Mr. SMITH of New Hampshire (for himself, Mr. SESSIONS, Mr. ALLARD, Mr. CRANG, Mr. HUTTINSON) 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. 1308. 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, 1986 (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 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, 1986 (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. 450e(e)).

SMITH (AND OTHERS)

AMENDMENT NO. 406

Mr. SMITH of New Hampshire (for himself, Mr. FRIST, Mr. BOND, Ms. LANDRIEU, Mr. ROBB, Mr. HAGEL, Mr. BREAUX, Mr. TORRICELLI, Mr. HELMS, Mr. INHOPE, Mr. DURBIN, 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. 1061. SENSE OF CONGRESS REGARDING THE U.S.S. INDIANAPOLIS.

(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 Crew.—(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 on July 30, 1945.

(2) A citation described in paragraph (1) may be awarded without regard to any proviso 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. 407

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

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

SEC. 1308. DEFINITIONS.

In this title:

(1) COURT-MARTIAL CONVICTION OF LAST Commander.—It is the sense of Congress that—

(a) 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;

(b) Captain McVay’s conviction was a miscarriage of justice that led to his unjust humiliation and damage to his naval career; and

(1) the Office of Management and Budget shall estimate the revenue increase resulting from the enactment of this Act, for fiscal years 2000 through 2009; and

(2) the amount estimated pursuant to paragraph (1) shall only be available for revenue reduction (without any requirement of an increase in revenues or reduction in direct spending) or debt reduction.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

HATCH AMENDMENT NO. 408-409

(Ordained 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. . AUTHORITY FOR PUBLIC BENEFIT TRANSFER TO CERTAIN TAX-SUPPORTED EDUCATIONAL INSTITUTIONS OF SURPLUS PROPERTY UNDER THE 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 the Federal Property and Administrative Services Act of 1949, the Administrator of General Services may transfer to institutions described in section (c) the facilities described in subsection (b). Any such transfer shall be without consideration to the United States.

(b) Transfer under paragraph (1) may include real property associated with the facility concerned.

(3) An institution seeking a transfer under subsection (a) may have a 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:

(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note.)


(2) The term ‘‘tax-supported educational institution’’ means any tax-supported educational institution covered by section 2484(k)(1)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 2484(k)(1)(A)).

SMITH (AND OTHERS)

AMENDMENT NO. 407

(Ordained referred to the Committee on Finance.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill S. 922 to prohibit the use of the ‘‘Made in the USA’’ label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment; as follows:

At the appropriate place, insert the following new section:

SEC. 1308. ADDITIONAL REVENUES DEDICATED TO TAX RELIEF OR DEBT REDUCTION.

Notwithstanding any other provisions of law, including section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985—
SEC. 1301. SHORT TITLE.

This title may be cited as the “Community-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, development, testing, and evaluation of the Distributed Mission Training program to under way; and
(2) All Air Force laboratories and other Air Force facilities that are necessary to the research, development, testing, and evaluation of the Distributed Mission Training program have been assessed regarding the availability of the necessary resources to demonstrate and prove the Air Force Distributed Mission Training concept.

(b) PURPOSE.—It is the purpose of this title to provide for the mitigation of the environmental, economic, and social disruptions to communities and Indian tribes resulting from the onsite decommisioning 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 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 officials within such departments with immediate responsibility for the demilitarization of chemical agents and munitions, and related materials, have authority—
(1) to 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—
(A) accelerate the decommissioning of chemical agents and munitions, and related materials; and
(B) enforce budget discipline on the chemical decommisioning program of the United States in consultation with communities and Indian tribes that are located within the positive action zone of the facility, as determined by population.

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

(a) IN GENERAL.—As executive agent for the chemical decommisioning 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.

SEC. 1305. ECONOMIC ASSISTANCE PAYMENTS.

(a) IN GENERAL.—Upon the direction of the Secretary of the Army, the Comptroller of the Army, the Secretary of Defense, and the Secretary of the Treasury, the Secretary of the Army shall—
(1) provide economic assistance payments to communities and Indian tribes directly affected by the decommissioning of chemical agents and munitions, and related materials, at chemical decommisioning facilities in the United States;

(2) SOURCE OF PAYMENTS.—Amounts for payments under this section shall be derived from amounts available to the Department of the Army for chemical decommisioning activities.

(3) TOTAL AMOUNT OF PAYMENTS.—(1) Subject to paragraph (2), the amount of payments under this section with respect to a chemical decommisioning facility during the period beginning on the date of the enactment of this Act and continuing through April 29, 2007, may not be less than $50,000,000 or more than $60,000,000.

(2) Payments under this section shall cease with respect to a facility upon the transfer of the facility to a State-chartered municipal corporation pursuant to an agreement referred to in section 1412(e)(2)(B) of the Department of Defense Authorization Act, 1996, as amended by section 1306 of this Act.

SEC. 1306. DEPARTMENT OF THE ARMY.

