DODD and Senator MACK and Senator LEVIN and Senator WARNER, everybody, we will keep working to see if we can get this done. I think that is what we should do.

We are going to go back to DOD authorization in the morning in some form. Everybody is wanting to get in line or get their position first, or they don’t want us to allow that second-degree-gree slot to be opened, I guess, to the Smith amendment. Others want it to be open. It is kind of complicated. A lot of Senators are invoking their rights. They have a right to do that.

I do plead with the Senate, Republicans and Democrats, to work with us to try to get our appropriations bills done. I am going to continue to try to keep my word. Senator DASCHLE is working with me, and Senators are cooperating to come back to make progress on the Department of Defense authorization bill.

We were prepared to go to the Murray amendment, which is germane to the Defense bill. It is a Defense amendment. Senator P你怎么 provide it or somebody objected to that. We will keep working here. I think we can work through this in a way that will allow us to come back to the Defense authorization bill and deal with Defense-related amendments, which is what I prefer. It is our national security we are talking about. But there are amendments that Senators on both sides of the aisle want to offer that are not germane. We will try to find an orderly way in which to do that.

At this point, I am advised that there will be objections on this side on one approach and on that side on another approach. Let’s keep working to find a way to get this done.

Mr. President, I just urge the cooperation of all Senators. The only way this dual track is going to work is if we can accommodate each other’s needs. That is what generated our agreement to address both bills in this fashion. Senators on both sides want to be accommodated. They have amendments to offer. This allows for that process to continue—to allow amendments on Defense authorization in the morning up until early afternoon, and then to take up appropriations in the afternoon—so that we can work through the appropriations bills that we know we must get done.

We will be unable to go to appropriations bills in the future if we can’t continue to accommodate each other’s needs. I think this is working well. I hope we can continue to work well to work off the list of amendments. Senator REID does his magic with our list, and I know we have our colleagues on the other side who are attempting to do the same there. But we ought to have these votes and debates. I think it is good for the country and good for the institution to be able to have the opportunity to debate some of these issues. That is what we are doing, and that is why you see the cooperation you have this week.

I yield the floor.

Mr. LOTT. Mr. President, one of the reasons Senator DASCHLE and I decided to try to proceed on this dual track, trying to work off the Defense authorization bill in the morning and appropriations bills in the afternoon—it was Senator DASCHLE’s suggestion that we do that for the very purpose we are achieving here. It keeps people focused. Out of sight, out of mind. If we were not trying to come back to DOD authorization, everybody would go off to committee hearings and other work and would not focus on trying to get an orderly way to do it. So while it is not agreed to yet, it is exactly what we had in mind—to make everybody understand we are going to keep trying to do the Transportation appropriations bill, and we are going to focus on amendments and try to get order and process to go back to the Department of Defense authorization.

JOHN WARNER and Senator LEVIN, the two managers of this legislation, are trying very hard to find a way to work through this maze that they are faced with to get a Defense authorization bill for the national security of our country. Senator WARNER, working with others, has 41 amendments that we can consider. At this point or 2 or 3 days, maybe we can eliminate a couple hundred amendments. So we will keep trying to do that.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Continued

AMENDMENTS NOS. 3382 THROUGH 3424, EN BLOC

Mr. WARNER. Mr. President, I send a total of 188 amendments to the desk en bloc, and I ask for their immediate consideration.

The PRESIDING OFFICER. The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes amendments numbered 3382 through 3424, en bloc.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

Mr. WARNER. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc, that the motions to reconsider be laid upon the table and, finally, that any statements relating to any of these individual amendments be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments (Nos. 3382 through 3424), were agreed to en bloc as follows:

AMENDMENT NO. 3382

(Purpose: To clarify the duties of the Chief of Naval Research as the Navy’s manager of research funds)

On page 355, between lines 15 and 16, insert the following:

SEC. 914. MANAGEMENT OF NAVY RESEARCH FUNDS BY CHIEF OF NAVAL RESEARCH.

(a) CLARIFICATION OF DUTIES.—Section 5022 title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after paragraph (1) of subsection (a) the following:

'’(b)(1) The Chief of Naval Research is the head of the Office of Naval Research.’’;

and

(3) by inserting after subsection (b) the following new subsection (c):

('’(c) CHIEF AS MANAGER OF RESEARCH FUNDS.—The Chief of Naval Research shall manage the Navy’s basic, applied, and advanced research funds to foster transition from science and technology to higher levels of research, development, test, and evaluation.’’)

(b) CONFORMING AMENDMENT.—Subsection (a) of such section is amended by striking ’’(a)(1)’’ and inserting ’’(a)’’.

AMENDMENT NO. 3383

(Purpose: To provide, with an offset, $5,000,000 for research, development, test, and evaluation Defense-wide is hereby increased by $45,000,000)

On page 48, between lines 20 and 21, insert the following:

SEC. 222. TECHNOLOGIES FOR DETECTION AND TRANSPORT OF POLLUTANTS ATTRIBUTABLE TO LIVE-FIRE ACTIVITIES.

(a) INCREASE IN AMOUNT.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide is hereby increased by $5,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a), the amount available for the Strategic Environmental Research and Development Program (PE5903716D) for technologies for the detection and transport of pollutants resulting from live-fire activities).

AMENDMENT NO. 3384

(Purpose: To increase by $45,000,000 the amount authorized to be appropriated for environmental restoration of formerly used defense sites and reduce defense-wide operations and maintenance accounts by $45,000,000 for mobility enhancements)

On page 54, line 16, strike ’’$11,973,569,000’’ and insert ’’$11,928,569,000’’.
(Purpose: To set aside for weatherproofing of facilities at Keesler Air Force Base, Mississippi, $2,800,000 of the amount authorized to be appropriated for the Air Force for operation and maintenance.)

On page 58, between lines 7 and 8, insert the following:

SEC. 312. WEATHERPROOFING OF TENEMENTS AT KEESLER AIR FORCE BASE, MISSISSIPPI.

Of the total amount authorized to be appropriated by section 301(4), $2,800,000 is available for the weatherproofing of facilities at Keesler Air Force Base, Mississippi.

(Purpose: To remove the inclusion of housing in the determination of income eligibility for WIC support for members of the Armed Forces overseas)

On page 239, after line 22, insert the following:

SEC. 456. DETERMINATIONS OF INCOME ELIGIBILITY FOR SPECIAL SUPPLEMENTAL FOOD PROGRAM.

Section 1963a(c)(1)(B) of title 10, United States Code, is amended by striking the second sentence and inserting the following: "In the application of such criterion, the Secretary shall exclude from income any basic allowance for housing as permitted under section 17(d)(2)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1786d(2)(B))."

Mr. HARKIN. Mr. President, I am offering a bipartisan amendment with my distinguished colleagues, Mr. LUGAR and Mr. LEAHY. This amendment would simply change the rules on eligibility of overseas troops for the supplemental nutrition program to be the same as the rules for troops in the United States. It corrects an inequity that would otherwise harm thousands of our troops overseas.

We have had much discussion of the disgrace that some of our men and women in uniform, who are risking their lives to serve our nation, have to rely on welfare to feed their families. Thousands of our troops are eligible for food stamps and WIC, the supplemental nutrition program. This is an outrage, and I will continue to work to increase the pay of our enlisted men and women, the real solution to this problem.

But it is even more outrageous that some of our troops who need this assistance cannot get it, just because of where they are stationed. WIC is administered by the States. Since our troops overseas are not in a State, in the past they have not received any support from WIC. When they are stationed here, they can get the food they need to feed their families; they get transferred overseas, and suddenly they are ineligible, and the assistance on which they have come to rely disappears. No wonder it’s so hard to convince them to sign up for another tour.

Last year this body passed an amendment I proposed to correct this unfairness by having the Defense Department provide WIC assistance to troops overseas. The amendment simply required the Defense Department to set up a WIC program similar to those run by the states that would serve Department personnel who are overseas. The Department, however, failed to adopt that program. In fact the Department is uniquely situated to efficiently run such a program because of the network of medical treatment facilities and commissaries that is already in place. But in conference a significant change was made to the provision. A sentence was added that requires the Department to include the value of on-base housing in calculating income to determine eligibility for the program. That one sentence knocked more than half of those who would be eligible from the program.

It also failed to correct the fundamental unfairness. The regulations governing WIC specifically prohibit states from counting housing and other in-kind assistance in applicants’ income when determining eligibility. They bar states from doing what we required the Pentagon to do. That makes no sense. It means that people who were food stamp recipients in the U.S. still may be kicked out of the program when their period of eligibility is up, even though their income and expenses have not changed, just because they were transferred out of the country. And when my staff talked with the Defense Department officials who are setting up the program, they agreed that the rules should be changed so that eligibility overseas would match eligibility in the U.S.

So this amendment strikes the one sentence, leaving the overall principle that the Secretary of Defense should seek to apply the eligibility rules in the regulations governing state implementation of WIC.

Those regulations leave one ambivalent, however. I have talked about in-kind housing, that is housing on military bases. Troops who live off-base instead receive a basic housing allowance to help them pay for their own housing. As directed in the Child Nutrition Act of 1966, the rules on WIC state that states have the choice in determining income eligibility of whether to count the basic housing allowance received by military personnel living off the base. I understand that as of 1994, the DOD surveyed, and only one of the fifty states had chosen to include the housing in income. That makes sense. It would be patently unfair to let troops living on-base receive support, but withhold it from troops living off-base whose real income is no higher. In fact the troops off-base usually have higher expenses because the housing allowance usually does not fully cover their housing expense.

So this amendment directs the Secretary to ensure that the current practice of the states in excluding the basic allowance for housing when determining income eligibility. Thus it would allow the Secretary to restore full fairness by treating troops overseas the same as troops at home, and troops who live on-base the same as troops who live off-base. Most importantly it would allow thousands of troops to receive the food they need to keep their families healthy.

I thank my colleagues on both sides of the aisle for their favorable consideration and am glad that this correction has been accepted as a manager’s amendment.

(Purpose: To improve access to health care under the TRICARE program by prohibiting a requirement for statements of non-availability or preauthorization for certain services under that program)

On page 251, between lines 6 and 7, insert the following:

SEC. 714. 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) any new contract for the provision of health care services under such chapter that the beneficiary—

(1) obtain a nonavailability statement or preauthorization for a 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; or

(2) the Secretary determines that a specific procedure must be maintained at the affected military medical treatment facility to ensure the safety and quality of care for the beneficiary.

