Resolved by the Senate (the House of Representatives concurring) that the Senate—

Mr. LOTT, for himself, Mr. WARNER, Mr. SHELEY, Mr. MURKOWSKI, Mr. TOMENTI, Mr. THOMAS, Mr. KYL, and Mr. HUTCHINSON) proposed an amendment to the bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 387, below line 24, add the following:

SEC. 1062. ENHANCEMENT OF ACTIVITIES OF DEFENSE THREAT REDUCTION AGENCY.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations—

(1) to authorize the personnel of the Defense Threat Reduction Agency (DTTRA) who monitor satellite launch campaigns overseas to suspend such campaigns at any time if the suspension is required for purposes of the national security of the United States;

(2) to establish appropriate professional and technical qualifications for such personnel;

(3) to allocate funds and other resources to the Agency at levels sufficient to prevent any shortfalls in the number of such personnel;

(4) to establish mechanisms in accordance with the provisions of section 1514(a)(2)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2175; 22 U.S.C. 2778 note) that provide for—

(A) the allocation to the Agency, in advance of a launch campaign, of an amount equal to the amount estimated to be required by the Agency to monitor the launch campaign; and

(B) the reimbursement of the Department, at the end of a launch campaign, for amounts expended by the Agency in monitoring the launch campaign;

(5) to establish a formal technology training program for personnel of the Agency who monitor satellite launch campaigns overseas, including a structured framework for providing training in areas of export control laws;

(6) to review and improve guidelines on the scope of permissible discussions with foreign persons regarding technology and technical information, including the technology and technical information that should not be included in such discussions;

(c) Notice to Congress of Investigation.

SEC. 1061. INVESTIGATIONS OF VIOLATIONS OF EXPORT CONTROLS BY UNITED STATES SATELLITE MANUFACTURERS.

(a) Notice to Congress of Investigations.—The President shall promptly notify Congress whenever an investigation is under way to determine an alleged violation of United States export control laws in connection with a commercial satellite of United States origin.

(b) Notice to Congress of Certain Export Waivers and Licenses.—The President shall promptly notify Congress whenever an export license or waiver is granted on behalf of any United States person or firm that is the subject of an investigation described in subsection (a). The notice shall include a justification for the license or waiver.

(c) Notice in Applications.—It is the sense of Congress that any United States person or firm subject to an investigation described in subsection (a) that submits to the United States an application for the export of a commercial satellite should include in the application a notice of the investigation.

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(4) to establish mechanisms in accordance with the provisions of section 1514(a)(2)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2175; 22 U.S.C. 2778 note) that provide for—

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(6) to review and improve guidelines on the scope of permissible discussions with foreign persons regarding technology and technical information, including the technology and technical information that should not be included in such discussions;

(c) Notice to Congress of Investigation.
on United States export license standards, guidelines and restrictions, and encourage such officers and employees to participate in such briefings; (b) to establish a system for—
(A) the preparation and filing by personnel of the Director of Defense satellite launch campaigns overviews of detailed reports of all activities observed by such personnel in the course of monitoring such campaigns; (B) the systematic archiving of reports filed under subparagraph (A); and (c) the preservation of such reports in accordance with applicable laws; and (9) to establish a counterintelligence office within the Agency as part of its satellite launch monitoring program.

(b) ANNUAL REPORT ON IMPLEMENTATION OF SATELLITE TECHNOLOGY SAFEGUARDS.—The Secretary shall submit to Congress each year, as part of the annual report for that year under section 1514(a)(8) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, the following:
(1) A summary of the satellite launch campaigns overseas of United States satellite makers in cooperating with the Defense Threat Reduction Agency during the preceding year.
(2) A description of any license infractions or violations that may have occurred during such campaigns and activities.
(3) A description of the personnel, funds, and other resources dedicated to the satellite launch monitoring program of the Agency during that year.
(4) An assessment of the record of United States satellite makers in cooperating with Agency monitoring in complying with United States export control laws, during that year.