(a) I N GENERAL.—As executive agent for the chemical decommisioning program of the United States, the Secretary of the Army, in consultation with the Secretary of Defense, shall—
(1) ensure that the Secretary of the Army explores methods other than incineration for the destruction of the chemical weapons stockpile.

(2) 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 decommisioning of United States chemical weapons.

(3) The decommissioning or transporting of such weapons has caused, or will cause, environmental, economic, and social disruptions.

(4) It is appropriate for the United States to mitigate such disruptions.

(b) PURPOSE.—It is the purpose of this title to provide for the mitigation of the environmental, economic, and social disruptions to communities and Indian tribes resulting from the chemical decommisioning of chemical agents and munitions, and related materials, at chemical decommisioning facilities in the United States.

(c) INTEREST ON UNTIMELY PAYMENTS.—(1) It is the purpose of this title to provide for the mitigation of the environmental, economic, and social disruptions to communities and Indian tribes resulting from the onsite decommisioning of chemical agents and munitions, and related materials, at chemical decommisioning facilities in the United States.

(2) For purposes of this section, the term “prompt payment” means—
(1) in the case of a payment to be made on March 1 of a year, the period beginning on January 1 and ending on April 30 of the same year; and

(2) in the case of a payment to be made on September 2 of a year, the period beginning on July 1 and ending on September 30 of the same year.

(d) ALLOCATION OF PAYMENT.—(1) Except as provided in paragraph (2), each payment under this section with respect to a chemical decommisioning facility shall be allocated equally among the communities and Indian tribes that are located within the positive action zone of the facility, as determined by population.

(2) The amount of an allocation under this subsection to a community or Indian tribe shall be reduced by the amount of any tax or fee imposed or assessed by the community or Indian tribe during the applicable payment period against the value of the facility concerned.

(e) COMPUTATION OF PAYMENT.—(1) Except as provided in paragraph (2), the amount of each payment under this section with respect to a chemical decommisioning facility shall be equal to $10,000 multiplied by the number of chemical agents and munitions, and related materials, decommisioned at the facility during the applicable payment period.

(2)(A) If at the conclusion of the decommissioning of chemical agents and munitions, and related materials, at a facility the aggregate amount of payments made with respect to the facility is less than the minimum amount required by subsection (c)(1), unless payments have ceased with respect to the facility under subsection (e)(2), the amount of the final payment under this section shall be the amount equal to the difference between such aggregate amount and the minimum amount required by subsection (c)(1).

(B) This paragraph shall not apply with respect to a facility if the decommissioning of chemical agents and munitions, and related materials, continues at the facility after April 29, 2007.

(g) INTEREST ON UNTIMELY PAYMENTS.—(1) An interest payment that is made under this section for an applicable payment period after the date specified for that period in subsection (a) shall include, in addition to the payment amount otherwise payable under this section, interest at the rate of 1.5 percent per month.
(2) Amounts for payments of interest under this section may be derived from amounts available for the Department of Defense, other than amounts available for chemical demilitarization activities.

(b) Use of Funds.—A community or Indian tribe receiving a payment under this section may utilize amounts of the payment for such purposes as the community or Indian tribe may determine, provided such use is determined to be appropriate in its sole discretion.

SEC. 1306. ENVIRONMENTAL PROTECTION AND USE OF FACILITIES.

Paragraph (a) of section 1412(c) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)) is amended to read as follows:

"(2) Facilities constructed to carry out this section may not be used for any other purpose than the destruction of the following:

"(1) The United States stockpile of lethal chemical agents and munitions that exist on November 8, 1985.

"(ii) That the transfer of such facilities shall be used exclusively for the benefit of communities and Indian tribes located within the positive action zone of such facilities, as determined by population.

"(ii) That any profits referred to in clause (i) shall be apportioned among the communities and Indian tribes concerned on the basis of population, as determined by the most recent decennial census.

"(iii) That the transfer of such facilities shall include any easements necessary for reasonable access to such facilities.

"(D) An agreement referred to in subparagraph (B) may not take effect if executed after December 31, 2000.

SEC. 1307. ACTIONS REGARDING ACTIVITIES AT CHEMICAL DEMILITARIZATION FACILITIES.

(a) LIMITATION ON JURISDICTION.—(1) 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.

(2) No administrative office exercising quasi-judicial powers, and no court of any State, may order the cessation of the construction, operation, or demolition of a chemical demilitarization facility in the United States.

(b) LIMITATIONS ON STANDING.—(1) A person may maintain an action or proceeding under this section only if the person is hereby granted standing by the court.

(2) A 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;

(ii) a community or Indian tribe located within the Positive Action Zone of the facility;

(iii) the date on which an agreement referred to in subparagraph (B) may include the imposition of liability on an entity for any payments that would otherwise be required of the United States under section 1395 with respect to the facility concerned.

SEC. 1308. DEFINITIONS.