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

(Purpose: To modify the time for use by members of the Selected Reserve of entitlement to certain educational assistance)

On page 239, following line 22, add the following:

SEC. 456. MODIFICATION OF TIME FOR USE BY CERTAIN MEMBERS OF THE SELECTED RESERVE FOR EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Subsection (a) of section 1633 of title 10, United States Code, is amended by striking "1 at the end and all that follows through the end and inserting "on the date the person is separated from the Selected Reserve."

(b) CERTAIN MEMBERS.—Paragraph (1) of subsection (b) of that section is amended in the flush matter following subparagraph (B)
by striking “shall be determined” and all that follows the end and inserting “shall expire on the later of (1) the 10-year period beginning on the date on which such person becomes entitled to educational assistance under this chapter, or (ii) the end of the 4-year period beginning on the date such person is separated from, or ceases to be, a member of the Select Reserve.”.

(c) CONFORMING AMENDMENTS.—Subsection (b) of this section is further amended—

(1) in paragraph (2), by striking “subsection (a)” and inserting “subsections (a) and (b)(1)”;

(2) in paragraph (3), by striking “subsection (a)” and inserting “subsection (a) and (b)(1)”;

(3) in paragraph (4)—

(A) in subparagraph (A), by striking “subsection (a)” and inserting “subsections (a) and (b)(1)”;

(B) in subparagraph (B), by striking “clause (2) of such subsection” and inserting “subsection (a)”.

AMENDMENT NO. 3389

(Purpose: To treat as veterans individuals who served in the Alaska Territorial Guard during World War II)

On page 239, following line 22, add the following:

SEC. 656. RECOGNITION OF MEMBERS OF THE ALASKA TERRITORIAL GUARD AS VETERANS.

(a) IN GENERAL.—Section 106 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(f) Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 656(b) of the National Defense Authorization Act for Fiscal Year 2001 shall be considered active duty for purposes of all laws administered by the Secretary.

(b) DISCHARGE.—(1) The Secretary of Defense shall issue to each individual who served as a member of the Alaska Territorial Guard during World War II a discharge from such service under honorable conditions if the Secretary determines that the nature and duration of the service of the individual so warrants.

(2) A discharge under paragraph (1) shall designate the date of discharge. The date of discharge shall be the date, as determined by the Secretary, of the termination of service of the individual concerned as described in that paragraph.

(c) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits shall be paid to any individual for any period before the date of the enactment of this Act by reason of the enactment of this section.

AMENDMENT NO. 3390

(Purpose: To extend to members of the National Guard and other reserve components not on active duty the entitlement to receive special duty assignment pay)

On page 220, between lines 13 and 14, insert the following:

SEC. 622. ENTITLEMENT OF MEMBERS OF THE NATIONAL GUARD AND OTHER RESERVES NOT ON ACTIVE DUTY TO RECEIVE SPECIAL DUTY ASSIGNMENT PAY.

(a) AUTHORITY.—Section 307(a) of title 37, United States Code, is amended by inserting after “is entitled to basic pay” in the first sentence the following: “, or is entitled to compensation under section 206 of this title in the case of a member of a reserve component not on active duty.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply on the first day of the first month that begins on or after the date of the enactment of this Act.

Mr. FEINGOLD. Mr. President, today I offer an amendment that will restore the measure of pay equity for our nation’s Guardsmen and Reservists. I offered this same amendment last year to S. 4, the military pay increase bill, and it was adopted by voice vote.

I understand that this amendment is acceptable to the managers on both sides, and I thank the ranking member of the Armed Services Committee for their continuing cooperation on this important issue.

Mr. President, the men and women who serve in the Guard and Reserves are cornerstones of our national defense and domestic infrastructure, and they deserve to be adequately and equitably compensated for their dedicated service to this country.

The Guard and Reserve are integral parts of overseas missions, including recent and ongoing missions in places, including Iraq and the Balkans. According to statements by Department of Defense officials, Guardsmen and Reservists will continue to play an increasingly important role in our national defense strategy as they are called upon to shoulder more of the burden of military operations both at home and abroad. The National Guard and Reserves deserve the full support they need to carry out their duties.

Mr. President, my amendment would correct special duty assignment pay inequities between the Reserve components of our Armed Forces and their active duty counterparts. These inequities are unacceptable and need to be addressed to account the National Guard and Reserves’ increased role in our national security, especially on the front lines.

My amendment allows a Guardsmen or Reservist who is entitled to basic pay and is performing a special duty to be paid special duty assignment pay.

Right now, Guardsmen and Reservists are getting shortchanged despite the vital role they play in our national defense. The special duty assignment pay program ensures readiness by compensating specific soldiers who are assigned to duty positions that demand special training and extraordinary effort to maintain a level of satisfactory performance. The program, as it stands now, effectively reduces the ability of the National Guard and Reserves to retain highly dedicated and specialized soldiers.

The special duty assignments pay program provides an additional monthly financial incentive paid to enlisted soldiers and airmen who are required to perform extremely demanding duties that require an unusual degree of responsibility. These special duty assignments include certain command sergeants major, guidance counselors, retention non-commissioned officers (NCO’s) drill sergeants, and members of the Special Forces. These soldiers, however, do not receive special duty assignment pay while in IDT status (drill weekends).

I am pleased that the underlying bill as reported by the Armed Services Committee contains a provision that increases the maximum rate for special duty assignment pay from $275 per month to $600 per month. This modest increase, coupled with my amendment, will help to ensure that our Guardsmen and Reservists are fairly compensated for their service.

This is especially important since National Guard and Reserve members give up their civilian salaries during the time they are called up for, or volunteer for, active duty.

Mr. President, as the U.S. military prepares to face the challenges of the next century and beyond, the National Guard and Reserves will be called more frequently to active duty for domestic support roles and various peacekeeping efforts abroad. They will also be vital players on special teams trained to deal with emerging threats, including the possibility of the deployment of weapons of mass destruction within our own borders. According to many military experts, this represents a more salient threat to the United States than the threat of a ballistic missile attack that many of our colleagues have spent so much time addressing.

Mr. President, I have had the opportunity to see some of these soldiers off as they embarked on these missions and have welcomed them home upon their return. I am struck by the courage and professionalism they displayed as they prepare to meet these varied assignments. In Wisconsin, the State Guard provides vital support during natural disasters and state emergencies, including floods, ice storms, and train derailments.

We have a duty to honor the service of our National Guardsmen and Reservists. One way to do that is to equitably compensate them for their service.

Again, I thank the managers of the bill for their courtesy and for their cooperation on this important amendment.

AMENDMENT NO. 3391

(Purpose: To authorize the expansion of services areas for transferees of former uniformed services treatment facilities that are included in the uniformed services health care delivery system)

On page 270, between lines 16 and 17, insert the following:

SEC. 744. SERVICE AREAS OF TRANSFERRERS OF FORMER UNIFORMED SERVICES TREATMENT FACILITIES THAT ARE INCLUDED IN THE UNIFORMED SERVICES HEALTH CARE DELIVERY SYSTEM.

Section 722(e) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) is amended—
CONGRESSIONAL RECORD—SENATE

SEC. 814. REVISION OF THE ORGANIZATION AND FUNCTION OF THE COST ACCOUNTING STANDARDS BOARD.

(a) ESTABLISHMENT WITHIN OMB.—Paragraph (1) of subsection (a) of section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422) is amended by striking “Office of Federal Procurement Policy” in the first sentence and inserting “Office of Management and Budget” after “OMB”.

(b) COMPOSITION OF BOARD.—Subsection (a) of such section is further amended—

(1) by striking the second sentence of paragraph (a),

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

“(2) The Board shall consist of five members appointed as follows:

(A) A Chairman, appointed by the Director of the Office of Management and Budget, from among persons who are knowledgeable in cost accounting matters for Federal Government contracts.

(C) One member, appointed by the Administrator from among employees of executive agencies other than the Department of Defense, with the concurrence of the head of the executive agency concerned.

(D) One member, appointed by the Chairman from among persons other than officers and employees of the United States who are in the accounting or auditing profession.

(E) One member, appointed by the Chairman from among persons in industry.”.

(c) TERM OF OFFICE.—Paragraph (3) of such subsection, as redesignated by subsection (b)(2), is amended—

(1) in subparagraph (A)—

(A) by striking “other than the Administrator for Federal Procurement Policy,”;

(B) by striking clause (i); and

(C) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(2) in subparagraph (B), as so redesignated, by striking “individual who is appointed under paragraph (1)(A)” and inserting “officer or employee of the Federal Government who is appointed as a member under paragraph (2)”; and

(d) OTHER BOARD PERSONNEL.—(1) Subsection (c) of such section is amended to read as follows:

“(b) SENIOR STAFF.—The chairman, after consultation with the Board, may appoint an executive secretary and two additional staff members necessary to permit covered beneficiaries to enroll in the designated provider’s managed care plan. The expanded service area may include one or more noncontiguous areas.”.

AMENDMENT NO. 392

(Purpose: To refine and advance Federal acquisition streamlining)

In section 801(a), strike “The Secretary of Defense shall ensure that, not later than 180 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation is revised” and insert “Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of the Federal Procurement Policy Act (41 U.S.C. 414 and 421) shall be revised”.

At the end of title VIII, add the following:

SEC. 815. REVISION OF AUTHORITY FOR SOLUTIONS-BASED CONTRACTING PILOT PROGRAM.

(a) PILOT PROJECTS UNDER THE PROGRAM.—Section 5312 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1412) is amended—

(1) in subsection (a), by striking “subsection (d)(2)” and inserting “subsection (d)”;

(2) by striking subclause (B) of paragraph (3) of such section;

(3) by striking subclause (C) of paragraph (3) of such section; and

(4) by striking paragraph (9) of subsection (c) of such section.

(b) CONTENT OF AMENDMENT.—The amendment shall take effect—

(1) on the date that is 180 days after the date of the enactment of this Act; and

(2) with respect to acquisition streams and associated schedule, cost, and performance requirements prescribed by the Board.”.

(c) TRANSITIONAL PROVISION FOR MEMBERS.—

Each member of the Cost Accounting Standards Board who serves on the Board under paragraph (1) of section 26(a) of the Office of Federal Procurement Policy Act, as in effect on the day before the date of the enactment of this Act, shall serve as a member of the Board until the earlier of—

(1) the expiration of the term for which the member was so appointed; or

(2) the date on which a successor to such member is appointed under paragraph (2) of such section, as amended by subsection (b) of this section.