SEC. 1063. IMPROVEMENT OF LICENSING ACTIVITY.

(a) CONSULTATION WITH DCI.—The Secretary of State shall consult with the Director of Central Intelligence throughout the review of an application for a license involving the overseas launch of a commercial satellite of United States origin in order to ensure that the launch of the satellite, if the license is approved, will meet any requirements necessary to protect the national security interests of the United States.

(b) ADVISORY GROUP.—The Director of Central Intelligence shall establish within the intelligence community an advisory group to provide information and analysis to Congress upon request, and to appropriate departments and agencies of the Federal Government, on licenses involving the overseas launch of commercial satellites of United States origin.

(c) ANNUAL REPORTS ON EFFORTS TO ACQUIRE SENSITIVE UNITED STATES TECHNOLOGY AND TECHNICAL INFORMATION.—The Director of Central Intelligence shall submit each year to the Committee on Armed Services of the Senate and the Committee on Foreign Relations of the House of Representatives a report containing a summary of all actions taken by the Agency to acquire sensitive United States technology and technical information. The report shall include an analysis of the applications for licenses for export that were submitted to the United States during the preceding fiscal year.

(d) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term "intelligence community" has the meaning given that term in section 3010 of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 1065. ADHERENCE OF PEOPLE'S REPUBLIC OF CHINA TO MISSILE TECHNOLOGY CONTROL REGIME.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) the President should take all actions necessary to ensure that the People's Republic of China is a member of the Missile Technology Control Regime (MTCR) and the MTCR Annex; and (2) the People's Republic of China should not be permitted to join the Missile Technology Control Regime as a member without having—
(A) demonstrated a sustained and verified commitment to the nonproliferation of missiles and missile technology; and (B) adopted an effective export control system under the Missile Technology Control Regime and the MTCR Annex.

(b) DEFINITIONS.—In this section:
(1) The term "Missile Technology Control Regime" means the policy statement, between United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-related transfers based on the MTCR Annex, and any amendments thereto.
(2) The term "MTCR Annex" means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

SEC. 1066. UNITED STATES COMMERCIAL SPACE LAUNCH CAPACITY.

It is the sense of Congress that—
(1) Congress and the President should work together to stimulate and encourage the expansion of a commercial space launch capacity in the United States, including by taking actions to eliminate legal or regulatory barriers to competitiveness in the United States commercial space launch industry; and (2) Congress and the President should—
(A) reexamine the current United States policy of permitting the export of commercial satellites of United States origin to the People's Republic of China for launch; (B) review the advantages and disadvantages of phasing out the policy over time, including advantages and disadvantages identified by Congress, the executive branch, the United States satellite industry, the United States space launch industry, the United States telecommunications industry, and other interested persons; and (C) if the phase out of the policy is adopted, permit launches of commercial satellites of United States origin by the People's Republic of China only if—
(i) such launches are licensed as of the commencement of the phase out of the policy; and (ii) additional actions are taken to minimize the transfer of technology to the People's Republic of China during the course of such launches.

SEC. 1067. ANNUAL REPORTS ON SECURITY IN THE TAIWAN STRAIT.

(a) IN GENERAL.—Not later than February 1 of each year, beginning in the first calendar year after the date of enactment of this Act, and each year thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report, in both classified and unclassified form, detailing the security situation in the Taiwan Strait.

(b) REPORT ELEMENTS.—Each report shall include—
(1) an analysis of the military forces facing Taiwan from the People's Republic of China; (2) an evaluation of additions during the preceding year to the offensive military capabilities of the People's Republic of China; and (3) an assessment of any challenges during the preceding year to the deterrent forces of the Republic of China on Taiwan, consistent with the commitments made by the United States in the Taiwan Relations Act (Public Law 96-8).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives.

SEC. 1068. DECLASSIFICATION OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.