In this title:

(1) CHEMICAL AGENT AND MUNITION.—The term "chemical agent and munition" has the meaning given that term in section 1412(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(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, or demolition of the facility, 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, 1986 (50 U.S.C. 1521).

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

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ROBERTS. Mr. President, I ask consent for the Committee on Agriculture, Nutrition, and Forestry to meet on May 26, 1999 in SH-216 to consider livestock issues.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 26, 1999, at 2:00 p.m. on FCC oversight.

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

COMMITTEE ON FINANCE

Mr. ROBERTS. Mr. President, the Financial Committee requests unanimous consent to conduct a hearing on Wednesday, May 26, 1999 beginning at 10:00 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 26, 1999 at 10:15 a.m. to hold a hearing.

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

SUBCOMMITTEE ON INDIAN AFFAIRS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday May 26, 1999, at 9:30 a.m. to conduct a hearing on American Indian Youth Activities and Initiatives. The hearing will be held in room 465 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 26, 1999 at 2:00 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Federalism, and Property Rights, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, May 26, 1999 to hold a hearing, at 2:00 p.m., in room SD-222 of the Senate Dirksen Office Building, on: “The Contribution of Immigrants to America’s Armed Forces.”

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

SUBCOMMITTEE ON IMMIGRATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Governmental Affairs Committee Subcommittee on Immigration, Proliferation, and Federal Services be permitted to meet on Wednesday, May 26, 1999, at 2:00 p.m. for a hearing to examine the unclassified report of the House Select Committee on U.S. National Security and Military/Commercial Concerns with the People’s Republic of China.

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

SUBCOMMITTEE ON SECURITIES

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, May 26, 1999, to conduct a hearing on “Corporate Trades 1.”

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

ADDITIONAL STATEMENTS

JEMEZ-PECOS REPATRIATION

Mr. BINGAMAN. Mr. President, I rise today to commemorate a truly historic event that took place in my state of New Mexico last Saturday—the nation’s largest act of Native American repatriation. The “Jemez-Pecos Repatriation” resulted in the reburial of nearly 2,000 human remains and artifacts unearthed from what should have been their final resting place over 70 years ago.

On the Wednesday before the reburial, over 300 people started the 120 mile walk from Jemez Pueblo in northern New Mexico to the ruins of the Pecos Pueblo. The journey is a long one in the dry New Mexico sun. The group, both young and old, traveled across three counties and through the beautiful Jemez Mountains before arriving at the former site of the Pecos Pueblo. But the journey of their ancestors is much more remarkable.

Prior to the 1820’s, the Pueblo was a thriving community and center for trade. The Pecos interacted extensively with the Plains Indians to the east, the neighboring Pueblos to the west and the nearby Spanish communities. However, years of disease and warfare eventually decimated the population. In 1819, the remaining of Pecos Pueblo relocated to the Pueblo of Jemez, in order to protect their traditional leaders, sacred objects and culture. This decision reflects the fact that Jemez and Pecos cultures were intricately linked by blood, language and spiritual beliefs as well as through their “origin stories”. In 1936, Congress formally merged the two tribes into one, with the Pueblo of Jemez named as the legal representative of the Pecos culture and administrative bodies.

When the Pecos Pueblo was abandoned in 1838, it likely did not occur to the few surviving members of the Pecos that their burial site would be disturbed during the next century. However, the famed archaeologist Alfred V. Kidder unearthed the remains and artifacts during ten excavations between 1915 and 1929. The remains were housed at the Peabody Museum of Archaeology and Ethnology in Cambridge, Massachusetts and the artifacts were held at the Robert S. Peabody Museum of Archaeology at Phillips Academy in Andover, Massachusetts. On May 18, 1999, Harvard University turned over the human remains and artifacts of nearly 2,000 people formerly buried at the Pecos Pueblo to the Pueblo of Jemez.

Last Saturday, in a solemn private ceremony, the thousands of human remains and artifacts were reburied in the Pecos National Historical Park in a grave that was 6 feet deep, 600 feet long and 10 feet wide. The current burial site is near the former Pecos Pueblo.

The historical event last Saturday reflects the close relationship of the Jemez and Pecos people and the strong commitment the Pueblo of Jemez has to the beliefs of their ancestors. Some of the remains and artifacts that were reburied date back to the 12th century. With the passage of the Native American Graves Protection and Repatriation Act in 1990, the current members of the Pueblo of Jemez were able to fulfill the dreams of many of their ancestors who longed to have the remains of their people returned to their homeland. NAGPRA was drafted to protect burial sites on tribal and federal land and to enable tribes to obtain the return of human remains and associated funerary objects to the culturally affiliated tribes.

I commend the Pueblo of Jemez, and particularly the Governor, Raymond Gachupin, and the many governors before him, who worked tirelessly to get to this day of repatriation. It took eight years of negotiations and persistence to achieve the final goal of repatriation. In a private tribal ceremony