SEC. 816. APPROPRIATE USE OF PERSONNEL EXPERIENCE AND EDUCATIONAL REQUIREMENTS IN THE PROCUREMENT OF INFORMATION TECHNOLOGY SERVICES.

(a) AMENDMENT OF THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 414 and 421) shall be amended to address the use of personnel experience and educational requirements in the procurement of information technology services.

(b) CONTENT OF AMENDMENT.—The amendment issued pursuant to subsection (a) shall—

(1) provide that a solicitation of bids on a performance-based contract for the procurement of information technology services may not set forth any minimum experience or educational requirement for factor personnel that a bidder must satisfy in order to be eligible for award of the contract; and

(2) insert the following:

“(b) SENIOR STAFF.—The chairman, after consultation with the Board, may appoint an executive secretary and two additional staff members necessary to permit covered beneficiaries to enroll in the designated provider’s managed care plan. The expanded service area may include one or more noncontiguous areas.”.

“AMENDMENT NO. 392

(Purpose: To refine and advance Federal acquisition streamlining)

In section 801(a), strike “The Secretary of Defense shall ensure that, not later than 180 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation is revised” and insert “Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of the Federal Procurement Policy Act (41 U.S.C. 414 and 421) shall be revised”.

At the end of title VIII, add the following:

SEC. 815. REVISION OF AUTHORITY FOR SOLUTIONS-BASED CONTRACTING PILOT PROGRAM.

(a) PILOT PROJECTS UNDER THE PROGRAM.—Section 5312 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1412) is amended—

(1) in subsection (a), by striking “subsection (d)(2)” and inserting “subsection (d)”;

(2) by striking subclause (B) of paragraph (3) of such section;

(3) by striking subclause (C) of paragraph (3) of such section; and

(4) by striking paragraph (9) of subsection (c) of such section.

(b) CONTENT OF AMENDMENT.—The amendment shall take effect—

(1) on the date that is 180 days after the date of the enactment of this Act; and

(2) with respect to acquisition streams and associated schedule, cost, and performance requirements prescribed by the Board.”.

“AMENDMENT NO. 392

(Purpose: To refine and advance Federal acquisition streamlining)

In section 801(a), strike “The Secretary of Defense shall ensure that, not later than 180 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation is revised” and insert “Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of the Federal Procurement Policy Act (41 U.S.C. 414 and 421) shall be revised”.

At the end of title VIII, add the following:

SEC. 815. REVISION OF AUTHORITY FOR SOLUTIONS-BASED CONTRACTING PILOT PROGRAM.

(a) PILOT PROJECTS UNDER THE PROGRAM.—Section 5312 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1412) is amended—

(1) in subsection (a), by striking “subsection (d)(2)” and inserting “subsection (d)”;

(2) by striking subclause (B) of paragraph (3) of such section;

(3) by striking subclause (C) of paragraph (3) of such section; and

(4) by striking paragraph (9) of subsection (c) of such section.

(b) CONTENT OF AMENDMENT.—The amendment issued pursuant to subsection (a) shall—

(1) provide that a solicitation of bids on a performance-based contract for the procurement of information technology services may not set forth any minimum experience or educational requirement for factor personnel that a bidder must satisfy in order to be eligible for award of the contract; and

(2) insert the following:

“(b) SENIOR STAFF.—The chairman, after consultation with the Board, may appoint an executive secretary and two additional staff members necessary to permit covered beneficiaries to enroll in the designated provider’s managed care plan. The expanded service area may include one or more noncontiguous areas.”.

“AMENDMENT NO. 392

(Purpose: To refine and advance Federal acquisition streamlining)

In section 801(a), strike “The Secretary of Defense shall ensure that, not later than 180 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation is revised” and insert “Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of the Federal Procurement Policy Act (41 U.S.C. 414 and 421) shall be revised”.

At the end of title VIII, add the following:

SEC. 815. REVISION OF AUTHORITY FOR SOLUTIONS-BASED CONTRACTING PILOT PROGRAM.

(a) PILOT PROJECTS UNDER THE PROGRAM.—Section 5312 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1412) is amended—

(1) in subsection (a), by striking “subsection (d)(2)” and inserting “subsection (d)”;

(2) by striking subclause (B) of paragraph (3) of such section;

(3) by striking subclause (C) of paragraph (3) of such section; and

(4) by striking paragraph (9) of subsection (c) of such section.

(b) CONTENT OF AMENDMENT.—The amendment issued pursuant to subsection (a) shall—

(1) provide that a solicitation of bids on a performance-based contract for the procurement of information technology services may not set forth any minimum experience or educational requirement for factor personnel that a bidder must satisfy in order to be eligible for award of the contract; and

(2) insert the following:

“(b) SENIOR STAFF.—The chairman, after consultation with the Board, may appoint an executive secretary and two additional staff members necessary to permit covered beneficiaries to enroll in the designated provider’s managed care plan. The expanded service area may include one or more noncontiguous areas.”.
(2) specify—

(a) the circumstances under which a solicitation of bids for other contracts for the procurement of information technology services may set forth any such minimum requirement for that purpose; and

(b) the circumstances under which a solicitation of bids for other contracts for the procurement of information technology services may set forth any such minimum requirement for that purpose.

(c) CONSTRUCTION OF REGULATION.—The amendment issued pursuant to subsection (a) shall not preclude the consideration of the experience and educational levels of the personnel of bidders in the selection of a bidder to be awarded a contract.

(d) GAO REPORT.—Not later than 1 year after the date on which the regulations required by subsection (a) are published in the Federal Register, the Comptroller General shall submit to Congress an evaluation of—

(1) emergency compliance with the regulations; and

(2) conformity of the regulations with existing law, together with any recommendations to the Comptroller General that the Comptroller General considers appropriate.

(e) DEFINITIONS.—In this section:

(1) the term “executive agency” has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 405).

(2) the term “performance-based contract” means a contract that includes performance work statements setting forth contract requirements in clear, specific, and objective terms with measurable outcomes.

(3) the term “information technology” has the meaning given that term in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

At the end of subtitle A of title X, insert the following:

SEC. 1010. TREATMENT OF PARTIAL PAYMENTS UNDER SERVICE CONTRACTS.

For the purposes of the regulations prescribed under section 3309(a)(5) of title 31, United States Code, partial payments, other than payments that are made on a contract for the procurement of services shall be treated as being periodic payments.

Mr. THOMPSON. Mr. President, I offer this amendment on behalf of myself, as chairman of the Governmental Affairs Committee and of Senator LIEBERMAN, the Committee’s ranking minority member, and Senators WARNER and LEVIN, the chairman and ranking minority member of the Armed Services Committee. Senator LIEBERMAN and I thank the Armed Services chairman and ranking member for their cooperation and assistance in preparing this amendment which will benefit not only the procurement process within the Department of Defense, but other agencies across the Federal government as well.

The amendment which we offer today began as a request from the administration and others to include additional procurement-related reforms to those enacted over the past several years and those already included in S. 2549. Our amendment includes language which would (1) express a government-wide preference for performance-based service contracting; (2) move the Cost Accounting Standards (CAS) Board out of the Office of Federal Procurement Policy (OFPP) and make the Comptroller General’s office within the Office of Management and Budget, and conform the delegation of authority levels relating to the CAS with those for the Truth in Negotiations Act; (3) extend the authority of certain pilot programs under the Clinger-Cohen Act of 1996; (4) prohibit the use of mandatory minimum educational and experience requirements on performance-based service contracts and certain other contracts; and (5) ensure that the implementing regulations of the Prompt Payment Act treat partial payments on contracts for services as periodic payments covered by the Act. I ask unanimous consent that a joint statement of sponsors explaining the amendment be placed in the Record.

There being no objection, the statement is ordered to be printed in the Record, as follows:

JOINT STATEMENT OF SPONSORS REGARDING THE THOMPSON-LIEBERMAN-WARNER-LEVIN PROCUREMENT STREAMLINING AMENDMENT

1. Performance-based service contracting

The amendment would make government-wide a provision included in section 801 of the bill, which establishes a preference for performance-based service contracting. Successful performance of services contracts throughout government can be ensured by establishing clear goals which give vendors the flexibility to propose different approaches, while giving the government a firm basis for cost and quality comparison.

2. Organization of the Cost Accounting Standards Board

The Cost Accounting Standards (CAS standards) are a set of 19 accounting principles developed by the Cost Accounting Standards Board (CAS Board), a body created by Congress to develop uniform and consistent standards. The CAS standards require government contractors to account for their costs on a consistent basis and prohibit any shifting of overhead or other costs from commercial contracts to government contracts, or from fixed-price contracts to cost-type contracts.

Currently, the CAS Board is located in the Office of Federal Procurement Policy (OFPP) and chaired by the Administrator of OFPP. Concerns have been raised that OFPP’s broader procurement policy mission has distracted the CAS Board and that the CAS Board should be made an independent board within the Office of Management and Budget.

The amendment would retain the CAS Board’s “exclusive to no one, promulgate, amend, and rescind cost accounting standards and interpretations thereof. Because of the need for consistent cost accounting standards throughout government contracts, no other Federal agency is authorized to issue cost accounting standards or regulations. However, the amendment would make the CAS Board’s authority subject to the direction of the Director of the Office of Management and Budget.” In recognition of the existing relationship of the CAS Board with the Director of OMB and the requirement that federal rules and regulations be adopted by an officer with the authority to take such action.

The amendment clarifies the level to which Federal agencies may delegate authority to waive the applicability of CAS standards in certain circumstances, to avoid the risk of having authority with respect to the implementation of the Negotiations Act and ensure that the same official may waive the requirements of both statutes in cases where it makes sense to do so.

3. Revision of authority for solutions-based contracting pilot program

The amendment would amend section 5312 of the Clinger-Cohen Act, the solutions-based contracting pilot program, and provide detailed statutory requirements concerning the development of a pilot plan, including the requirement to form a public-private working group. The objective is intended to avoid concerns raised regarding which private industry specialists would participate on working groups and how that would affect the appropriateness for such participants to compete for other solutions-based contracts. The provision would also eliminate a requirement to fund thewardees’ effort during the program definition phase and instead leave this decision to the contracting officer’s discretion on a case-by-case basis.