Section 3161(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-330; 122 Stat. 2260; 50 U.S.C. 435 note) is amended by adding at the end the following:

"(b) The actions to be taken to ensure that records subject to Executive Order No. 12958 that have been released into the public domain since 1996 are reviewed on a page by page basis for Restricted Data or Formerly Restricted Data unless such records have been determined to be highly unlikely to contain Restricted Data or Formerly Restricted Data.
"On page 541, line 22, insert "(A)" after "(4)".
"On page 542, between lines 2 and 3, insert the following:
"(B) The chairman of the Committee may designate once five members of the Committee have been appointed under paragraph (1).
"On page 542, between lines 11 and 12, insert the following:
"(B) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under paragraph (4).
"On page 546, strike lines 20 through 23.
"On page 547, line 1, strike "(c)" and insert "(2)"
"On page 564, between lines 17 and 18, insert the following:
"SEC. 3164. CONDUCT OF SECURITY CLEARANCES.

(a) RESPONSIBILITY OF FEDERAL BUREAU OF INVESTIGATION.—Section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2156) is amended by striking "the Civil Service Commission" each place it appears in subsections a., b., c., and d., and inserting "the Federal Bureau of Investigation".

(b) CONFORMING AMENDMENTS.—That section is further amended—
(1) by redesignating subsections d. and f.; and (2) by redesignating subsections e., g., and h., as subsections d., e., and f., respectively; and
(c) in subsection d., as so redesignated, by striking "determine that investigations" and all that follows and inserting "require that investigations be conducted by the Federal Bureau of Investigation of any group or class covered by subsections a., b., and c. of this section.".

(d) TECHNICAL AMENDMENT.—Subsection f. of section 145, as so redesignated, is amended by striking "section 145 b." and inserting "subsection b. of this section".

May 26, 1999
SEC. 3165. PROTECTION OF CLASSIFIED INFORMATION DURING LABORATORY-TO-LABORATORY EXCHANGES.

(a) PROVISION OF TRAINING.—The Secretary of Energy shall ensure that all Department of Energy contractor employees participating in laboratory-to-laboratory cooperative exchange activities are fully trained in matters relating to the protection of classified information and to potential espionage and counterintelligence threats.

(b) COUNTRIES OF ESPIONAGE AND INTELLIGENCE-GATHERING ABROAD.—(1) The Secretary shall establish a pool of Department employees and Department contractor employees who travel abroad for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

(2) The Secretary shall ensure that at least one employee from the pool established under paragraph (1) accompanies any group of Department employees or Department contractor employees who travel to any nation designated to be a sensitive country by the Secretary of State.

KERRY (AND OTHERS) AMENDMENT NO. 395

Mr. KERRY (for himself, Mrs. BOXER, Mr. FEINGOLD, Mr. DASCHLE, Mr. KENNEDY, and Mr. BIDEN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 357, strike line 13 and all that follows through page 358, line 4.

ALLARD (AND OTHERS) AMENDMENT NO. 396

Mr. ALLARD (for himself, Mr. HARKIN, Mr. SESSIONS, Mr. STEVENS, Mr. CONRAD, Mr. DORGAN, Mr. CLELAND, Mr. CRAIG, Mr. BINGAMAN, Mr. BRYAN, Mr. REID, Mr. MURkowski, Ms. SNOWE, Mr. FEINGOLD, Mr. COVERDELL, and Mr. GRASSLEY) proposed an amendment to the bill, S. 1059, supra; as follows:

Strike section 964, and insert the following:

SEC. 904. MANAGEMENT OF THE CIVIL AIR PATROL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that no major change to the governance structure of the Civil Air Patrol should be mandated by Congress until a review of potential improvements in the management and oversight of Civil Air Patrol operations is conducted.

(b) GAO STUDY.—The Comptroller General shall conduct a study of potential improvements to Civil Air Patrol operations, including Civil Air Patrol financial management, Air Force and Civil Air Patrol oversight, and the Civil Air Patrol safety program. Not later than February 15, 2000, the Comptroller General shall submit a report on the results of the study to the congressional defense committees.

