Tiahrt	Watkins	White
Tierney	Watts (OK)	Whitfield
Traficant	Waxman	Wicker
Turner	Weldon (FL)	Wise
Upton	Weldon (PA)	Wolf
Walsh	Weller	Young (AK)
Wamp	Weygand	Young (FL)

NAYS—69

Ackerman	Hinchey	Owens
Andrews	Jackson (IL)	Pastor
Becerra	Jackson-Lee (TX)	Payne
Bonior	Jefferson	Pickett
Brady (PA)	Johnson, E. B.	Rangel
Brown (CA)	Kennedy (MA)	Rodriguez
Brown (FL)	Kennedy (RI)	Roybal-Allard
Brown (OH)	Lee	Rush
Carson	Levin	Scott
Clay	Lewis (GA)	Serrano
Clyburn	Markey	Skaggs
Conyers	Martinez	Slaughter
Cummings	Matsui	Stark
DeGette	McDermott	Stokes
Delahunt	McKinney	Thompson
Deutsch	Meek (FL)	Towns
Dicks	Millender-McDonald	Velazquez
Engel	Miller (CA)	Vento
Fattah	Moran (VA)	Visclosky
Fazio	Murtha	Waters
Filner	Nadler	Wexler
Furse	Oberstar	Wynn
Hastings (FL)	Olver	Yates
Hilliard		

ANSWERED ''PRESENT''—12

Berman	Frank (MA)	Sanchez
Bishop	Kind (WI)	Tauscher
Clayton	Maloney (NY)	Watt (NC)
DeFazio	McGovern	Woolsey

NOT VOTING—10

Bateman	Johnson, Sam	Pelosi
Franks (NJ)	McDade	Torres
Gonzalez	Meeks (NY)	
Harman	Parker	

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Messrs. THOMPSON, CUMMINGS, MORAN of Virginia and OBERSTAR and Ms. MCKINNEY changed their vote from ''aye'' to ''no.''

Mrs. KENNELLY of Connecticut, Ms. MCCARTHY of Missouri, and Messrs. HINOJOSA, ROTHMAN, COSTELLO and MANTON changed their vote from ''no'' to ''aye.''

Mr. WATT of North Carolina and Mrs. CLAYTON changed their vote from ''no'' to ''present.''

Mrs. MALONEY of New York and Ms. WOOLSEY changed their vote from ''aye'' to ''present.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CERTIFICATION OF COOPERATION BY POLAND, HUNGARY, AND THE CZECH REPUBLIC WITH U.S. EFFORTS REGARDING OBTAINING ACCOUNTING OF CAPTURED AND MISSING U.S. PERSONNEL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. Doc. No. 105–256)

The SPEAKER pro tempore (Mr. LATOURETTE) laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

In accordance with the resolution of advice and consent to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic, adopted by the Senate of the United States on April 30, 1998, I hereby certify to the Congress that, in connection with Condition (5), each of the governments of Poland, Hungary, and the Czech Republic are fully cooperating with United States efforts to obtain the fullest possible accounting of captured and missing U.S. personnel from past military conflicts or Cold War incidents, to include (A) facilitating full access to relevant archival material, and (B) identifying individuals who may possess knowledge relative to captured and missing U.S. personnel, and encouraging such individuals to speak with United States Government officials.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 21, 1998.*

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 94

Mrs. CLAYTON. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor for H.R. 94, the Volunteer Firefighter and Rescue Squad Worker Protect Act.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

DEEMING THOMAS AMENDMENT NO. 41 TO HAVE BEEN INCLUDED AS LAST AMENDMENT IN PART D OF HOUSE REPORT 105–544 DURING FURTHER CONSIDERATION OF H.R. 3616, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 3616, pursuant to House Resolution 441, that the Thomas amendment presently at the desk be deemed to have been included as the last amendment printed in Part D of House Report 105–544.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Part D Amendment No. 41 offered by Mr. THOMAS:

At the end of title XXXIV (page 373, after line 2), insert the following new section:

SEC. 3408. TREATMENT OF STATE OF CALIFORNIA CLAIM REGARDING NAVAL PETROLEUM RESERVE NUMBERED 1.

Section 3415(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 7420 note) is amended by striking out the first sentence and inserting in lieu thereof the following: ''Amounts in the contingent fund shall be available for paying a claim described in subsection (a) in accordance with the terms of, and the payment schedule contained in, the Settlement Agreement entered into between the State of California and the Department of Energy, dated October 11, 1996, and supplemented on December 10, 1997. The Secretary shall modify the Settlement Agreement to negate the requirements of the Settlement Agreement with respect to the request for and appropriation of funds.''.

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

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The SPEAKER pro tempore. Pursuant to House Resolution 441 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3616.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3616) to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999, and for other purposes, with Mr. PEASE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Wednesday, May 20, 1998, amendment No. 3 printed in Part B of House report 105–544 had been disposed of.

PART D AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Chairman, I offer amendments en bloc, as modified.

The CHAIRMAN. The Clerk will designate the amendments en bloc and report the modifications.

The text of the amendments en bloc is as follows:

Part D amendments en bloc offered by Mr. SPENCE:

Part D amendment No. 1 offered by Mr. BRYANTt:

At the end of title X (page 234, after line 4), insert the following new section:

SEC. 1044. CLARIFICATION OF STATE AUTHORITY TO TAX COMPENSATION PAID TO CERTAIN EMPLOYEES.

(a) LIMITATION ON STATE AUTHORITY TO TAX COMPENSATION PAID TO INDIVIDUALS PERFORMING SERVICES AT FORT CAMPBELL, KENTUCKY.—

(1) IN GENERAL.—Chapter 4 of title 4, United States Code, is amended by adding at the end the following:

''§ 115. Limitation on State authority to tax compensation paid to individuals performing services at Fort Campbell, Kentucky

''Pay and compensation paid to an individual for personal services at Fort Campbell, Kentucky, shall be subject to taxation by the State or any political subdivision thereof of which such employee is a resident.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 4, United States Code, is amended by adding at the end the following:

''115. Limitation on State authority to tax compensation paid to individuals performing services at Fort Campbell, Kentucky.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to pay and compensation paid after the date of the enactment of this Act.