4. Appropriate use of personal experience and educational requirements in the procurement of information technology services

Many in the information technology industry have argued that minimum education or experience requirements included in agency solicitations for information technology services are contributing to the serious worker shortage by requiring contractors to use highly trained workers to perform some services required by government contracts, and to pay these workers far less than they are worth. The amendment would prohibit the use of minimum experience or educational requirements in solicitation for other services contracts other than performance-based contracts.

The amendment would prohibit the use of minimum experience or educational requirements for contractor personnel in performance-based services contracts. Minimum experience requirements are inappropriate for such contracts, which are supposed to be awarded on the basis of measurable outcomes. The provision would also require the issuance of regulations on the appropriate use of minimum experience or educational requirements for other services contracts other than performance-based contracts.

5. Treatment of partial payments under service contracts

When the Prompt Payment Act was amended in 1988, Congress recognized the failure of Federal agencies to implement the requirement in the Act to pay, during the contract period, for the periodic delivery of supplies or the periodic performance of services if permitted by the contract. As a result,
the Act was amended to require that periodic payments were covered by the Act’s requirement that agencies pay interest on late payments. The amendment would clarify that partial payments, or progress payments, are paid on contract, the Secretary of the Air Force should, in consultation with the Chief of Staff of the Air Force and the Commander of the Air Force Materiel Command, review the following areas of operational structure and operations at the Institute:

1. The grade of the Commandant
2. The chain of command of the Commandant of the Institute within the Air Force
3. The employment and compensation of civilian personnel at the Institute
4. The processes for the identification of requirements for advanced degrees within the Air Force, identification for annual enrollment quotas of candidates for AFIT
5. Post graduation opportunities for graduates of the Institute
6. The policies and practices regarding the admission of:
   - officers of the Army, Navy, Marine Corps, and Coast Guard;
   - employees of the Department of the Army, Department of the Navy, and Department of Transportation;
   - personnel of the armed forces of foreign countries;
   - enlisted members of the Armed Forces of the United States; and
   - others eligible for admission.

SEC. 914. UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY

Mr. President, the amendment I have offered is designed to ensure the continued viability of and effectiveness in a vital Air Force asset—the Air Force Institute of Technology, known as AFIT. AFIT, located at Wright-Patterson Air Force Base in Dayton, Ohio, provides defense-focused graduate and continuing education, research, and consultation to the Air Force and the Department of Defense.

The U.S. Air Force established AFIT in 1919, as the Air School of Application. This school, located at historic McCook field in Dayton, Ohio, provided technical training to pilots. In 1926, the Army Air Corps relocated the engineering school to Wright Field. In 1947, when the Air Force became a separate service, the school assumed its current name. Under the guidance of Theodore Von Karman, AFIT developed a graduate education program to support the vision of a technologically superior Air Force.

Today, the AFIT Graduate School of Engineering and Management offers Masters of Science degrees in 20 areas of defense-focused specialization, and Doctors of Philosophy (PhD) in 13 of these areas. At any one time, AFIT has 400 full-time graduate students, including officers and civilians from the Air Force, sister services, and allied and foreign services. International students from more than 50 countries have participated since 1961, and 21 international students are currently enrolled. AFIT has awarded more than 13,000 Masters and 300 PhD degrees since it became accredited in 1954. Among AFIT’s illustrious graduates are 11 current and former astronauts, including Steve Lindsey, the pilot of the shuttle Columbia, and among our former colleagues, retired Senator John Glenn.

Mr. President, AFIT is critical to the Air Force’s long-term ability to retain technological superiority. AFIT trains the mid-career officers and civilians required to provide the expertise necessary to act as astute buyers in our acquisition corps and skilled innovators in our laboratories. AFIT graduates eventually progress through their careers to become senior level leaders with the technical backgrounds needed to provide the vision for the Air Force to retain its ability to provide air superiority well into this century. I have long said that Wright-Patterson is the brain power behind our air power. AFIT is the source of a great deal of that air power.

Despite this past success, AFIT’s future is uncertain. AFIT’s Board of Visitors completed a troubling report on the long-term viability of the school. The report states that the Institute is “in passive, but inexorable shutdown mode” due to an attitude of “studied inaction by the Air Force at all levels.” In response to this report, I joined with Senator Voinovich and Congressmen Hobson and HALL in a letter to Air Force Secretary Peters, calling on the Air Force to respond to the Board of Visitors’ disturbing findings.

The amendment I have offered today is designed to reinforce the importance of AFIT by giving it a statutory designation in the U.S. Code. My amendment also contains a sense of the Senate that details the issues that need to be reviewed by the Air Force leadership if AFIT is to continue to be a significant contributor to our nation’s aeronautical dominance.

Mr. President, I urge my colleagues to support this important amendment.

SEC. 1210. SUPPORT OF CONSULTATIONS ON ARAB AND ISRAELI ARMS CONTROL AND REGIONAL SECURITY ISSUES.

The amount authorized to be appropriated by section 301(5), up to $1,000,000 is available for the support of programs to promote informal region-wide consultations among Arab, Israeli, and United States officials and experts.

SEC. 914. UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY

(a) Authority.—Section III of subtitle D of title 10, United States Code, is amended by inserting after chapter 903 the following:

"CHAPTER 904—UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY"

"Sec.
9321. Establishment; purposes.
9322. Sense of the Senate.
93221. ESTABLISHMENT; PURPOSES.
(a) ESTABLISHMENT.—There is a United States Air Force Institute of Technology in the Department of the Air Force.
(b) PURPOSES.—The purposes of the Institute are as follows:
(1) To perform research.
(2) To provide advanced instruction and technical education for employees of the Department of the Air Force and members of the Air Force (including the reserve components) in their practical and theoretical duties.

"Sec. 9322. SENSE OF THE SENATE REGARDING THE UTILIZATION OF THE AIR FORCE INSTITUTE OF TECHNOLOGY.
(a) It is the sense of the Senate that in order to insure full and continued utilization of the Air Force Institute of Technology, the Secretary of the Air Force should, in consultation with the Chief of Staff of the Air Force and..."
the government would consider those when they see Medicaid patients. In fact, in Alaska, doctors who see extremely low pay from TRICARE. In physicians' incentive to accept the ex-

having fewer doctors. Having fewer doctors to compete with reduces physicians' incentive to accept the ex-

the Department of Defense has the authority to raise the rates they pay doctors if they decide that a region has access problems. In fact, they are in the process of doing this in parts of Alaska. However they have excluded Anchorage, the largest city in the state. This is where the largest portion of beneficiaries live, and where the largest access problem exists. It is clear to me that the Department of De-

Mr. MURKOWSKI. Mr. President, I commend Chairman WARNER for the significant improvements he and his committee have proposed for the TRICARE system. However I am con-

by the Secretary of Defense in consultation with the other administering Secretaries. In prescribing the regulations, the Secretary may also consult with the Administrator of the Health Care Financing Administration of the Department of Health and Human Serv-

concerned that the current proposals do not to participate in contracts for the furn-

of beneficiaries live, and where the largest access problem exists. It is clear to me that the Department of De-

I am very concerned that the government would consider those who serve in our armed forces as less worthy of quality care than welfare re-

and the Senior Senator from Michigan, Mr. FEINGOLD. Mr. President, I amend by striking ''July 31, 2000'' and insert the following:

FRANKLY, I AM VERY CONCERNED THAT THE GOVERNMENT WOULD CONSIDER THOSE WHEN THEY SEE MEDICAID PATIENTS. IN FACT, IN ALASKA, DOCTORS WHO SEE TRICARE PATIENTS ARE PAID LESS THAN WHEN THEY SEE MEDICAID PATIENTS.

FRANKLY, I AM VERY CONCERNED THAT THE GOVERNMENT WOULD CONSIDER THOSE WHO SERVE IN OUR ARMED FORCES AS LESS WORTHY OF QUALITY CARE THAN WELFARE RECIPIENTS. WHEN DOCTORS REFUSE TO SEE TRICARE BENEFICIARIES AND THEIR DEPENDENTS THEY REFUSE TO PAY FOR THEIR CARE THEMSELVES, OR GO WITHOUT IT ALL TOGETHER. I HAVE HEARD TOO OFTEN FROM ALASKANS IN THE MILITARY WHO ARE FRUSTRATED THAT THEY CANNOT RECEIVE CARE BECAUSE DOCTORS CANNOT AFFORD TO SEE THEM. I WOULD LIKE TO READ THE FOLLOWING LETTER FROM ONE OF MY CONSTITUENTS AND ASK UNANIMOUS CONSENT THAT IT BE ENTERED INTO THE RECORD:

THE DEPARTMENT OF DEFENSE HAS THE AUTHORITY TO RAISE THE RATES THEY PAY DOCTORS IF THEY DECIDE THAT A REGION HAS ACCESS PROBLEMS. IN FACT, THEY ARE IN THE PROCESS OF DOING THIS IN PARTS OF ALASKA. HOWEVER THEY HAVE EXCLUDED ANCHORAGE, THE LARGEST CITY IN THE STATE. THIS IS WHERE THE LARGEST PORTION OF BENEFICIARIES LIVE, AND WHERE THE LARGEST ACCESS PROBLEM EXISTS. IT IS CLEAR TO ME THAT THE DEPARTMENT OF DEFENSE IS NOT PROPERLY ASSESSING WHERE ACCESS IS A PROBLEM. BECAUSE OF THIS, IT IS TIME FOR CONGRESS TO ACT.

MY AMENDMENT WILL RAISE THE RATES THE DEPARTMENT OF DEFENSE PAYS TO CIVILIAN DOCTORS WHO SEE TRICARE PATIENTS. IT ALSO CALLS ON THE DEPARTMENT OF DEFENSE TO CONDUCT A STUDY ASSESSING ACCESS PROBLEMS IN RURAL STATES, AND PRESENT CONGRESS WAYS TO SOLVE THESE PROBLEMS.

WHEN MEN AND WOMEN IN THE ARMED SERVICES, RETIREES AND THEIR DEPENDENTS ARE REFUSED TREATMENT BY CIVILIAN DOCTORS, IT HAS A DIRECT EFFECT ON MORALE. THEY BEGIN TO THINK TWICE WHEN IT COMES TIME TO REENLIST OR LEAVE. I AM SURE THEY ARE NOT RECOMMENDING SERVICE TO THE YOUNG PEOPLE IN THEIR FAMILY AND COMMUNITY. WITH OUR CURRENT RECRUITEMENT AND RETENTION PROBLEMS IN THE MILITARY, I THINK IT IS OUR RESPONS-

SEC. 1027. REPORT ON THE STATUS OF DOMESTIC PREPAREDNESS AGAINST THE THREAT OF BIOLOGICAL TERRORISM.