(c) INDEPENDENT GENERAL REVIEW.—(1) The Inspector General of the Department of Defense shall review the financial and management operations of the Civil Air Patrol. The review shall include an audit.

(2) Not later than February 15, 2000, the Inspector General shall submit to the congressional defense committees a report on the review, including, specifically, the results of the audit. The report shall include any recommendations that the Inspector General considers appropriate regarding actions necessary to ensure the proper oversight of the financial and management operations of the Civil Air Patrol.

MURRAY (AND OTHERS) AMENDMENT NO. 397

Mrs. MURRAY (for herself, Mrs. SNOWE, Mr. MIRKULSKI, Mrs. BOXER, Mr. LANDRETH, Mr. KENNEDY, Mr. SCHUMER, Mr. INOUYE, Mr. KENNEDY, Mr. JEFFORDS, and Mr. ROB) proposed an amendment to the bill, S. 1059, supra; as follows:

In title VII, at the end of subtitle B, add the following:

SEC. 717. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF FUNDS FOR DEFENSE MEDICAL FACILITIES.

Section 1009 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking "(a) RESTRICTION ON USE OF FUNDS.—".

HARKIN (AND BOXER) AMENDMENT NO. 398

(Ordred to lie on the table.)

Mr. HARKIN (for himself, and Mrs. BOXER) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

On page 17, line 7, reduce the amount by $18,000,000.

HARKIN (AND FEINGOLD) AMENDMENT NO. 400

(Ordred to lie on the table.)

Mr. HARKIN (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

In title V, at the end of subtitle D, add the following:

SEC. 552. ELIMINATION OF BACKLOG IN REQUESTS FOR REPLACEMENT OF MEDALS AND OTHER DECORATIONS.

(a) SUFFICIENT RESOURCING REQUIRED.—The Secretary of Defense shall maintain available funds and other resources at the levels that are necessary for ensuring the elimination of the backlog of the unsatisfied requests made to the Department of Defense for the issuance of replacement decorations for former members of the Armed Forces. The organizations to which the necessary funds and other resources are to be made available for that purpose are as follows:

(1) The Army Reserve Personnel Command.

(2) The Bureau of Naval Personnel.


(4) The National Archives and Records Administration.

(b) CONDITION.—The Secretary shall allocate funds and other resources under subsection (a) in a manner that does not detract from the performance of other personnel service and support activities within the Department of Defense.

(c) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of the backlog described in subsection (a). The report shall include a plan for eliminating the backlog.

(d) REPLACEMENT DECORATION DEFINED.—For the purposes of this section, the term "replacement" means a medal or other decoration for a former member of the Armed Forces who was awarded by the United States for military service of the United States.

GORTON (AND MURRAY) AMENDMENT NO. 401

(Ordred to lie on the table.)

Mr. GORTON (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

In title VII, at the end of subtitle A, add the following:

SEC. 705. CONTINUOUS OPEN ENROLLMENT IN MANAGED CARE PLANS OF THE FORMER SERVICES TREATMENT FACILITIES

Section 724 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended by adding at the end the following:

"(c) CONTINUOUS OPEN ENROLLMENT.—Coverage and benefits shall be extended to enrol in any time in a managed care plan offered by the designated providers consistent with the enrollment requirements for the TRICARE Prime option under the TRICARE program."

BOND (AND KERRY) AMENDMENT NO. 402

(Ordred to lie on the table.)
Mr. BOND (for himself and Mr. KERRY) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra, as follows:

Strike section 805.

ALLARD AMENDMENT NO. 402
(Ordered to lie on the table.)
Mr. ALLARD submitted an amendment intended to be proposed by him to the bill, S. 1059, supra, as follows:

On page 578, below line 21, add the following:

SEC. 2170. USE OF 9975 CANISTERS FOR SHIPMENT OF WASTE FROM ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) APPROVAL OR DENIAL OF USE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall either grant or deny approval for the use of 9975 canisters for the shipment of waste from the Rocky Flats Environmental Technology Site, Colorado.