(b) CLARIFICATION OF STATE AUTHORITY TO TAX COMPENSATION PAID TO CERTAIN FEDERAL EMPLOYEES.—

(1) IN GENERAL.—Section 111 of title 4, United States Code, is amended—

(A) by inserting ''(a) GENERAL RULE.—'' before ''The United States'' the first place it appears, and

(B) by adding at the end the following:

''(b) TREATMENT OF CERTAIN FEDERAL EMPLOYEES EMPLOYED AT FEDERAL HYDROELECTRIC FACILITIES LOCATED ON THE COLUMBIA RIVER.—Pay or compensation paid by the United States for personal services as an employee of the United States at a hydroelectric facility—

''(1) which is owned by the United States,

''(2) which is located on the Columbia River, and

''(3) portions of which are within the States of Oregon and Washington,

shall be subject to taxation by the State or any political subdivision thereof of which such employee is a resident.

''(c) TREATMENT OF CERTAIN FEDERAL EMPLOYEES EMPLOYED AT FEDERAL HYDROELECTRIC FACILITIES LOCATED ON THE MISSOURI RIVER.—Pay or compensation paid by the United States for personal services as an employee of the United States at a hydroelectric facility—

''(1) which is owned by the United States,

''(2) which is located on the Missouri River, and

''(3) portions of which are within the States of South Dakota and Nebraska,

shall be subject to taxation by the State or any political subdivision thereof of which such employee is a resident.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to pay and compensation paid after the date of the enactment of this Act.

Part D amendment No. 2 offered by Mr. CUNNINGHAM:

Strike out section 2812 (page 299, beginning line 1), and insert the following new section:

SEC. 2812. OUTDOOR RECREATION DEVELOPMENT ON MILITARY INSTALLATIONS FOR DISABLED VETERANS, MILITARY DEPENDENTS WITH DISABILITIES, AND OTHER PERSONS WITH DISABILITIES.

(a) ACCESS ENHANCEMENT.—Section 103 of the Sikes Act (16 U.S.C. 670c) is amended by adding at the end the following new subsections:

''(b) ACCESS FOR DISABLED VETERANS, MILITARY DEPENDENTS WITH DISABILITIES, AND OTHER PERSONS WITH DISABILITIES.—(1) In developing facilities and conducting programs for public outdoor recreation at military installations, consistent with the primary military mission of the installations, the Secretary of Defense shall ensure, to the extent reasonably practicable, that outdoor recreation opportunities (including fishing, hunting, trapping, wildlife viewing, boating, and camping) made available to the public also provide access for persons described in paragraph (2) when topographic, vegetative, and water resources allow access for such persons without substantial modification to the natural environment.

''(2) Persons referred to in paragraph (1) are the following:

''(A) Disabled veterans.

''(B) Military dependents with disabilities.

''(C) Other persons with disabilities, when access to a military installation for such persons and other civilians is not otherwise restricted.

''(3) The Secretary of Defense shall carry out this subsection in consultation with the Secretary of Veterans Affairs, national service, military, and veterans organizations, and sporting organizations in the private sector that participate in outdoor recreation projects for persons described in paragraph (2).

''(c) ACCEPTANCE OF DONATIONS.—In connection with the facilities and programs for public outdoor recreation at military installations, in particular the requirement under subsection (b) to provide access for persons described in paragraph (2) of such subsection, the Secretary of Defense may accept—

''(1) the voluntary services of individuals and organizations; and

''(2) donations of money or property, whether real, personal, mixed, tangible, or intangible.

''(d) TREATMENT OF VOLUNTEERS.—A volunteer under subsection (c) shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except that—

''(1) for the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, the volunteer shall be considered to be a Federal employee; and

''(2) for the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, the volunteer shall be considered to be an employee, as defined in section 8101(1)(B) of title 5, United States Code, and the provisions of such subchapter shall apply.''.

(b) CONFORMING AMENDMENT.—Such section is further amended by striking out ''SEC. 103.'' and inserting in lieu thereof the following:

''SEC. 103. PROGRAM FOR PUBLIC OUTDOOR RECREATION.

''(a) PROGRAM AUTHORIZED.—''.

Part D amendment No. 3 offered by Mr. UNDERWOOD:

At the end of section 653(e) (page 183, line 7), insert the following: ''The report shall be submitted not later than six months after the date of the enactment of this Act and shall include, in addition to the certification, a description of the system used to recover from commercial carriers the costs incurred by the Department under such amendments.''.

Part D amendment No. 4 offered by Mr. TRAFICANT:

At the end of title VIII (page 199, after line 25), insert the following new section:

SEC. 804. TIME FOR SUBMISSION OF ANNUAL REPORT RELATING TO BUY AMERICAN ACT.

Section 827 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2611; 41 U.S.C. 10b–3) is amended by striking out ''90 days'' and inserting in lieu thereof ''60 days''.

Part D amendment No. 5 offered by Mr. TRAFICANT:

At the end of title X (page 234, after line 4), insert the following new section:

SEC. 1044. REQUIREMENT TO PROVIDE BURIAL FLAGS WHOLLY PRODUCED IN THE UNITED STATES.

(a) REQUIREMENT.—Section 2301 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(f)(1) Any flag furnished pursuant to this section shall be wholly produced in the United States.

''(2) For the purpose of paragraph (1), the term 'wholly produced' means—

''(A) the materials and components of the flag are entirely grown, manufactured, or created in the United States;

''(B) the processing (including spinning, weaving, dyeing, and finishing) of such materials and components is entirely performed in the United States; and

''(C) the manufacture and assembling of such materials and components into the flag is entirely performed in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to flags furnished by the Secretary of Veterans Affairs under section 2301 of title 38, United States Code, after September 30, 1998.

Part D amendment No. 6 offered by Mr. TRAFICANT:

At the end of part II of subtitle D of title XXVIII (page 320, after line 11), insert the following new section:

SEC. 2843. LAND CONVEYANCE, NAVAL AND MARINE CORPS RESERVE FACILITY, YOUNGSTOWN, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the City of Youngstown, Ohio (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, that is located at 315 East Laclede Avenue in Youngstown, Ohio, and is the location of a Naval and Marine Corps Reserve facility.