ON PAGE 378, BETWEEN LINES 19 AND 20, INSERT THE FOLLOWING:

A MENDMENT NO. 3989 (Purpose: To extend the authority of the Federal Government to conduct public interest law enforcement conveyances of surplus property)

A MENDMENT NO. 3989 (Purpose: To extend the authority of the Federal Government to conduct public interest law enforcement conveyances of surplus property)

SECT. 1027. REPORT ON THE STATUS OF DOMESTIC PREPAREDNESS AGAINST THE THREAT OF BIOLOGICAL TERRORISM.

A MENDMENT NO. 3989 (Purpose: To extend the authority of the Federal Government to conduct public interest law enforcement conveyances of surplus property)

A MENDMENT NO. 3989 (Purpose: To extend the authority of the Federal Government to conduct public interest law enforcement conveyances of surplus property)}
(b) REPORT ELEMENTS.—The report shall address the following:

(1) The current state of United States preparedness to defend against a biologic attack.

(2) The roles that various Federal agencies currently play, and should play, in preparing for, and defending against, such an attack.

(3) The roles that State and local agencies and public entities currently play, and should play, in preparing for, and defending against, such an attack.

(4) The advisability of establishing an interagency task force to assist in preparations for such an attack.

(5) The potential role of advanced communications systems in aiding domestic preparedness against such an attack.

(6) The potential for additional research and development in biotechnology to aid domestic preparedness against such an attack.

(7) The financial resources necessary to support the additional R&D for domestic preparedness against such an attack.

(9) The beneficial consequences of such efforts on—

(A) the treatment of naturally occurring infectious diseases;

(B) the efficiency of the United States health care system;

(C) the maintenance in the United States of a competitive edge in biotechnology; and

(D) the United States economy.

AMENDMENT NO. 3405
(Purpose: To authorize a land conveyance, former National Ground Intelligence Center, Charlottesville, Virginia)

On page 545, following line 22, add the following:

PART IV—OTHER CONVEYANCES

SEC. 2876. LAND CONVEYANCE, FORMER NATIONAL GROUND INTELLIGENCE CENTER, CHARLOTTESVILLE, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Administrator of the General Services may convey, without consideration, to the City of Charlottesville, Virginia (in this section referred to as the “City”), all right, title, and interest in and to the United States real property in and to a parcel of real property, including any improvements thereon, formerly occupied by the National Ground Intelligence Center and known as the Jefferson Street Property.

(b) AUTHORITY TO CONVEY WITHOUT CONSIDERATION.—The conveyance authorized by subsection (a) may be made without consideration if the Administrator determines that the conveyance on that basis would be in the best interests of the United States.

(c) PURPOSE OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be for the purpose of permitting the City to use the parcel, and any improvements thereon, with a public or private entity, for economic development purposes.

(d) REVERSIONARY INTEREST.—If, during the 5-year period beginning on the date the Administrator makes the conveyance authorized by subsection (a), the Administrator determines that the conveyed real property is not being used for a purpose specified in subsection (c), all right, title, and interest in and to the property, including any improvements thereon, may upon the election of the Administrator revert to the United States, and upon such reversion the United States shall have the right of immediate entry onto the property.

(e) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—The conveyance authorized by subsection (a) shall not be subject to the following:

(1) Sections 2667 and 2606 of title 10, United States Code.

(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11111).


(f) LIMITATION ON CERTAIN SUBSEQUENT CONVEYANCES.—Subject to paragraph (2), if at any time after the Administrator makes the conveyance authorized by subsection (a) the City conveys any portion of the parcel conveyed under that subsection to a private entity, the City shall pay to the United States an amount equal to the fair market value (as determined by the Administrator) of the portion conveyed at the time of its conveyance under this subsection.

(2) Paragraph (1) applies to a conveyance described in that paragraph only if the Administrator makes the conveyance authorized by subsection (a) without consideration.

(3) The Administrator shall deposit any amounts paid the United States under this paragraph into the Treasury. Any amounts so deposited shall be available to the Administrator for real property management and related activities as provided for under paragraph (2) of that section.

(g) 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 Administrator and the cost of the survey shall be borne by the City.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance as the Administrator considers appropriate to protect the interests of the United States.

AMENDMENT NO. 3406
(Purpose: To authorize a land conveyance, Army Reserve Center, Winona, Minnesota)

On page 539, between lines 7 and 8, insert the following:

SEC. 2836. LAND CONVEYANCE, ARMY RESERVE CENTER, WINONA, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, 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.

AMENDMENT NO. 3407
(Purpose: To authorize the acceptance and use of gifts from the Air Force Museum Foundation for the construction of a third building for the United States Air Force Museum at Wright-Patterson Air Force Base, Ohio)

On page 546, after line 13, add the following:

SEC. 2882. ACCEPTANCE AND USE OF GIFTS FOR CONSTRUCTION OF THIRD BUILDING AT UNITED STATES AIR FORCE MUSEUM, WRIGHT-PATTERSON AIR FORCE BASE, OHIO.

(a) ACCEPTANCE AUTHORIZED.—The Secretary of the Air Force may accept from the Air Force Museum Foundation, a private nonprofit corporation, the form of cash, Treasury instruments, or comparable United States Government securities for the purpose of paying the costs of design and construction of a third building on the United States Air Force Museum at Wright-Patterson Air Force Base, Ohio. The building...
is listed as an unfunded military construction requirement for the Air Force in the fiscal year 2002 military construction program of the Air Force.

(2) A gift accepted under paragraph (1) may specify a portion of the amount of the gift to be used solely for purposes of the design and construction of a particular portion of the building described in that paragraph.

(b) ESCROW ACCOUNT.—The Comptroller, acting through the Comptroller of the Air Force Materiel Command, shall deposite the amount of any cash, instruments, or securities accepted as a gift under subsection (a) in an escrow account established for that purpose.

(c) INVESTMENT.—Amounts in the escrow account under subsection (b) are to be invested in public debt securities of the United States of comparable maturities. The consideration current market yields on out-of-the-money options on such public debt securities shall be invested in public debt securities that meet current requirements of the account, as determined by the Comptroller of the Air Force Materiel Command, and the amount of such contract.

(d) INVESTMENT.—Amounts in the escrow account under subsection (b), including any income on investments of such amounts under subsection (c), that are attributable to a particular portion of the building described in subsection (a) shall be utilized by the Comptroller of the Air Force Materiel Command to pay the costs of the design and construction of such portion of the building, including progress payments for such design and construction.

(e) LIMITATION ON CONTRACTS.—The Corps of Engineers may not enter into a contract for the design or construction of a particular portion of the building described in subsection (a) until amounts in the escrow account under subsection (b), including any income on investments of such amounts under subsection (c), that are attributable to such portion of the building, are sufficient to cover the amount of such contract.

(f) LIQUIDATION OF ESCROW ACCOUNT.—(1) Upon final payment of all invoices and claims paid under a contract described in paragraph (1) in the appropriation or account providing funds for the protection, maintenance, or repair of the property, or for the provision of utility services for the property, the amounts so deposited shall be merged with funds in the appropriation or account in which deposited, and shall be available for the same purposes, subject to the conditions and limitations, as the funds with which merged.

SEC. 377. REVIEW OF AH-64 AIRCRAFT PROGRAM.

(a) REQUIREMENTS FOR REVIEW.—The Comptroller General shall conduct a review of the Army's AH-64 aircraft program to determine the following:

(1) Whether any of the following conditions exist under the program:
   (A) Obsolete spare parts, rather than spare parts for the latest aircraft configuration, are being procured.
   (B) There is insufficient sustaining system technical support.
   (C) The technical data packages and manuals are obsolete.
   (D) There are unfunded requirements for airframe and component upgrades.

(2) Whether the readiness of the aircraft is impaired by conditions described in paragraph (1) that are determined to exist.

(b) REPORT.—Not later than March 1, 2001, the Comptroller General shall submit to the congressional defense committees a report on the results of the review under subsection (a).

SEC. 222. ACOUSTIC MINE DETECTION.

(a) INCREASE IN AMOUNT.—(1) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army for Countermine Systems (PE5602712A) for research in acoustic mine detection.

(b) AMENDMENT NO. 3836

sec. 222. ACOUSTIC MINE DETECTION.

(a) INCREASE IN AMOUNT.—(1) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army for Countermine Systems (PE5602712A) is hereby increased by $2,500,000.

(b) AMENDMENT NO. 3840

sec. 222. ACOUSTIC MINE DETECTION.

(b) AMENDMENT NO. 3840

(2) The amount of authority to be appropriated by section 201(4) for research, development, test, and evaluation for the Army for Countermine Systems (PE5602712A) is hereby increased by $2,500,000, with the amount of such increase available for research in acoustic mine detection.

(c) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for the Army for Countermine Systems (PE5602712A) is hereby increased by $2,500,000, with the amount of such increase available for research in acoustic mine detection.

(d) AMENDMENT NO. 3840

sec. 222. ACOUSTIC MINE DETECTION.

(c) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for the Army for Countermine Systems (PE5602712A) is hereby increased by $2,500,000, with the amount of such increase available for research in acoustic mine detection.

(e) LEASE OF PROPERTY PENDING CONVEYANCE.—(1) Pending the conveyance by deed of the property authorized to be conveyed by subsection (a), the Secretary may enter into one or more leases of the property.

(2) The Secretary shall deposit any amounts paid under a lease entered into under paragraph (1) in an appropriation or account providing funds for the protection, maintenance, or repair of the property, or for the provision of utility services for the property. The amount so deposited shall be merged with funds in the appropriation or account in which deposited, and shall be available for the same purposes, subject to the conditions and limitations, as the funds with which merged.

AMENDMENT NO. 3860

sec. 222. ACOUSTIC MINE DETECTION.

(e) LEASE OF PROPERTY PENDING CONVEYANCE.—(1) Pending the conveyance by deed of the property authorized to be conveyed by subsection (a), the Secretary may enter into one or more leases of the property.

