R. 4480. A bill to streamline and integrate the requirements for pollution related reporting to the Environmental Protection Agency; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. CARDIN, Mr. SHAW, Mr. LEVIN, Mr. ENGLISH, Mr. MATSUI, Mr. CAMP, and Mr. COYNE):

H.R. 4481. A bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services; to the Committee on Ways and Means.

By Mrs. KELLY:

H.R. 4482. A bill to establish within the Office of the Inspector General of the Nuclear Regulatory Commission a unit to be charged with auditing the safety analysis and review activities of the Commission and personnel of nuclear power plants licensed by the Commission; to the Committee on Commerce.

By Mrs. MORELLA (for herself and Mrs. MALONEY of New York):

H.R. 4483. A bill to establish an Office on Women's Health within the Department of Health and Human Services, and for other purposes; to the Committee on Commerce.

By Mrs. MORELLA (for herself, Mr. BARTLETT of Maryland, Mr. WYNN, Mr. CARDIN, Mr. GILCHREST, Mr. CUMMINGS, Mr. EHRLICH, and Mr. HOYER):

H.R. 4484. A bill to designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the ''Everett Alvarez, Jr. Post Office Building''; to the Committee on Government Reform.

By Mr. SENSENBRENNER:

H.R. 4485. A bill to authorize appropriations for fiscal years 2001, 2002, 2003, and 2004 for the National Science Foundation, and for other purposes; to the Committee on Science.

By Mrs. WILSON:

H.R. 4486. A bill to make scholarships available to individuals who are outstanding secondary school graduates or exceptional certified leaders and who demonstrate a commitment to and capacity for the profession of teaching, in order to enable and encourage those individuals to pursue teaching careers in education at the preschool, elementary or secondary level or improve their teaching skills through further education; to the Committee on Education and the Workforce.

By Mrs. LOWEY (for herself, Mr. CLAY, Mr. PAYNE, Mr. SANDLIN, Mr. SHOWS, Mr. BALDACCI, Mr. ETHERIDGE, Mr. HINCHEY, Mr. TOWNS, Mr. RANGEL, Mr. EVANS, Mrs. MCCARTHY of New York, Mr. FROST, Mrs. MALONEY of New York, Mr. MCGOVERN, Mr. NADLER, Mr. CROWLEY, Mr. JEFFERSON, and Ms. BROWN of Florida):

H.R. 4487. A bill to provide grants to eligible consortia to provide professional development to superintendents, principals, and prospective superintendents and pricipals; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. BERRY, Mr. WYNN, and Mr. VITTER.

H.R. 207: Mr. WYNN.

H.R. 218: Mr. GIBBONS and Mrs. MCCARTHY of New York.

H.R. 230: Ms. NORTON.

H.R. 254: Mr. BARR of Georgia and Mr. KING.

H.R. 406: Mr. DICKS.

H.R. 583: Mr. HORN.

H.R. 732: Mr. ROTHMAN.

H.R. 804: Ms. SCHAKOWSKY and Mr. EVANS.