(b) PURPOSE.—The purpose of the conveyance under subsection (a) is to permit the City to use the parcel for educational purposes.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

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

Part D amendment No. 7 offered by Mr. BARTLETT of Maryland and Mr. SOLOMON:

At the end of title X (page 234, after line 4), insert the following new section:

SEC. . INVESTIGATION OF ACTIONS RELATING TO 174TH FIGHTER WING OF NEW YORK AIR NATIONAL GUARD.

(a) INVESTIGATION.—The Inspector General of the Department of Defense shall investigate the grounding of the 174th Fighter Wing of the New York Air National Guard and the subsequent dismissal, demotion, or reassignment of 12 decorated combat pilots of that wing.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report describing the results of the investigation under subsection (a).

Part D amendment No. 8 offered by Mr. FRANK of Massachusetts and Mr. SISISKY:

At the end of title XII (page 253, after line 3), insert the following new section:

SEC. 1206. LIMITATION ON PAYMENTS FOR COST OF NATO EXPANSION.

(a) The amount spent by the United States as its share of the total cost to North Atlantic Treaty Organization member nations of the admission of new member nations to the North American Treaty Organization may not exceed 10 percent of the cost of expansion or a total of $2,000,000,000, whichever is less, for fiscal years 1999 through 2011.

(b) If at any time during the period specified in subsection (a), the United States'

share of the total cost of expanding the North Atlantic Treaty Organization exceeds 10 percent, no further United States funds may be expended for the costs of such expansion until that percentage is reduced to below 10 percent.

Part D amendment No. 9 offered by Mr. HOBSON:

At the end of title VII (page 197, after line 5) insert the following new sections:

SEC. 726. REQUIREMENT THAT MILITARY PHYSICIANS POSSESS UNRESTRICTED LICENSES.

(a) IN GENERAL.—Section 1094(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) In the case of a physician under the jurisdiction of the Secretary of a military department, such physician may not provide health care as a physician under this chapter unless the current license of the physician is an unrestricted license which is not subject to limitation on the scope of practice ordinarily granted to other physicians for a similar specialty by the jurisdiction that granted the license.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 727. ESTABLISHMENT OF MECHANISM FOR ENSURING COMPLETION BY MILITARY PHYSICIANS OF CONTINUING MEDICAL EDUCATION REQUIREMENTS.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1094 the following new section:

''§ 1094a. Mechanism for monitoring of completion of Continuing Medical Education requirements

''The Secretary of Defense shall establish a mechanism for the purpose of ensuring that each person under the jurisdiction of the Secretary of a military department who provides health care under this chapter as a physician completes the Continuing Medical Education requirements applicable to the physician.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1094a. Mechanism for monitoring of completion of Continuing Medical Education requirements.''.

(b) EFFECTIVE DATE.—Section 1094a of title 10, United States Code, as added by subsection (a), shall take effect on the date that is three years after the date of the enactment of this Act.

Part D amendment No. 10 offered by Mrs. MALONEY of New York:

At the end of subtitle D of title VI (page 178, after line 20), insert the following new section:

SEC. 642. REVISION TO COMPUTATION OF RETIRED PAY FOR ENLISTED MEMBERS WHO ARE REDUCED IN GRADE BEFORE RETIREMENT.

(a) PRE-SEPTEMBER 8, 1980 MEMBERS.—Section 1406(i) of title 10, United States Code, is amended—

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

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) EXCEPTION FOR MEMBERS REDUCED IN GRADE.—Paragraph (1) does not apply in the case of a member who after serving as the senior enlisted member of an armed force is reduced in grade as the result of a court-martial sentence, nonjudicial punishment, or other administrative process, as determined by the Secretary concerned.''.

(b) POST-SEPTEMBER 7, 1980 MEMBERS.—Section 1407 of such title is amended by adding at the end the following new subsection:

''(f) LIMITATION FOR ENLISTED MEMBERS REDUCED IN GRADE.—

''(1) BASIC PAY DISREGARDED FOR GRADES ABOVE GRADE TO WHICH REDUCTION IN GRADE IS MADE.—In computing the high-three average of a retired enlisted member who has been reduced in grade, the amount of basic pay to which the member was entitled for any covered pre-reduction month (or to which the member would have been entitled if serving on active duty during that month, in the case of a member entitled to retired under pay under section 12731 of this title) shall (for the purposes of such computation) be deemed to be the rate of basic pay to which the member would have been entitled for that month if the member had served on active duty during that month in the grade to which the reduction in grade was made.

''(2) DEFINITIONS.—In this subsection:

''(A) RETIRED ENLISTED MEMBER WHO HAS BEEN REDUCED IN GRADE.—The term 'retired enlisted member who has been reduced in grade' means a member or former member who—

''(i) retires in an enlisted grade, transfers to the Fleet Reserve or Fleet Marine Corps Reserve, or becomes entitled to retired pay under chapter 12731 after last serving in an enlisted grade; and

''(ii) had at any time previously been reduced in grade as the result of a court-martial sentence, nonjudicial punishment, or other administrative process, as determined by the Secretary concerned.

''(B) COVERED PRE-REDUCTION MONTH DEFINED.—The term 'covered pre-reduction month' means, in the case of a retired enlisted member who has been reduced in grade, a month of service of the member before the reduction in grade of the member during which the member served in a grade higher than the grade to which the reduction in grade was made.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply in the case of a member who is reduced in grade by sentence of a court-martial only in the case of a court-martial conviction on or after the date of the enactment of this Act. Subsection (f) of section 1407 of title 10, United States Code, as added by the amendment made by subsection (b), shall not apply to the retired or retainer pay of any person who becomes entitled to that pay before the date of the enactment of this Act.

(d) TECHNICAL AMENDMENT.—Subsection (e) of section 1407 of title 10, United States Code, is amended by striking out ''high-36 average shall be computed'' and inserting in lieu thereof ''high-three average shall be computed under subsection (c)(1)''.

Part D amendment No. 11 offered by Mr. MARKEY:

At the end of title XXXI (page 363, after line 5), insert the following new section:

SEC. 3154. PROHIBITION ON USE OF TRITIUM PRODUCED IN FACILITIES LICENSED UNDER THE ATOMIC ENERGY ACT FOR NUCLEAR EXPLOSIVE PURPOSES.

(A) PROHIBITION.—Section 57(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(e)) is amended by inserting after ''section 11,'' the following: ''or tritium''.