(2) The Secretary shall deposit any amounts paid under a lease entered into under paragraph (1) in an appropriation or account providing funds for the protection, maintenance, or repair of the property, or for the provision of utility services for the property. The amount so deposited shall be merged with funds in the appropriation or account in which deposited, and shall be available for the same purposes, subject to the conditions and limitations, as the funds with which merged.
identify any potential changes in current management or policies that, if made, would result in a more efficient and economical operation of those activities.

(b) REVIEW TO INCLUDE CARRYOVER POLICY.—The amendment shall include a review of practices under the Department of Defense policy that authorizes funds available for working-capital fund activities for one fiscal year to be obligated for work to be performed at such activities within the first 30 days of the next fiscal year (known as ‘‘carryover’’). On the basis of the review, the Comptroller General shall determine the following:

(1) The extent to which the working-capital fund activities of the Department of Defense have complied with the 90-day carryover policy.

(2) The reasons for the carryover authority under the policy to apply to as much as a 90-day quantity of work.

(3) Whether applying the carryover authority to not more than a 30-day quantity of work would be sufficient to ensure uninterrupted operations at the working-capital fund activities early in a fiscal year.

(4) What, if any, savings could be achieved by restricting the carryover authority so as to apply to a 30-day quantity of work.

AMENDMENT NO. 312
(Purpose: To impose requirements for the implementation of fiscal year 2001 of the Navy-Marine Corps Intranet project.

Beginning on page 256, after line 22, insert the following:

(e) FUNDING IMPLEMENTATION TO COMMENCE DURING FISCAL YEAR 2001—The Secretary of the Navy shall commence a phased implementation of the Navy-Marine Corps Intranet project during fiscal year 2001. For the implementation in that fiscal year—

(1) not more than fifteen percent of the total number of work stations to be provided under the Navy-Marine Corps Intranet program may be provided in the first quarter of such fiscal year; and

(2) no additional work stations may be provided under—

(A) the Secretary has conducted operational testing of the Intranet; and

(B) the Chief Information Officer of the Department of the Navy certifies to the Comptroller General of the United States that the results of the operational testing of the Intranet are acceptable.

(f) IMPACT ON FEDERAL EMPLOYEES.—The Secretary shall mitigate any adverse impact of the implementation of the Navy-Marine Corps Intranet on civilian employees of the Department of the Navy who, as of the date of the enactment of this Act, are performing functions that are included in the scope of the Navy-Marine Corps Intranet program by—

(1) developing a comprehensive plan for the transition of such employees to the performance of other functions within the Department of the Navy;

(2) taking full advantage of transition authorities available for the benefit of employees;

(3) encouraging the retraining of employees who, as of the date of the enactment of this Act, are performing functions that are included in the scope of the contract.

AMENDMENT NO. 314
(Purpose: To enhance authorities relating to education partnerships to encourage scientific study.)

On page 53, after line 23, add the following:

SEC. 243. ENHANCEMENT OF AUTHORITIES REGARDING EDUCATION PARTNER SHIPS FOR PURPOSES OF ENCOURAGING SCIENTIFIC STUDY.

(a) ASSISTANCE IN SUPPORT OF PARTNER SHIPS.—Subparagraph (b) of section 2194 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting ‘‘and’’, is provided under—

(2) in paragraph (1), by inserting the semicolon the following: ‘‘for any purpose and duration in support of such agreement that the director appropriate for support of such agreement’’, and

(3) by striking paragraph (2) and inserting the following new paragraph (2):

(2) notwithstanding the provisions of the Federal Property and Administrative Serv ices Act of 1949 (40 U.S.C. 471 et seq.) or any provision of law or regulation relating to transfers of surplus property, transferring to the institution any defense laboratory equipment (regardless of the nature type of such equipment) surplus to the needs of the defense laboratory that is determined by the director to be appropriate for support of such agreement.

(b) DEFENSE LABORATORY DEFINED.—Subparagraph (e) of that section is amended to read as follows:

‘‘(e) In this section—

‘‘(1) The term ‘defense laboratory’ means any laboratory, product center, test center depot, training and educational organization, or operational command under the jurisdiction of the Department of Defense.

‘‘(2) The term ‘local educational agency’ has the meaning given such term in section 1410 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).’’

AMENDMENT NO. 3141
(Purpose: To make available, with an offset, an additional $5,000,000 for research, development, test, and evaluation for the Army for research, development, test, and evaluation for the Army for Concepts Experimentation Program (PE680326A) for test and evaluation of future operational technologies for use by mounted maneuver forces.)

On page 48, between lines 20 and 21, insert the following:

SEC. 222. OPERATIONAL TECHNOLOGIES FOR MOUNTED MANEUVER FORCES.

(a) INCREASE IN AMOUNT.—(1) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $5,000,000.

(2) Of the amount authorized to be appropriated by section 201(1), as increased by paragraph (1), the amount available for Construction Experimentation Program (PE680326A) is hereby increased by $5,000,000, with the amount of such increase available for test and evaluation of future operational technologies for use by mounted maneuver forces.

(b) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-Wide is hereby decreased by $5,000,000, with the amount so decreased to be applied to the test and evaluation of future operational technologies for use by mounted maneuver forces.

AMENDMENT NO. 3413
(Purpose: To provide for the development of a Marine Corps Heritage Foundation for use in generating revenue for activities of the facility described in subsection (a), the Secretary may—

(1) permit the Marine Corps Heritage Foundation to contract for the design, construction, or both of such phase of development;

(2) accept funds from the Marine Corps Heritage Foundation for the design, construction, or both of such phase of development;

(d) ACCEPTANCE AUTHORITY.—Upon completion of construction of any phase of development of the facility described in subsection (a), the Secretary may, if the Secretary determines it to be necessary for the facility described in subsection (a), accept without limitation on its use, or requirement for its replacement upon conveyance, on section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)(3)) or under any other provision of law.

(e) LEASE OF FACILITY.—(1) The Secretary may lease, under such terms and conditions as the Secretary considers appropriate for the joint venture authorized by subsection (a), portions of the facility developed under that subsection to the Marine Corps Heritage Foundation for use in generating revenue for activities of the facility described in subsection (a), to generate revenue for activities of the facility described in subsection (a), the Secretary may lease, under such terms and conditions as the Secretary determines are necessary for support of the facility.

(2) The amount of consideration paid under subsection (a) may not exceed an amount equal to the actual cost (as determined by the Secretary) of the acquisition of the facility.

(3) Notwithstanding any other provision of law, the Secretary shall use amounts paid under paragraph (2) to cover the costs of operation of the facility.

(4) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional
terms and conditions in connection with the joint ventures authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(AMENDMENT NO. 3416)

(Purpose: To require a the Army National Guard to carry out a demonstration project to provide Internet access and services to rural communities that are unserved or underserved by the Internet.)

On page 58, between lines 7 and 8, insert the following:

SEC. 313. DEMONSTRATION PROJECT FOR INTERNET ACCESS AND SERVICES IN RURAL COMMUNITIES.

(a) In General.—The Secretary of the Army, acting through the Chief of the National Guard Bureau, shall carry out a demonstration project to provide Internet access and services to rural communities that are unserved or underserved by the Internet.

(b) Project Elements.—In carrying out the demonstration project, the Secretary shall—

(1) establish and operate distance learning classrooms in communities described in subsection (a), including any support systems required to serve such classrooms; and

(2) subject to subsection (c), provide Internet access and services in such classrooms through GuardNet, the telecommunications infrastructure of the National Guard.

(c) Availability of Access and Services.—Under the demonstration project, Internet access and services shall be available to the following:

(1) Personnel and elements of governmental emergency management and response entities located in communities served by the demonstration project.

(2) Members and units of the Army National Guard located in such communities.

(3) Businesses located in such communities.

(4) Personnel and elements of local governments in such communities.

(5) Other appropriate individuals and entities located in such communities.

(d) Report.—Not later than February 1, 2005, the Secretary shall submit to Congress a report on the demonstration project. The report shall describe the activities under the demonstration project and include any recommended improvements.

(e) Funding.—(1) The amount authorized to be appropriated by section 301(10), as increased by the amount available for Generic Logistics Research and Development Technology Demonstrations (PE6503712S) for air logistics technology (P6503712S) is hereby increased by $300,000, with the amount of such increase available for air logistics technology.

(2) Offset.—Of the amount authorized to be appropriated by section 301(10), the amount available for computing Systems and Communications Technology (P6503712S) is hereby decreased by $300,000.

SEC. 314. AIR LOGISTICS TECHNOLOGY.

(Purpose: To authorize the President to award a gold medal on behalf of Congress to General Wesley K. Clark, United States Army, in recognition of his outstanding leadership and service during the military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro).

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. AWARD OF CONGRESSIONAL GOLD MEDAL TO GENERAL WESLEY K. CLARK.

(a) Findings.—Congress makes the following findings:

(1) While serving as Supreme Allied Commander in Europe, General Wesley K. Clark demonstrated the highest degree of professionalism in leading over 75,000 troops from 37 countries in military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro).

(2) General Clark's 34 years of outstanding service as an Army officer gave him the ability to effectively mobilize and command multinational air and ground forces in the Balkans.

(3) The forces led by General Clark succeeded in halting the Serbian government's human rights abuses in Kosovo and permitted a safe return of refugees to their homes.

(4) Under the leadership of General Clark, NATO forces launched successful air and ground attacks against Serbian military forces with a minimum of losses.

(5) As the Supreme Allied Commander in Europe, General Clark continued the history of the American military of defending the rights of all people to live their lives in peace and freedom, and he should be recognized for his tremendous achievements by the award of a Congressional Gold Medal.

(b) Congressional Gold Medal.

(1) Presentation Authorized.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to General Wesley K. Clark, in recognition of his outstanding leadership and service as Supreme Allied Commander in Europe during the military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro).

(2) Design and Striking.—For the purpose of the presentation referred to in paragraph (1), the Secretary of the Treasury (hereinafter in this section referred to as "the Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) Duplicate Medals.—The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to subsection (b) under such regulations as the Secretary may prescribe and at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

(d) National Medals.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

(e) Authorization of Appropriations; Proceeds of Sale.—

(1) Authorization of Appropriations.—There authorized to be charged against the Numismatic Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medal authorized by this section.

(2) Proceeds of Sale.—Amounts received from the sales of duplicate bronze medals under subsection (c) shall be deposited in the Numismatic Public Enterprise Fund.