(b) ALTERNATIVE MEANS OF SHIPMENT OF WASTE.—(1) If approval of the use of 9975 canisters for the shipment of waste from the Rocky Flats Environmental Technology Site is denied under subsection (a), the Secretary shall identify an alternative to 9975 canisters for use for the shipment of waste from the Rocky Flats Environmental Technology Site.

(2) The alternative under paragraph (1) shall be identified not later than 10 days after the date of the denial of approval under subsection (a).

(3) The alternative identified for purposes of paragraph (1) shall be available for use at the time of its identification for purposes of that paragraph, without need for any further approval.

(c) COSTS.—Amounts to cover any costs associated with the identification of an alternative under subsection (b), and any costs associated with delays in the shipment of waste from the Rocky Flats Environmental Technology Site as a result of delays in approval, shall be subtracted from amounts appropriated for travel by the Secretary of Energy.

BOXER AMENDMENT NO. 403
(Ordered to lie on the table.)
Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1059, supra, as follows:

In title X, at the end of subtitle A, add the following:

SEC. 10. TRANSFERS FOR THE ESTABLISHMENT OF ADDITIONAL NATIONAL VETERANS CEMETERIES.

(a) AUTHORITY.—Of the amounts appropriated for the Department of Defense for fiscal year 2000 pursuant to authorizations of appropriations in this Act, the Secretary of Defense shall transfer $100,000,000 to the Department of Veterans Affairs. The Secretary shall select the source of the funds for transfer under this subsection, and make the transfers in a manner that causes the least significant harm to the readiness of the Armed Forces, does not affect the increases in pay and other benefits for Armed Forces personnel, and does not otherwise adversely affect the quality of life of such personnel and their families.

(b) USE OF AMOUNTS TRANSFERRED.—Funds transferred to the Department of Veterans Affairs under subsection (a) shall be made available to establish, in accordance with chapter 24 of the title 38, United States Code, national cemeteries in the United States that the Secretary of Veterans Affairs determines to be most in need of such cemeteries to serve the needs of veterans and their families.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to make transfers under subsection (a) is in addition to the transfer authority provided in section 1001.

SMITH (AND WYDEN) AMENDMENT NO. 404
(Ordered to lie on the table.)
Mr. SMITH of Oregon (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra, as follows:

On page 404, below line 22, add the following:

TITLE XIII—CHEMICAL DEMILITARIZATION ACTIVITIES

SEC. 1301. SHORT TITLE.
This title may be cited as the "Communify-Army Cooperation Act of 1999'.

SEC. 1302. FINDINGS AND PURPOSE.
(a) FINDINGS.—Congress makes the following findings:

(1) Between 1945 and 1989, the national security interests of the United States required the construction, and later, the deployment and storage of weapons of mass destruction throughout the geographical United States.

(2) The United States is a party to international commitments and treaties which require the decommissioning or destruction of certain of these weapons.

(3) The United States has ratified the Chemical Weapons Convention which requires the destruction of the United States chemical weapons stockpile by April 29, 2007.

(4) Section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) provides that the Department of the Army shall be the executive agent for the destruction of the chemical weapons stockpile.

(5) In 1988, the Army determined that on-site incineration of chemical weapons at the eight chemical weapons storage locations in the continental United States would not be the fastest and most efficient means for the destruction of the chemical weapons stockpile.

(6) The communities in the vicinity of such locations have expressed concern over the safety of the process to be used for the incineration of the chemical weapons stockpile.

(7) Sections 174 and 175 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-481) and section 8065 of the Department of Defense Appropriations Act, 1997 (Public Law 104-200) require that the Department of the Army explore methods other than incineration for the destruction of the chemical weapons stockpile.