H.R. 842: Mr. BISHOP.
H.R. 846: Ms. DELAURO.
H.R. 914: Ms. DELAURO.
H.R. 1012: Mr. VITTER, Mr. LATHAM, and Mr. ISAKSON.
H.R. 1053: Ms. WOOLSEY.
H.R. 1079: Mr. LIPINSKI and Mr. BARCIA.
H.R. 1111: Mr. KLINK.
H.R. 1227: Ms. JACKSON-LEE of Texas.
H.R. 1239: Mr. RODRIGUEZ and Ms. KAPTUR.
H.R. 1303: Mr. FROST.
H.R. 1304: Mr. ENGLISH.
H.R. 1344: Mr. DICKS.
H.R. 1399: Mr. STARK.
H.R. 1461: Mrs. MCCARTHY of New York.
H.R. 1532: Mr. LIPINSKI.
H.R. 1577: Mr. HALL of Texas.
H.R. 1592: Mr. YOUNG of Alaska, Mr. CALLAHAN, Mr. GARY MILLER of California, Mr. LEWIS of California, Mr. MANZULLO, and Mr. ROYCE.
H.R. 1644: Mr. SHERMAN and Mr. SMITH of Washington.
H.R. 2000: Mr. MILLER of Florida and Ms. RIVERS.
H.R. 2021: Mr. ANDREWS.
H.R. 2060: Ms. CARSON.
H.R. 2308: Mr. SESSIONS.
H.R. 2321: Mr. ABERCROMBIE.
H.R. 2333: Mr. FROST, Mr. PASTOR, and Mr. GONZALEZ.
H.R. 2397: Mr. BACA and Mr. OBEY.
H.R. 2441: Mr. FRANKS of New Jersey.
H.R. 2494: Mr. NEY.
H.R. 2562: Mrs. CAPPS.
H.R. 2640: Mrs. EMERSON.
H.R. 2696: Mr. FRANK of Massachusetts.
H.R. 2702: Mr. ENGEL.
H.R. 2712: Mr. SERRANO, Mr. MEEKS of New York, Mr. FALEOMAVAEGA, Mr. MCGOVERN, Mr. FROST, Mr. OWENS, Mr. BRADY of Pennsylvania, Mr. FRANK of Massachusetts, and Mr. WAXMAN.
H.R. 2722: Ms. LOFGREN.
H.R. 2814: Mr. SKEEN.
H.R. 2966: Mr. TOOMEY.
H.R. 3054: Mr. DOYLE.
H.R. 3059: Mr. BOEHLERT.
H.R. 3102: Mr. HYDE.
H.R. 3144: Mr. BARRETT of Wisconsin.
H.R. 3315: Mr. GONZALEZ and Mr. PAYNE.
H.R. 3485: Mr. CANADY of Florida.
H.R. 3500: Mrs. MORELLA.
H.R. 3573: Mr. TOOMEY.
H.R. 3655: Mr. SANDERS, Mr. BISHOP, Mr. STRICKLAND, Mr. MCGOVERN, Mrs. JONES of Ohio, Mr. OBERSTAR, Mr. UDALL of Colorado, and Ms. RIVERS.
H.R. 3680: Mr. SHERMAN, Mr. CLEMENT, Mr. SESSIONS, Mr. WALDEN of Oregon, and Mr. BOEHNER.
H.R. 3688: Mr. TANNER, Mr. HOLDEN, Mr. SISISKY, Mr. BERRY, Mr. TAYLOR of Mississippi, Mr. STENHOLM, Mrs. MCCARTHY of New York, Mr. ETHERIDGE, Mr. PRICE of North Carolina, Mr. KIND, Mr. SNYDER, Mr. DOOLEY of California, Mr. SMITH of Washington, Mr. ROEMER, Mr. HOLT, Mr. KLINK, Mr. MATSUI, Mr. JACKSON of Illinois, and Mr. GUTIERREZ.
H.R. 3710: Mr. GEORGE MILLER of California, Mr. WEYGAND, Mrs. BONO, Ms. BALDWIN, Mr. WISE, Mr. KENNEDY of Rhode Island, and Mrs. MEEK of Florida.
H.R. 3766: Mr. VISCLOSKY and Mr. LARSON.
H.R. 3798: Mr. PAYNE and Mrs. MALONEY of New York.
H.R. 3825: Mr. COBURN.
H.R. 3842: Mr. JONES of North Carolina, Mr. KIND, Mr. JEFFERSON, Mr. OBERSTAR, Mr. LAHOOD, and Mr. VISCLOSKY.
H.R. 3847: Mr. MINGE.
H.R. 3865: Mr. SUNUNU.
H.R. 3909: Mr. HASTERT.
H.R. 3916: Mr. PASCRELL, Mr. ORTIZ, Mr. QUINN, Mr. DEFAZIO, Ms. SANCHEZ, Mr. GALLEGLY, and Ms. ROYBAL-ALLARD.
H.R. 3985: Mr. SCARBOROUGH, Mr. WELDON of Florida, Mr. BILIRAKIS, and Mr. MCCOLLUM.
H.R. 4033: Mr. HALL of Ohio.
H.R. 4063: Mr. HANSEN.
H.R. 4168: Mr. TANNER.
H.R. 4184: Mr. BUYER.
H.R. 4206: Ms. CARSON and Mr. JEFFERSON.
H.R. 4209: Mr. HILL of Montana, Mr. FORBES, and Mr. WATT of North Carolina.
H.R. 4214: Mr. WHITFIELD.
H.R. 4215: Mr. CONDIT.
H.R. 4233: Mr. ISAKSON.
H.R. 4239: Mr. BONIOR, Mrs. CHRISTENSEN, Mr. PAYNE, Ms. SLAUGHTER, Mr. BAIRD, and Ms. JACKSON-LEE of Texas.
H.R. 4245: Mr. TRAFICANT, Mr. SMITH of Washington, Ms. BERKLEY, Mr. WHITFIELD, Mr. DOOLITTLE, and Mr. TIAHRT.
H.R. 4257: Mr. DEAL of Georgia, Mr. DOOLITTLE, Mr. STUMP, Mr. PAUL, Mr. HALL of Texas, and Mr. BUYER.
H.R. 4268: Mr. COOKSEY and Mr. ORTIZ.
H.R. 4277: Mr. HOYER.
H.R. 4334: Mr. BROWN of Ohio and Mr. GREEN of Texas.
H.R. 4346: Mr. SKELTON, Mrs. CHRISTENSEN, Mr. HINCHEY, Mr. WAXMAN, Mr. DINGELL, and Mr. FROST.
H.R. 4357: Ms. BALDWIN, Mr. ENGLISH, Mrs. MORELLA, and Mr. BLUMENAUER.
H.R. 4393: Mr. CUNNINGHAM, Mr. BRYANT, and Mr. MORAN of Kansas.
H.R. 4398: Ms. BERKLEY.
H.R. 4463: Mr. ABERCROMBIE.
H.R. 4468: Mr. SOUDER.
H.J. Res. 77: Mr. COOK.
H. Con. Res. 275: Mr. NEY.
H. Con. Res. 307: Mr. LATOURETTE, Mr. SAXTON, Mr. BONILLA, Ms. ROS-LEHTINEN, Mr. PALLONE, Mr. BILBRAY, Ms. BROWN of Florida, Ms. SCHAKOWSKY, Mr. HINCHEY, Mr. MCDERMOTT, Mr. HOLT, Mr. WAXMAN, and Mr. SHAYS.
H. Con. Res. 322: Ms. JACKSON-LEE of Texas.
H. Res. 203: Mr. BRYANT, MR. DUNCAN, and Mr. WAMP.
H. Res. 398: Mrs. CAPPS, Mr. GALLEGLY, Mr. GEJDENSON, Ms. RIVERS, Ms. STABENOW, Mrs. LOWEY, and Mrs. MEEK of Florida.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4205

OFFERED BY: MR. STEARNS

AMENDMENT NO. 2: At the end of title VII (page 247, after line 9), insert the following new section:

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

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

(1) Types of services covered.

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

(3) Reimbursement limits for services covered.

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

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