(b) CONFORMING AMENDMENT.—Section 108 of such Act (42 U.S.C. 2138) is amended by inserting ''or tritium'' after ''special nuclear material'' in the second and third sentences each place it appears.

Part D amendment No. 12 offered by Mr. STENHOLM and Mr. THUNE:

At the end of title VII of the bill (page 197, after line 5), insert the following new section:

SECTION 726. PROPOSAL ON ESTABLISHMENT OF APPEALS PROCESS FOR CLAIMCHECK DENIALS AND REVIEW OF CLAIMCHECK SYSTEM.

Not later than November 1, 1998, the Secretary of Defense shall submit to Congress a proposal to establish an appeals process in cases of denials through the ClaimCheck computer software system of claims by civilian providers for payment for health care services provided under the TRICARE program.

Part D amendment No. 14 offered by Mr. MCKEON:

At the end of title X (page 234, after line 4), insert the following new section:

SEC. 1044. FACILITATION OF OPERATIONS AT EDWARDS AIR FORCE BASE, CALIFORNIA.

(a) FACILITATION OF OPERATIONS.—The Secretary of the Air Force may, in order to facilitate implementation of the Edwards Air Force Base Alliance Agreement, authorize equipment, facilities, personnel, and other resources available to the Air Force at Edwards Air Force Base to be used in such manner as the Secretary considers appropriate for the efficient operation and support of either or both of the organizations that are parties to that agreement without regard to the provisions of section 1535 of title 31, United States Code (and any regulations of the Department of Defense prescribed under that section).

(b) PRESERVATION OF FINANCIAL INTEGRITY OF FUNDS.—The Secretary shall carry out subsection (a) so as to preserve the financial integrity of funds appropriated to the Department of the Air Force and the National Aeronautics and Space Administration.

(c) EDWARDS AIR FORCE BASE ALLIANCE AGREEMENT.—For purposes of this section, the term ''Edwards Air Force Base Alliance Agreement'' means the agreement entered into in May 1995, between the commander of the Air Force Flight Test Center and the director of the Dryden Flight Research Center of the National Aeronautics and Space Administration, both of which are located at Edwards Air Force Base, California, to develop and sustain a working relationship between the two organizations to improve the efficiency of the operations of both organizations while preserving the unique missions of both organizations.

(d) DELEGATION.—The authority of the Secretary under this section may be delegated, at the Secretary's discretion, to the commander of the Air Force Flight Test Center, Edwards Air Force Base, California.

(e) REPORT.—Not later than May 1, 1999, the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall submit to Congress a joint report on the implementation of this section.

Part D amendment No. 15 offered by Mr. HUNTER:

At the end of title XII (page 253, after line 3), insert the following new section:

SEC. 1206. COMMODITY JURISDICTION FOR SATELLITE EXPORTS.

(a) CONTROL ON MUNITIONS LIST.—All satellites of United States origin, including commercial satellites and satellite components, shall be placed on the United States Munitions List, and the export of such satellites shall be controlled under the Arms Export Control Act, effective 60 days after the date of the enactment of this Act.

(b) REGULATIONS.—Regulations to carry out subsection (a) shall be issued within 60 days after the date of the enactment of this Act.

Part D amendment No. 16 offered by Mr. SPENCE:

At the end of subtitle D of title X (page 228, after line 13), insert the following new section:

SEC. . TRANSMISSION OF EXECUTIVE BRANCH REPORTS PROVIDING CONGRESS WITH CLASSIFIED SUMMARIES OF ARMS CONTROL DEVELOPMENTS.

(a) REPORTING REQUIREMENT.—The Director of the Arms Control and Disarmament Agency (or the Secretary of State, if the Arms Control and Disarmament Agency becomes an element of the Department of State) shall transmit to Congress on a periodic basis reports containing classified summaries of arms control developments.

(b) CONTENTS OF REPORTS.—The reports required by subsection (a) shall include information reflecting the activities of forums established to consider issues relating to treaty implementation and treaty compliance, including the Joint Compliance and Inspection Commission, the Joint Verification Commission, the Open Skies Consultative Commission, the Standing Consultative Commission, and the Joint Consultative Group.

Part D amendment No. 17 offered by Mr. SESSIONS:

At the end of subtitle D of title III (page 67, after line 3), insert the following new section:

SEC. 340. BEST COMMERCIAL INVENTORY PRACTICES FOR MANAGEMENT OF SECONDARY SUPPLY ITEMS.

(a) DEVELOPMENT AND SUBMISSION OF SCHEDULE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of each military department shall develop and submit to Congress a schedule for implementing within the military department, for secondary supply items managed by that military department, inventory practices identified by the Secretary as being the best commercial inventory practices for the acquisition and distribution of such supply items consistent with military requirements. The schedule shall provide for the implementation of such practices to be completed not later than five years after the date of the enactment of this Act.

(b) DEFINITION.—For purposes of this section, the term ''best commercial inventory practice'' includes cellular repair processes, use of third-party logistics providers, and any other practice that the Secretary of the military department determines will enable the military department to reduce inventory levels and holding costs while improving the responsiveness of the supply system to user needs.

(c) GAO REPORTS ON MILITARY DEPARTMENT AND DEFENSE LOGISTICS AGENCY SCHEDULES.—(1) Not later than 240 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report evaluating the extent to which the Secretary of each military department has complied with the requirements of this section.

(2) Not later than 18 months after the date on which the Director of the Defense Logistics Agency submits to Congress a schedule for implementing best commercial inventory practices under section 395 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1718; 10 U.S.C. 2458 note), the Comptroller General shall submit to Congress an evaluation of the extent to which best commercial inventory practices are being implemented in the Defense Logistics Agency in accordance with that schedule.

Part D amendment No. 18 offered by Mr. GIBBONS:

At the end of title XII (page 253, after line 3), insert the following new section:

SEC. 1206. RELEASE OF EXPORT INFORMATION HELD BY THE DEPARTMENT OF COMMERCE FOR PURPOSE OF NATIONAL SECURITY ASSESSMENTS.