(8) Compliance with the 2007 deadline for the destruction of the United States chemical weapons stockpile in accordance with the Chemical Weapons Convention will require an accelerated decommissioning and transporting of United States chemical weapons.

(9) The decommissioning or transporting of such weapons has caused, or will cause, environmental, economic, and social disruptions to communities and Indian tribes resulting from the on-site decommissioning of chemical agents and munitions, and related materials, at chemical demilitarization facilities in the United States.

SEC. 1303. SENSE OF CONGRESS.
It is the sense of the Congress that the Secretary of Defense and the Secretary of the Army should streamline the administrative structure of the Department of Defense and the Department of the Army, respectively, in order that the official with such departmental responsibilities shall have immediate responsibility for the demilitarization of chemical agents and munitions, and related materials, have authority to—

(1) meet the April 29, 2007, deadline for the destruction of United States chemical weapon stockpile as required by the Chemical Weapons Convention; and

(2) to employ sound management principles, including the negotiation and implementation of contract incentives, to accelerate the decommissioning of chemical agents and munitions, and related materials; and

(3) enforce budget discipline on the chemical demilitarization program of the United States while mitigating the disruption to communities and Indian tribes resulting from the on-site decommissioning of the chemical weapons stockpile to chemical demilitarization facilities in the United States.

SEC. 1304. DECOMMISSIONING OF UNITED STATES CHEMICAL WEAPONS STOCKPILE.

(a) IN GENERAL.—As executive agent for the chemical demilitarization program of the United States, the Department of the Army shall facilitate, expedite, and accelerate the decommissioning of the United States chemical weapons stockpile so as to complete the decommissioning of that stockpile by April 29, 2007, as required by the Chemical Weapons Convention.

(b) MANAGEMENT WITHIN DEPARTMENT OF THE ARMY.—The Secretary of the Army shall designate or establish in the Office of the Secretary of the Army an office to facilitate compliance with the requirements in subsection (a).

(c) RESPONSIBILITIES OF OFFICE.—The Office of the Secretary designated or established under subsection (b) shall have the following responsibilities:

(1) To provide overall guidance to the Department of the Army on issues relating to compliance with the requirements in subsection (a).

(2) Except as provided in section 1305, to allocate within the Department amounts appropriated for the Department for chemical demilitarization activities.

(3) To negotiate, renegotiate, and execute contracts, including performance-based contracts and incentive-based contracts, with nongovernmental entities, to incorporate into contracts, including incentive-based contracts, with other departments, agencies, and instrumentalities of the United States.

(4) To negotiate and execute agreements, including incentive-based agreements, with other departments, agencies, and instrumentalities of the United States.

(5) To delegate authority and functions to other departments, agencies, and instrumentalities of the United States.

(6) To negotiate and execute agreements with the chief executive officers of the States.

(7) Such other responsibilities as the Secretary considers appropriate.

SEC. 1305. ECONOMIC ASSISTANCE PAYMENTS.

(a) IN GENERAL.—Upon the direction of the Secretary of the Army, the Comptroller of the Army may make economic assistance payments to communities or tribes directly affected by the decommissioning of chemical agents and munitions, and related...
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g) Interest on Untimely Payments.—(1) Any payment under this section for an applicable payment period after the date specified for that period in subsection (d) shall include, in addition to the payment amount otherwise specified for that period, interest at the rate of 1.5 percent per month.

(h) Use of Payments.—(1) Payments under this section may be used by the Secretary of Defense for any purpose for which there are funds available for the Department of Defense, other than amounts available for chemical demilitarization activities. (2) The Secretary of Defense or the Secretaries of the departments of the Treasury, the Interior, and the Agriculture may utilize amounts of the payment for such purposes as the community or Indian tribe, as the case may be, considers appropriate in its sole discretion.

SEC. 1306. ENVIRONMENTAL PROTECTION AND USE OF FACILITIES.