SEC. 315. DEMONSTRATION PROJECT FOR GENERIC LOGISTICS RESEARCH AND DEVELOPMENT TECHNOLOGY DEMONSTRATIONS.

(Purpose: To require a demonstration project to provide Internet access and services in such classrooms through GuardNet, the telecommunications infrastructure of the National Guard.

On page 200, after line 23, insert the following:

SEC. 566. VERBATIM RECORDS IN SPECIAL COURTS-MARTIAL.

(a) When Required.—Subsection (c)(1)(B) of section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice as amended by inserting after "bad-conduct discharge" the following: "confinement for more than six months, or forfeiture of pay for more than six months.

(b) Conforming Amendment.—The amendment made by subsection (a) shall take effect as of April 1, 2000, and shall apply with respect to charges referred on or after that date to trial by special courts-martial.

SEC. 316. AMENDMENT NO. 3419

(Purpose: To conform the requirement for verbatim records of the proceedings of special courts-martial to the increased punishment authority of special courts-martial.

On page 200, after line 23, insert the following:

SEC. 1061. DEPARTMENT OF DEFENSE PROCESS FOR DECISIONMAKING ON ISSUES ARISING UNDER SECTIONS 3729 THROUGH 3733 OF TITLE 31, UNITED STATES CODE.

(a) Policies and Procedures.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe policies and procedures for Department of Defense decisionmaking on actions to be taken in cases of false claims submitted to the Department of Defense that are suspected or alleged to be false.

(b) Referral and Intervention Decisions.—The policies and procedures shall specifically require that—

(1) an official at an appropriately high level in the Department of Defense make the decision on whether to refer to the Attorney General a case involving a claim submitted to the Department of Defense or to recommend that the Attorney General intervene in, or seek dismissal of, a qui tam action involving such a claim; and

(2) before making any such decision, the official determine whether the laws and regulations applying to the actions are applicable or whether the Department of Defense should have discretion to intervene in the action.

(c) Report.—Not later than February 1, 2001, the Secretary of Defense shall submit to Congress a report on the Qui Tam Review Panel, including its makeup.

(2) For the purposes of paragraph (1), the Qui Tam Review Panel is the panel that was
established by the Secretary of Defense for an 18-month period to revitalize the or-
dinary causes of plant-capacity actions involving false contract claims submitted to the De-
partment of Defense.

AMENDMENT NO. 3421  
(Purpose: Expressing the sense of the Senate that long-term economic development aid 
should be immediately provided to assist communities rebuilding from Hurricane Floyd)

At the appropriate place, insert the fol-

lowing:

SEC. 2. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) during September 1999, Hurricane Floyd ran a path of destruction along the entire eastern seaboard from Florida to Maine; 

(2) Hurricane Floyd was the most destruc-
tive natural disaster in the history of the State of North Carolina and most costly nat-
ural disaster in the history of the State of New Jersey; 

(3) the Federal Emergency Management Agency declared Hurricane Floyd the eighth worst natural disaster of the past decade; 

(4) although the Federal Emergency Man-
agement Agency coordinates the Federal re-
sponse to natural disasters that exceed the capabilities of State and local governments and assists communities to recover from those disasters, the Federal Emergency Management Agency is not equipped to provide long-term economic recovery assistance; 

(5) it has been 9 months since Hurricane Floyd and the Nation has hundreds of com-
unities that have yet to recover from the devastation that disaster; 

(6) in the past, Congress has responded to natural disasters by providing additional economic community development assistance to communities recovering from those disasters, including $250,000,000 for Hurricane Georges in 1998, $352,000,000 for Red River Valley Floods in North Dakota in 1997, $25,000,000 for Hurricanes Fran and Hortense in 1996, and $725,000,000 for the Northridge Earthquake in California in 1994; 

(7) additional assistance provided by Con-
gress to communities recovering from nat-
ural disasters has been in the form of com-
unity development block grants adminis-
tered by the Department of Housing and Urban Development; 

(8) communities affected by Hurricane Floyd are facing similar recovery needs as have victims of other natural disasters and will need long-term economic recovery plans to make them strong again; and 

(9) on April 7, 2000, the Senate passed amendment number 301 to S. Con. Res. 101, which amendment would allocate $250,000,000 in long-term economic development aid to assist communities rebuilding from Hurri-
 cane Floyd, including $150,000,000 in commu-
nity development block grant funding and $50,000,000 in rural facilities grant funding.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) communities devastated by Hurricane Floyd should know that, in the past, Con-
gress has responded to natural disasters by demonstrating a commitment to helping af-
lected States and communities to recover; 

(2) the Federal response to natural disas-
ters has traditionally been quick, supportive, and appropriate; 

(3) recognizing that communities dev-
astated by Hurricane Floyd are facing tre-
 mendous challenges as they begin their re-
covery, this amendment recognizes that administering community and regional development pro-
grams should expect an increase in applica-
tions and other requests from these com-

munities; new community development block grants administered by the Department of Housing and Urban Development, grant programs ad-
ministered by the Department of Agriculture, Administration, and the Community Facili-
ties Grant Program administered by the De-
partment of Agriculture are resources that it communities have used to accomplish revi-
talization and economic development fol-

owing natural disasters; and 

(5) additional community and regional de-
velopment funding for the amendment num-
ber 301 to S. Con. Res. 101, as passed by the Senate on April 7, 2000, should be appropriated to assist communities in need of long-term economic development aid as a result of damage suffered by Hurricane Floyd.

AMENDMENT NO. 3422  
(Purpose: To amend S. 2549, to provide for the coverage and treatment of unutilized and underutilized plant-capacity costs of United States arsenals, to make sup-
plies and providing for services of the United States Armed Forces)

At the end of title III, subtitle D insert the fol-

lowing:

SEC. 2. UNUTILIZED AND UNDERUTILIZED PLANT-CAPACITY COSTS OF UNITED STATES ARSENALS.

(a) UNUTILIZED AND UNDERUTILIZED PLANT CAPACITY AT UNITED STATES ARSENALS.—S. 2549 is amended by adding the following:

(b) UNUTILIZED AND UNDERUTILIZED PLANT-CAPACITY AT UNITED STATES ARSENALS.

(1) The Secretary shall submit to Congress each year, together with the President's budget for the fiscal year beginning in such year, an estimate of the funds to be required in the fiscal year in order to cover the costs of operating and maintaining unutilized and underuti-
lized plant capacity at United States arse-
nals.

(2) Funds appropriated to the Secretary for a fiscal year for costs described in paragraph (1) shall be utilized by the Secretary in such fiscal year only to cover such costs.

(3) Notwithstanding any other provision of law, the Secretary shall not include unuti-
lized or underutilized plant-capacity costs when evaluating an arsenal's bid for pur-
poses of the arsenal's contracting to provide a good or service to a United States govern-
ment organization. When an arsenal is sub-
contracting to a private-sector entity on a good or service to be provided to a United States government organization, the cost charged by the arsenal shall not include unuti-
lized or underutilized plant-capacity costs that are funded by a direct appropriation.

(b) DEFINITION OF UNUTILIZED AND UNDER-
UTILIZED PLANT-CAPACITY COSTS.—For pur-
poses of this section, the term “unutilized and underutilized plant-capacity costs” shall mean the cost associated with operating and 

maintaining arsenal facilities and equipment that the Secretary of the Army determines are required to be kept for mobilization needs, in those months in which the facili-
ties and equipment are not used or are used only 20% or less of available work days.

Mr. FITZGERALD. Mr. President, this is an amendment that corrects a flaw in Department of Defense procure-
mament rules that has increased military costs and had a severe impact on this nation’s arsenals. Recently imple-
mented rules require U.S. arsenals to overstate their true cost of supplying goods and services to the military. As a result, arsenals have been losing bids for contracts under competitive bidding procedures, even when the arsenals would have otherwise won.

Thequirk in the rules has not only in-
creased Department of Defense expend-
itures, it has also led to severe underuti-

lization of the arsenals, threatening the viability of an invaluable national resource. 

Under Defense Working Capital Fund procurement rules, which were imple-
mented in 1996, government-owned military suppliers are required to charge the military the full cost of any good or service that they supply to the Armed Forces. The idea behind these rules was to discourage overconsump-
tion of goods and services by the mili-

tary, and to promote cost trans-
parency—to make it clear to the gov-
ernment how much it was paying to have a good or service supplied by a government-owned supplier. In addition to this, the rules were designed to encourage the private sector to compete with government-owned facilities for military contracts.

Unfortunately, the DWCF rules also include a number of provisions that place domestic facilities at a substan-
tial disadvantage to their private com-

petitors. The domestic suppliers are re-
excluded from the requirement to include a number of items in their contract bids that are unrelated to the marginal cost of actually sup-
plying a good or service to the military. For example, suppliers are now required to bill their net capital investment costs in a given year to all of their customers in that year—even if the equipment that was purchased has no relation to the customers' contrac-
tors. More severe for the arsenals is the DWCF rules' treatment of reserve capacity costs. All U.S. arsenals are required to maintain excess capacity, in order to be able to ramp up production im-
mediately in the event of a war or mili-
tary crisis. This unused plant capacity is something that no private business would maintain—a private business would simply sell off or lease out its unused assets. And the costs of main-
taining this capacity are substantial. But DWCF rules, as they presently exist, require the arsenals to include reserve capacity costs in their bids when they compete with private com-
panies for military contracts.

The results of this system have been predictable. Arsenals have lost work to private companies, even when the true marginal cost of having the work performed by an arsenal is less than the price charged by a private contractor. Moreover, the United States government ends up paying for the arsenals' unused capacity any-
way—either through higher costs on other arsenial contracts, or through ac-

cumulated operating deficits built up
by the arsenals. Though the individual military department saves money when its purchasing agents buy from a private contractor instead of an arsenal, when those purchasing decisions are driven by avoidance of reserve capacity costs, the military as a whole loses. The government pays for reserve capacity as the contractor pays more to have the work done by a private company that offers a lower price, the DoD will ultimately pay twice for maintaining both the essential organic capability as well as contracting out for the good or service. The DWCF rules’ overpricing of arsenal services not only encourage[] behavior that is not optimal for the military as a whole,” it also leads to an increasing disparity between military and private suppliers that “results in an increasing abandonment of DWCF services.”