(a) RELEASE OF EXPORT INFORMATION.—The Secretary of Commerce shall transmit any information relating to exports that is held by the Department of Commerce and is requested by the officials designated in subsection (b) for the purpose of assessing national security risks. The Secretary of Commerce shall transmit such information within 5 days after receiving a written request for such information. Information referred to in this section includes—

(1) export licenses, and information on exports that were carried out under an export license issued by the Department of Commerce; and

(2) information collected by the Department of Commerce on exports from the United States that were carried out without an export license.

(b) REQUESTING OFFICIALS.—The officials referred to in subsection (a) are the Director of Central Intelligence, the Secretary of Defense, and the Secretary of Energy. The Director of Central Intelligence, the Secretary of Defense, and the Secretary of Energy may delegate to other officials within their respective agency and departments the authority to request information under subsection (b).

Part D amendment No. 21 offered by Mr. HUNTER and Mr. JONES:

At the end of title X (page 234, after line 4), insert the following new section:

SEC. . SENSE OF CONGRESS CONCERNING TAX TREATMENT OF PRINCIPAL RESIDENCE OF MEMBERS OF ARMED FORCES WHILE AWAY FROM HOME ON ACTIVE DUTY.

It is the sense of Congress that a member of the Armed Forces should be treated as using property as a principal residence during any period that the member (or the member's spouse) is serving on extended active duty with the Armed Forces, but only if the member used the property as a principal residence for any period during or before the period of extended active duty.

Part D amendment No. 23 offered by Mr. WELDON of Florida:

At the end of title X (page 234, after line 4), insert the following new section:

SEC.—. OPERATION, MAINTENANCE, AND UPGRADE OF AIR FORCE SPACE LAUNCH FACILITIES.

Funds appropriated pursuant to the authorizations of appropriations in this Act for the operation, maintenance, or upgrade of the Western Space Launch Facilities of the Department of the Air Force (Program Element 35181F) and the Eastern Space Launch Facilities of the Department of the Air Force (Program Element 351821F) may not be obligated for any other purpose.

Part D amendment No. 24 offered by Mr. BARR of Georgia:

At the end of subtitle C of title X (page 227, after line 14), insert the following new section:

SEC. 1023. SENSE OF CONGRESS REGARDING ESTABLISHMENT OF COUNTER-DRUG CENTER IN PANAMA.

In anticipation of the closure of all United States military installations in Panama by December 31, 1999, it is the sense of Congress that the Secretary of Defense, in consultation with the Secretary of State, should continue negotiations with the Government of Panama for the establishment in Panama of a counter-drug center to be used by the Armed Forces of the United States in cooperation with Panamanian forces and military personnel of other friendly nations.

Part D amendment No. 25 offered by Mr. HASTINGS of Washington:

At the end of subtitle C of title XXXI (page 356, after line 14), insert the following new section:

SEC. 3136. HANFORD TANK CLEANUP PROGRAM REFORMS.

(a) ESTABLISHMENT OF OFFICE OF RIVER PROTECTION.—The Secretary of Energy shall establish an office at the Hanford Reservation, Richland, Washington, to be known as the ''Office of River Protection''.

(b) MANAGEMENT.—The Office shall be headed by a senior official of the Department of Energy, who shall be responsible for managing all aspects of the Tank Waste Remediation System (also referred to as the Hanford Tank Farm operations), including those portions under privatization contracts, of the Department of Energy at the Hanford Reservation. The Office shall be responsible for developing the integrated management plan under subsection (d).

(c) DEPARTMENT OF ENERGY RESPONSIBILITIES.—The Secretary of Energy shall—

(1) provide the manager of the Office of River Protection with the resources and personnel necessary to manage the tank waste privatization program in an efficient and streamlined manner; and

(2) establish a five-member advisory committee, including the manager of the Richland operations office and a representative of the Office of Privatization and Contract Reform, to advise the Office.

(d) INTEGRATED MANAGEMENT PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives an integrated management plan for all aspects of the Hanford Tank Farm operations, including the roles, responsibilities, and reporting relationships of the Office of River Protection. In developing the plan, the Secretary shall consider the extent to which the Office should be physically and administratively separate from the Richland operations office.

(e) REPORT.—After the Office of River Protection has been in operation for two years, the Secretary of Energy shall submit to Congress a report on the success of the Tank Waste Remediation System and the Office in improving the management structure of the Department of Energy.

(f) TERMINATION.—The Office of River Protection shall terminate after it has been in operation for five years, unless the Secretary of Energy determines that such termination would disrupt effective management of Hanford Tank Farm operations. The Secretary shall inform the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of this determination in writing.

Part D amendment No. 26 offered by Mr. HASTINGS of Washington:

At the end of title XXXI (page 363, after line 5), insert the following new section:

SEC. 3154. HAZARDOUS MATERIALS MANAGEMENT AND EMERGENCY RESPONSE TRAINING PROGRAM.

The Secretary of Energy may enter into partnership arrangements with Federal and non-Federal entities to share the costs of operating the hazardous materials management and hazardous materials emergency response training program authorized under section 3140(a) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3088). Such arrangements may include the exchange of equipment and services, in lieu of payment for the training program.

Part D amendment No. 27 offered by Mrs. FOWLER:

At the end of title IX (page 217, before line 20), insert the following new section:

SEC. 910. ANNUAL REPORT ON INDIVIDUALS EMPLOYED IN PRIVATE SECTOR WHO PROVIDE SERVICES UNDER CONTRACT FOR THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—(1) Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2222. Information system to track quantity and value of non-Federal services

''(a) IMPLEMENTATION OF SYSTEM.—The Secretary of Defense shall implement an information system for the collection and reporting of information by the Secretaries of the military departments, Directors of the Defense Agencies, and heads of other DOD organizations concerning the quantity and value of non-Federal services they acquired. The system shall be designed to provide information, for the Department of Defense as a whole and for each DOD organization, concerning the following:

''(1) The number of workyears performed by individuals employed by non-Federal entities providing goods and services under contracts of the Department of Defense.

''(2) The labor costs to the Department of Defense under the contracts associated with the performance of those workyears.

''(3) The value of the goods and services procured by the Department of Defense from non-Federal entities.

''(4) The appropriations associated with the contracts for those goods and services.

''(5) The Federal supply class or service code associated with those contracts.

''(6) The major organization element contracting for the goods and services.