(a) General Provisions.—(1) No administrative office exercising quasi-judicial powers, and no court of any State, may issue a temporary restraining order against an action referred to in subsection (a), a district court of the United States may issue a temporary restraining order against the ongoing construction, operation, or demolition of a chemical demilitarization facility if the petitioners prove by clear and convincing evidence that the construction, operation, or demolition of the facility, as the case may be, will cause demonstrable harm to the public health or the personnel who are employed at the facility.

(b) Standards To Be Employed in Actions Regarding Activities at Chemical Demilitarization Facilities.—(1) Limitations on Standing.—(A) Except as provided in this paragraph, a date specified in subparagraph (B), no person shall have standing to bring an action against the United States relating to the decommissioning of chemical agents and munitions, and related materials, at a chemical demilitarization facility except—(i) the State in which the facility is located; and (ii) a community or Indian tribe located within 2 miles of the facility.

(c) Interim Relief.—(1) During the pendency of an action referred to in subsection (a), a district court of the United States may issue a temporary restraining order against the ongoing construction, operation, or demolition of a chemical demilitarization facility if the petitioner proves by clear and convincing evidence that the construction, operation, or demolition of the facility, as the case may be, will cause demonstrable harm to the public health or the personnel who are employed at the facility.

(d) Standards To Be Employed in Actions Regarding Activities at Chemical Demilitarization Facilities.—(1) Limitation on Jurisdiction.—(A) An action seeking the cessation of the construction, operation, or demolition of a chemical demilitarization facility in the United States may be commenced only in a district court of the United States.

(e) Participation in Actions as Bar to Payments.—(1) No community or Indian tribe which participates in any action the relief of which is to delay, prevent, or otherwise impede the decommissioning of chemical agents and munitions, or related materials, in a chemical demilitarization facility may receive any payment made with respect to the facility under section 1305 while so participating in such action.
SMITH (AND OTHERS)  
AMENDMENT NO. 406

Mr. SMITH of New Hampshire (for himself, Mr. SESSIONS, Mr. ALLARD, Mr. CRAIG, Mr. MRKIC, Mr. HUTCHINSON) proposed an amendment to the bill S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following new section:

SEC. 1304. DEFINITIONS.

In this title:

(1) CHEMICAL AGENT AND MUNITION.—The term ‘chemical agent and munition’ has the meaning given that term in section 1412(j)(1) of the Department of Defense Authorization Act, 1980 (50 U.S.C. 1521(j)(1)).


(3) COMMUNITY.—The term ‘community’ means a country, parish, or other unit of local government.

(4) DECOMMISSION.—The term ‘decommission’, with respect to a chemical agent and munition, or related material, means the destruction, dismantlement, demilitarization, or other physical act done to the chemical agent and munition, or related material, in compliance with the Chemical Weapons Convention or the provisions of section 1412 of the Department of Defense Authorization Act, 1980 (50 U.S.C. 1521).

(5) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450h(e)).

SMITH (AND OTHERS)  
AMENDMENT NO. 407

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1306. SENSE OF CONGRESS REGARDING THE U.S.S. INDIANAPOLIS.

(a) COURT-MARTIAL CONVICTION OF LAST COMMANDER.—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 the tragic loss of the U.S.S. INDIANAPOLIS and the lives of the men who died as a result of her sinking.

(b) PRESIDENTIAL UNIT CITATION FOR FINAL COURAGE.—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 on Jul 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.

SMITH (AND OTHERS)  
AMENDMENT NO. 408

Mr. SMITH of New Hampshire (for himself, Mr. Frist, Mr. Bond, Ms. Landrieu, Mr. Robb, Mr. Hagel, Mr. Breaux, Mr. Torricelli, Mr. Helms, Mr. Inhofe, Mr. Durnin, and Mr. Edwards) proposed an amendment to the bill S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1307. LIMITATION ON FUNDING FOR DEMILITARIZATION OF CHEMICAL AGENTS OF THE UNITED STATES.