For these reasons, I introduce the present amendment. This amendment provides for direct funding of unused plant-capacity costs at United States arsenals. By removing these reserve-capacity costs from arsenal bid prices, the amendment would allow arsenals to compete on an equal footing with private companies. And by allowing arsenal prices to reflect true marginal costs, it would not only bring more business to the arsenals; it would save money for the government. No longer would military purchasers be discouraged from using an arsenal when its actual marginal costs—those that would be charged by a private business—are less than the prices charged by a private competitor. And, the amendment would promote the goal of cost transparency—the original goal of the DWCF system. Separately budgeting for reserve capacity—while also allowing arsenal prices to reflect the true costs of providing goods and services.

Finally, I wish to emphasize that allowing the arsenals to fall into disuse would be a grave loss for the United States military. In my home state of Illinois, the Rock Island Arsenal has been an important military resource. It is a proven, cost-effective producer of high-quality military equipment. It has also served as a valuable supplier of last resort, providing mission-critical shims and pins for the Apache helicopter when outside suppliers were unable to meet the Army’s deadline.

The U.S. government acquired Rock Island, which lies in the Mississippi River with the last stone shop in 1893. The first U.S. military base on the island was Fort Armstrong, established in 1816. In 1862, Congress passed a law that established the Rock Island Arsenal. Construction of the first manufacturing buildings began in 1866 and finished in 1869.

In the late 1880s, the Department of Defense invested $222 million in Rock Island Arsenal’s capabilities. The arsenal is now the Department of Defense’s only general-purpose metal manufacturing facility, providing forging, sheet metal, and welding and heat treating operations that cover the entire range of technologically feasible processes. The Rock Island Arsenal also has a machine shop capable of specialized operations, such as finishing, and tool making; a paint shop certified to apply chemical agent resistant coatings to items as large as tanks; and a plating shop that can apply chrome, nickel, cadmium, and copper and galvanize, parkerize, anodize, and apply oxide films.

Direct budgeting of unused plant capacity will allow arsenals’ bids to reflect their true marginal costs of production and service, thereby increasing efficient use of the arsenals, reducing costs for the Department of Defense as a whole, and preserving an invaluable military resource.

AMENDMENT NO. 3424

Purpose: To authorize, with an offset, $1,450,000 for a contribution by the Air National Guard to construction of a new airport tower at Cheyenne Airport, Cheyenne, Wyoming

On page 503, between lines 5 and 6, insert the following:

SEC. 2602. AUTHORIZATION FOR CONTRIBUTION TO CONSTRUCTION OF AIRPORT TOWER, CHEYENNE AIRPORT, CHEYENNE, WYOMING.

(a) INCREASE IN AMOUNT AUTHORIZED FOR AIR NATIONAL GUARD.—The amount authorized to be appropriated by section 2601(3)(A) is hereby increased by $1,450,000.

(b) OFFSET.—The amounts authorized to be appropriated by section 2405(a), and by paragraph (2) of that section, are hereby reduced by $1,450,000. The amount of the reduction shall be allocated to the project authorized in section 2401(b) for the Tri-Care Management Agency for the Naval Support Activity, Naples, Italy.

(c) AVAILABILITY OF FUNDS FOR CONTRIBUTION TO TOWER.—Of the amounts authorized to be appropriated by section 2601(3)(A), as increased by subsection (a), $1,450,000 shall be available to the Secretary of the Air Force for a contribution to the costs of construction of a new airport tower at Cheyenne Airport, Cheyenne, Wyoming.

(d) AUTHORITY TO MAKE CONTRIBUTION.—The Secretary may, using funds available under subsection (c), make a contribution, in an amount considered appropriate by the Secretary and consistent with applicable agreements, to the costs of construction of a new airport tower at Cheyenne Airport, Cheyenne, Wyoming.

Mr. WARNER. Mr. President, I understand under the unanimous consent request, the Senate is ready to turn to the consideration of the Transportation bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, I inform the Senate that we are currently under a unanimous consent request whereby the authorization bill for Defense is laid aside and we are going to
the question of the Transportation appropria-
tions.

Am I not correct in that?
The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. The reason for the quorum call is to accommodate the chairman of the Subcommittee on Appropria-
tions who will be here, as I under-
stand it, momentarily.

Senator LEVIN and I have just had the opportunity to talk on the tele-
phone with the Secretary of Energy. It had been our intention and the Com-
mittee on Armed Services is currently scheduled to have a hearing at 9:30 to-
morrow morning on the problems asso-
ciated with the missing disks at the Los Alamos Laboratories.

In view of the fact that at least one committee—the Energy Committee, and I am not sure in what place, that the Intel-
ligence Committee—are conducting the hearing on this subject now, and basi-
cally the same witnesses would be in-
volved, Senator Levin and I are of the opinion that time should be given for the Secretary of Energy and/or his staff to make certain assessments, and then we would proceed to address these issues in our committee.

I point out that our committee has explicit jurisdiction over these prob-
lems under the Standing Rules of the Senate. Nevertheless, other commit-
tees are looking at the situation. Sec-
retary Richardson has agreed to appear as a witness before our committee, to-
gether with General Habinger, Ed Curran, and the Lab Director of Los Al-
amos. We will have that group of wit-
nesses on Wednesday morning begin-
ning at 9:30.

Senator LEVIN and I wish to notify Senators that we are rescheduling the hearing for tomorrow morning until 9:30 next morning.

I ask Senator LEVIN if he wishes to add anything.

Mr. LEVIN. Mr. President, only that John Brown is the fourth witness who will be invited. He is the Director at the Los Alamos Lab.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent, notwithstanding the ago-

The PRESIDING OFFICER. Without objec-
tion, it is so ordered.

Mr. WARNER. I suggest the absence of a quorum.

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

The permanent legislative clerk pro-
cceeded to call.

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

CONGRESSIONAL RECORD—SENATE 10651

FLAG DAY 2000

Mr. BYRD. Mr. President, today is the 223rd anniversary of the adoption, by the Continental Congress meeting in Philadelphia, of a resolution estab-
lishing a new symbol for the new na-
tion that was then in its birth throes. The resolution, passed on June 14, 1777, was a model of simplicity, specifying only "that the flag be 13 stripes alter-
ate red and white; that the union be 13 stars, white in a blue field, rep-
resenting a new constellation." Al-
though the flag reputedly stitched by Betsy Ross arranged the stars in a full circle, other versions of this first flag placed the stars in a half circle or in a circle, other versions of this first flag, as I understand it, momentarily.

This first flag, like the Constitution to follow it in 1787, was not entirely new, but rather predicated on flags that had come before it. An English flag, known as the Red Ensign, flew over the thirteen colonies from 1707 until the Revolution. The body of this flag was red, with a Union Jack design in the upper left corner composed of the combined red-on-white Cross of St. George, patron of England, and the white-on-blue diagonal cross of St. An-
drew, patron of Scotland. The Red En-
sign was the merchant flag of England, reinforcing for the colonists and their sta-
tus as an unequal and lesser partner in their relationship with Mother Eng-
land.

The Grand Union flag that first suc-
cceeded the Red Ensign was raised on January 1, 1776, approximately a year after the American Revolution had begun, over George Washington's head-
quarters in the outskirt of Boston. The Grand Union flag retained the Union Jack in the upper left corner, but the solid red body of the English flag was now broken by six white stripes. However, the stripes alone did not represent enough of a separation from England, and, a year later, the pa-
tro sants of England and Scotland were removed from the flag, to be re-
placed by the new constellation, the original thirteen colonies, which was then decisively vying for freedom.

In the ensuing years, stars and stripes were added to the flag, reflect-
ging the growth of the young nation. The flag flying over Fort McHenry dur-
ing the naval bombardment of Sep-
tember 13 and 14, 1814, that inspired Francis Scott Key to compose the imm-
ortal words that became our national anthem, contained fifteen stars and fif-
teen stripes. By 1818, the number of stars had climbed to twenty, while the number of stripes had shrunk back to the more manageable thirteen. On April 4, 1818, Congress adopted another

resolution to specify that the number of stripes on the flag would forever re-
mains at thirteen, representing the original thirteen states. A union star would be added to the flag for each new state to join the union.

Henry Ward Beecher once said:

A thoughtful mind, when it sees a Nation's flag, sees not the flag only, but the Nation itself; and whatever may be its symbols, its insignia, he reads chiefly in the flag the Gov-
ernment, the principles, the truths, the his-
tory which belongs to the Nation that sets it forth.

Certainly, knowing the history and evolution of the American flag from the Red Ensign, through the Grand Union flag, to the Stars and Stripes, one can see clearly into the early his-
tory of our nation. The symbolism of the flag also echoes the principles of our government, with each state re-
presented by its own star in the con-
stellation, equal to all the other stars, and each one a vital part of the con-
stellation as a whole. I think that it is also reflective of our nation of free people that the idea for Flag Day arose, not from a Govern-
mental decree, but from the people. The idea of an annual day to celebrate the Flag is believed to have originated in 1885, when B. J. Cigrand, a school teacher from Fredonia, WI, arranged for pupils of Fredonia's Public School District 6 to celebrate June 14 as "Flag Birthday." Over the following years, Mr. Cigrand advocated the observance of June 14 as 'Flag Birthday' or 'Flag Day' in magazine and newspaper arti-
cles, as well as public addresses.

In 1889, George Balach, a kinder-
garten teacher in New York City, planned Flag Day ceremonies for the children in his school. His idea of ob-
serving Flag Day was subsequently adopted by the State Board of Edu-
cation of New York. In 1891, the Betsy Ross House in Philadelphia held a Flag Day celebration, and in 1892, the New York Society of the Sons of the Revo-
lution held similar festivities.

The Sons of the Revolution in Phila-
delphia, and the Pennsylvania Society of Colonial Dames of America, further encouraged the widespread adoption of Flag Day, and on June 14, 1893, in Inde-
pendence Square in Philadelphia, Flag Day exercises were conducted for Philadelphia public school children. The following year, the Governor of New York directed that American flags be flown on all public buildings on June 14, while in Chicago, more than 200,000 children participated in that city's first Flag Day celebration.

On May 30, 1916, President Woodrow Wilson established by proclamation the first official Federal Flag Day on June 14. On August 3, 1949, President Harry S Truman signed an Act of Congress des-
ignating June 14 of each year as Na-
tional Flag Day.

So now, thanks to the inspiration of a pair of elementary school teachers