''(b) ANNUAL REPORTS TO SECRETARY OF DEFENSE.—Not later than February 1 of each year, the head of each DOD organization shall submit to the Secretary of Defense a report detailing the quantity and value of non-Federal services obtained by that organization. The report shall be developed from the system under subsection (a) and shall contain the following:

''(1) The total amount paid during the preceding fiscal year to obtain goods and services provided under contracts, expressed in dollars and as a percentage of the total budget of that organization, and shown by appropriation account or revolving fund, by Federal supply class or service code, and by any major organizational element under the authority of the head of that organization.

''(2) The total number of workyears performed during the preceding fiscal year by employees of non-Federal entities providing goods and services under contract, shown by appropriation account or revolving fund, by Federal supply class or service code, and by any major organizational element under the authority of the head of that organization.

''(3) A detailed discussion of the methodology used under the system to derive the data provided in the report.

''(c) ANNUAL REPORT TO CONGRESS.—Not later than February 15 of each year, the Secretary of Defense shall submit to Congress a report containing all of the information concerning the quantity and value of non-Federal services obtained by the Department of Defense as shown in the reports submitted to the Secretary for that year under subsection (b). The Secretary shall include in that report the information provided by each DOD organization under subsection (b) without revision from the manner in which it is submitted to the Secretary by the head of that organization.

''(d) DEVELOPMENT OF INFORMATION.—(1) The Secretary of Defense may prescribe regulations to require contractors providing goods and services to the Department of Defense to include on invoices submitted to the Secretary or head of a DOD organization responsible for such contracts the number of hours of labor attributable to the contract for which the invoice is submitted.

''(2) The Secretary shall require that each DOD organization provide information for the information system under subsection (a) and the annual report under subsection (b) in as uniform manner as practicable.

''(e) ASSESSMENT BY COMPTROLLER GENERAL.—(1) The Comptroller General shall conduct a review of the report of the Secretary of Defense under subsection (c) each year and shall—

''(A) assess the appropriateness of the methodology used by the Secretary and the DOD organizations in deriving the information provided to Congress in the report; and

''(B) assess the accuracy of the information provided to Congress in the report.

''(2) Not later than 90 days after the date on which the Secretary submits to Congress the report required under subsection (e) for any year, the Comptroller General shall submit to Congress the Comptroller General's report containing the results of the review for that year under paragraph (1).

''(e) DEFINITIONS.—In this section:

''(1) The term 'DOD organization' means—

''(A) the Office of the Secretary of Defense;

''(B) each military department;

''(C) the Joint Chiefs of Staff and the unified and specified commands;

''(D) each Defense Agency; and

''(E) each Department of Defense Field Activity.

''(2) The term 'workyear' means the private sector equivalent to the total number of hours of labor that an individual employed on a full-time equivalent basis by the Federal Government performs in a given year.

''(3) The term 'contract' has the meaning given such term in parts 34, 35, 36, and 37 of title 48, Code of Federal Regulations.

''(4) The term 'labor costs' means all compensation costs for personal services as defined in part 31 of title 48, Code of Federal Regulations.

''(5) The term 'major organizational element' means an organization within a Defense Agency or military department that is headed by a Senior Executive Service official (or military equivalent) and that contains a contract administration office (as defined in part 2 of title 48, Code of Federal Regulations).

''(6) The term 'Federal supply class or service code' is the functional code prescribed by section 253.204–70 of the Department of Defense Federal Acquisition Regulation Supplement, as determined by the first character of such code.

''(f) CONSTRUCTION OF SECTION.—The Secretary of Defense shall ensure that the provisions of this section are construed broadly so as enable accurate and full accounting for the volume and costs associated with contractor support of the Department of Defense.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2222. Information system to track quantity and value of non-Federal services.''.

(b) EFFECTIVE DATE.—The system required by subsection (a) of section 2222 of title 10, United States Code, as added by subsection (a), shall be implemented not later than one year after the date of the enactment of this Act.

Part D amendment No. 28 offered Mr. BISHOP:

At the end of subtitle B of title VI (page 176, after line 2), insert the following new section:

SEC. __. HARDSHIP DUTY PAY.

(a) DUTY FOR WHICH PAY AUTHORIZED.—Subsection (a) of section 305 of title 37, United States Code, is amended by striking out ''on duty at a location'' and all that follows and inserting in lieu thereof ''performing duty in the United States or outside the United States that is designated by the Secretary of Defense as hardship duty.''.

(b) REPEAL OF EXCEPTION FOR MEMBERS RECEIVING CAREER SEA PAY.—Subsection (c) of such section is repealed.

(c) CONFORMING AMENDMENTS.—(1) Subsections (b) and (d) of such section are amended by striking out ''hardship duty location pay'' and inserting in lieu thereof ''hardship duty pay''.

(2) Subsection (d) of such section is redesignated as subsection (c).

(3) The heading for such section is amended by striking out **"location"**.

(4) Section 907(d) of title 37, United States Code, is amended by striking out ''duty at a hardship duty location'' and inserting in lieu thereof ''hardship duty''.

(d) CLERICAL AMENDMENT.—The item relating to section 305 in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

''305. Special pay: hardship duty pay.''.

Part D amendment No. 29 offered by Mr. BILBRAY:

At the end of title X (page 234, after line 4), insert the following new section:

SEC. __. SENSE OF CONGRESS CONCERNING NEW PARENT SUPPORT PROGRAM AND MILITARY FAMILIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the New Parent Support Program that was begun as a pilot program of the Marine Corps at Camp Pendleton, California, has been an effective tool in curbing family violence within the military community;

(2) such program is a model for future programs throughout the Marine Corps, the Navy, and the Army; and

(3) in light of the pressures and strains placed upon military families and the benefits of the New Parent Support Program in helping these high ''at-risk'' families, the Department of Defense should seek ways to ensure that in future fiscal years funds are made available for those programs for each of the Armed Forces in amounts sufficient to meet requirements for those programs.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the New Parent Support Program of the Department of Defense. The Secretary shall include in the report the following:

(1) A description of how the Army, Navy, Air Force, and Marine Corps are each implementing a New Parent Support Program and how each such program is organized.

(2) A description of how the implementation of programs for the Army, Navy, and Air Force compare to the fully implemented Marine Corps program.