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds available to the Department of Defense (including prior budget authority) may be used to—

(1) any intelligence or intelligence-related activity or surveillance or the provision of logistical support; or

(2) any measure necessary to defend the Armed Forces of the United States against an immediate threat.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) any intelligence or intelligence-related activity or surveillance or the provision of logistical support; or

(2) any measure necessary to defend the Armed Forces of the United States against an immediate threat.

(3) EFFECTIVE DATE.—This section shall take effect on October 1, 1999.

SMITH (AND OTHERS)  
AMENDMENT NO. 409

Mr. HATCH submitted two amendments intended to be proposed by him to the bill S. 1059, supra; as follows:

AMENDMENT NO. 408

At the appropriate place, insert the following new section:

SEC. 1. AUTHORITY FOR PUBLIC BENEFIT TRANSFER TO CERTAIN TAX-SUPPORTED EDUCATIONAL INSTITUTIONS OF SURPLUS PROPERTY UNDER THE BASE CLOSURE LAWS.

(A) IN GENERAL.—(1) Notwithstanding any provision of the applicable base closure law or any provision of the applicable base closure law, or any provision of title II of the Federal Property and Administrative Services Act of 1949, the Administrator of General Services may transfer to institutions described in subsection (b) the facilities described in subsection (c). Any such transfer shall be without consideration to the United States.

(B) COVERED INSTITUTIONS.—Institution eligible for the transfer of a facility under subsection (a) is any tax-supported educational institution that agrees to use the facility for—

(1) student instruction;

(2) the provision of services to individuals with disabilities;

(3) the health and welfare of students;

(4) the storage of instructional materials or other materials directly related to the administration of student instruction; or

(5) other educational purposes.

(c) AVAILABLE FACILITIES.—A facility available for transfer under subsection (a) is any facility that—

(1) is located at a military installation approved for closure or realignment under a base closure law;

(2) has been determined to be surplus property under that base closure law; and

(3) is available for disposal as of the date of the enactment of this Act.

(d) DEFINITIONS.—In this section:

(1) the term ‘base closure laws’ means the following:


(2) the term ‘tax-supported educational institution’ means any tax-supported educational institution covered by section 203(k)(1)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(1)(A)).

HATCH AMENDMENT NO. 408

(Ordred to lie on the table.)

Mr. HATCH submitted two amendments intended to be proposed by him to the bill S. 1059, supra; as follows:

AMENDMENT NO. 408

At the appropriate place, insert the following new section:

SEC. 1. AUTHORITY FOR PUBLIC BENEFIT TRANSFER TO CERTAIN TAX-SUPPORTED EDUCATIONAL INSTITUTIONS OF SURPLUS PROPERTY UNDER THE BASE CLOSURE LAWS.

(A) IN GENERAL.—(1) Notwithstanding any provision of the applicable base closure law or any provision of the applicable base closure law, or any provision of title II of the Federal Property and Administrative Services Act of 1949, the Administrator of General Services may transfer to institutions described in subsection (b) the facilities described in subsection (c). Any such transfer shall be without consideration to the United States.

(B) COVERED INSTITUTIONS.—Institution eligible for the transfer of a facility under subsection (a) is any tax-supported educational institution that agrees to use the facility for—

(1) student instruction;

(2) the provision of services to individuals with disabilities;

(3) the health and welfare of students;

(4) the storage of instructional materials or other materials directly related to the administration of student instruction; or

(5) other educational purposes.

(c) AVAILABLE FACILITIES.—A facility available for transfer under subsection (a) is any facility that—

(1) is located at a military installation approved for closure or realignment under a base closure law;

(2) has been determined to be surplus property under that base closure law; and

(3) is available for disposal as of the date of the enactment of this Act.

(d) DEFINITIONS.—In this section:

(1) the term ‘base closure laws’ means the following:


(2) the term ‘tax-supported educational institution’ means any tax-supported educational institution covered by section 203(k)(1)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(1)(A)).