(3) The number of installations that each service has scheduled to receive support for the New Parent Support Program.

(4) The number of installations delayed in providing the program.

(5) The number of programs terminated.

(6) The number of programs with reduced support.

(7) The funding provided for those programs for each of the four services for each of fiscal years 1994 through 1998 and the amount projected to be provided for those programs for fiscal year 1999 and, if the amount provided for any of those programs for any such year is less that the amount

needed to fully fund for that program for that year, an explanation of the reasons for the shortfall.

Part D amendment No. 30 offered by Mr. WELDON of Pennsylvania:

At the end of subtitle B of title II (page 24, after line 25), insert the following new section:

SEC. 214. NEXT GENERATION INTERNET PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated under section 201(4), $53,000,000 shall be available for the Next Generation Internet program.

(b) LIMITATION.—Notwithstanding the enactment of any other provision of law after the date of the enactment of this Act, amounts may be appropriated for fiscal year 1999 for research, development, test, and evaluation by the Department of Defense for the Next Generation Internet program only pursuant to the authorization of appropriations under section 201(4).

Part D amendment No. 31 offered by Mr. WELDON of Pennsylvania and Mr. SKELTON:

At the end of Division A of the bill (page 265, after line 8) insert the following new title:

TITLE XIV—DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION

SEC. 1401. SHORT TITLE.

This title may be cited as the ''Defense Against Weapons of Mass Destruction Act of 1998''.

SEC. 1402. FINDINGS.

The Congress finds the following:

(1) Many nations currently possess weapons of mass destruction and related materials and technologies, and such weapons are increasingly available to a variety of sources through legitimate and illegitimate means.

(2) The proliferation of weapons of mass destruction is growing, and will likely continue despite the best efforts of the international community to limit their flow.

(3) The increased availability, relative affordability, and ease of use of weapons of mass destruction may make the use of such weapons an increasingly attractive option to potential adversaries who are not otherwise capable of countering United States military superiority.

(4) On November 12, 1997, President Clinton issued an Executive Order stating that ''the proliferation of nuclear, biological, and chemical weapons (''weapons of mass destruction'') and the means of delivering such weapons constitutes an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States'' and declaring a national emergency to deal with that threat.

(5) The Quadrennial Defense Review concluded that the threat or use of weapons of mass destruction is a likely condition of future warfare and poses a potential threat to the United States.

(6) The United States lacks adequate preparedness at the Federal, State, and local levels to respond to a potential attack on the United States involving weapons of mass destruction.

(7) The United States has initiated an effort to enhance the capability of Federal, State, and local governments as well as local emergency response personnel to prevent and respond to a domestic terrorist incident involving weapons of mass destruction.

(8) More than 40 Federal departments, agencies, and bureaus are involved in combating terrorism, and many, including the Department of Defense, the Department of Justice, the Department of Energy, the Department of Health and Human Services, and the Federal Emergency Management Agency, are executing programs to provide civilian personnel at the Federal, State, and local levels with training and assistance to prevent and respond to incidents involving weapons of mass destruction.

(9) The Department of Energy has established a Nuclear Emergency Response Team which is available to respond to incidents involving nuclear or radiological emergencies.

(10) The Department of Defense has begun to implement a program to train local emergency responders in major cities throughout the United States to prevent and respond to incidents involving weapons of mass destruction.

(11) The Department of Justice has established a National Center for Domestic Preparedness at Fort McClellan, Alabama, to conduct nuclear, biological, and chemical preparedness training for Federal, State, and local officials to enhance emergency response to incidents involving weapons of mass destruction.

(12) Despite these activities, Federal agency initiatives to enhance domestic preparedness to respond to an incident involving weapons of mass destruction are hampered by incomplete interagency coordination and overlapping jurisdiction of agency missions, for example:

(A) The Secretary of Defense has proposed the establishment of 10 Rapid Assessment and Initial Detection elements, composed of 22 National Guard personnel, to provide timely regional assistance to local emergency responders during an incident involving chemical or biological weapons of mass destruction. However, the precise working relationship between these National Guard elements, the Federal Emergency Management Agency regional offices, and State and local emergency response agencies has not yet been determined.

(B) The Federal Emergency Management Agency, the lead Federal agency for consequence management in response to a terrorist incident involving weapons of mass destruction, has withdrawn from the role of chair of the Senior Interagency Coordination Group for domestic emergency preparedness, and a successor agency to chair the Senior Interagency Coordinator has not yet been determined.

(C) In order to ensure effective local response capabilities to incidents involving weapons of mass destruction, the Federal Government, in addition to providing training, must concurrently address the need for—

(i) compatible communications capabilities for all Federal, State, and local emergency responders, which often use different radio systems and operate on different radio frequencies;

(ii) adequate equipment necessary for response to an incident involving weapons of mass destruction, and a means to ensure that financially lacking localities have access to such equipment;

(iii) local and regional planning efforts to ensure the effective execution of emergency response in the event of an incident involving a weapon of mass destruction; and

(iii) increased planning and training to prepare for emergency response capabilities in port areas and littoral waters.

(D) The Congress is aware that Presidential Decision Directives relating to domestic emergency preparedness for response to terrorist incidents involving weapons of mass destruction are being considered, but agreement has not been reached within the executive branch.

Subtitle A—Domestic Preparedness

SEC. 1411. DOMESTIC PREPAREDNESS FOR RESPONSE TO THREATS OF TERRORIST USE OF WEAPONS OF MASS DESTRUCTION.

(a) ENHANCED RESPONSE CAPABILITY.—In light of the continuing potential for terrorist use of weapons of mass destruction against the United States and the need to develop a more fully coordinated response to that threat on the part of Federal, State, and local agencies, the President shall act to increase the effectiveness at the Federal, State, and local level of the domestic emergency preparedness program for response to terrorist incidents involving weapons of mass destruction by developing an integrated program that builds upon the program established under title XIV of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2714).

(b) REPORT.—Not later than January 31, 1999, the President shall submit to Congress a report containing information on the actions taken at the Federal, State, and local level to develop an integrated program to prevent and respond to terrorist incidents involving weapons of mass destruction.

SEC. 1412. REPORT ON DOMESTIC EMERGENCY PREPAREDNESS.

Section 1051 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1889) is amended by adding at the end the following new subsection:

''(c) ANNEX ON DOMESTIC EMERGENCY PREPAREDNESS PROGRAM.—As part of the report submitted to Congress under subsection (b), the President shall include an annex which provides the following information on the domestic emergency preparedness program for response to terrorist incidents involving weapons of mass destruction (as established under title XIV and section 1411 of the National Defense Authorization Act for Fiscal Year 1999):

''(1) information on program responsibilities for each participating Federal department, agency, and bureau;

''(2) a summary of program activities performed during the preceding fiscal year for each participating Federal department, agency, and bureau;

''(3) a summary of program obligations and expenditures during the preceding fiscal year for each participating Federal department, agency, and bureau;

''(4) a summary of the program plan and budget for the current fiscal year for each participating Federal department, agency, and bureau;

''(5) the program budget request for the following fiscal year for each participating Federal department, agency, and bureau;

''(6) recommendations for improving Federal, State, and local domestic emergency preparedness to respond to incidents involving weapons of mass destruction that have been made by the Advisory Commission on Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction (as established under section 1421 of the National Defense Authorization Act for Fiscal Year 1999), and actions taken as a result of such recommendations; and

''(7) requirements regarding additional program measures and legislative authority for which congressional action may be recommended.''.

SEC. 1413. PERFORMANCE OF THREAT AND RISK ASSESSMENTS.

(a) THREAT AND RISK ASSESSMENTS.—(1) Assistance to Federal, State, and local agencies provided under the program under section 1411 shall include the performance of assessments of the threat and risk of terrorist employment of weapons of mass destruction against cities and other local areas. Such assessments shall be used by Federal, State,

and local agencies to determine the training and equipment requirements under this program and shall be performed as a collaborative effort with State and local agencies.

(2) The Department of Justice, as lead Federal agency for crisis management in response to terrorism involving weapons of mass destruction, shall, through the Federal Bureau of Investigation, conduct any threat and risk assessment performed under paragraph (1) in coordination with appropriate Federal, State, and local agencies, and shall develop procedures and guidance for conduct of the threat and risk assessment in consultation with officials from the intelligence community.

(3) The President shall identify and make available the funds necessary to carry out this section.

(b) PILOT TEST.—(1) Before prescribing final procedures and guidance for the performance of threat and risk assessments under this section, the Attorney General, through the Federal Bureau of Investigation may, in coordination with appropriate Federal, State, and local agencies, conduct a pilot test of any proposed method or model by which such assessments are to be performed.

(2) The pilot test shall be performed in cities or local areas selected by the Department of Justice, through the Federal Bureau of Investigation, in consultation with appropriate Federal, State, and local agencies.

(3) The pilot test shall be completed not later than 4 months after the date of the enactment of this Act.

Subtitle B—Advisory Commission to Assess Domestic Response Capabilities For Terrorism Involving Weapons of Mass Destruction

SEC. 1421. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Advisory Commission on Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction'' (hereinafter referred to as the ''Commission'').

(b) COMPOSITION.—The Commission shall be composed of 15 members, appointed as follows:

(1) 4 members appointed by the Speaker of the House of Representatives;

(2) 4 members appointed by the majority leader of the Senate;

(3) 2 members appointed by the minority leader of the House of Representatives;

(4) 2 members appointed by the minority leader of the Senate;

(5) 3 members appointed by the President.

(c) QUALIFICATIONS.—Members shall be appointed from among individuals with knowledge and expertise in emergency response matters.

(d) DEADLINE FOR APPOINTMENTS.—Appointments shall be made not later than the date that is 30 days after the date of the enactment of this Act.

(e) INITIAL MEETING.—The Commission shall conduct its first meeting not later than the date that is 30 days after the date that appointments to the Commission have been made.

(f) CHAIRMAN.—A Chairman of the Commission shall be elected by a majority of the members.

SEC. 1422. DUTIES OF COMMISSION.

The Commission shall—

(1) assess Federal agency efforts to enhance domestic preparedness for incidents involving weapons of mass destruction;

(2) assess the progress of Federal training programs for local emergency responses to incidents involving weapons of mass destruction;

(3) assess deficiencies in training programs for responses to incidents involving weapons of mass destruction, including a review of unfunded communications, equipment, and planning and maritime region needs;

(4) recommend strategies for ensuring effective coordination with respect to Federal agency weapons of mass destruction response efforts, and for ensuring fully effective local response capabilities for weapons of mass destruction incidents; and

(5) assess the appropriate role of State and local governments in funding effective local response capabilities.

SEC. 1423. REPORT.

Not later than the date that is 6 months after the date of the first meeting of the Commission, the Commission shall submit a report to the President and to Congress on its findings under section 1422 and recommendations for improving Federal, State, and local domestic emergency preparedness to respond to incidents involving weapons of mass destruction.

SEC. 1424. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out this Act, hold such hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel member considers advisable.

(b) INFORMATION.—The Commission may secure directly from any department or agency of the United States information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this Act.

SEC. 1425. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet at the call of a majority of the members.

(b) QUORUM.—Eight members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

(c) COMMISSION.—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this Act.

SEC. 1426. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties.

(2) The Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 1427. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the United States.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this title.

(c) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

SEC. 1428. TERMINATION OF COMMISSION.

The Commission shall terminate not later than 60 days after the date that the Commission submits its report under section 1423.

SEC. 1429. FUNDING.

Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 1999.

Part D amendment No. 32 offered by Mr. WELDON of Pennsylvania:

At the end of title XXXI (page 363, after line 5), insert the following new section:

SEC. 3154. ADVANCED TECHNOLOGY RESEARCH PROJECT.

(a) FINDINGS.—Congress finds the following:

(1) Currently in the post-cold war world, there are new opportunities to facilitate international political and scientific cooperation on cost-effective, advanced, and innovative nuclear management technologies.

(2) There is increasing public interest in monitoring and remediation of nuclear waste.

(3) It is in the best interest of the United States to explore and develop options with the international community to facilitate the exchange of evolving advanced nuclear wastes technologies.

(4) The Advanced Technology Research Project facilitates an international clearinghouse and marketplace for advanced nuclear technologies.

(b) SENSE OF THE CONGRESS.—It is the sense of Congress that the President should instruct the Secretary of Energy, in consultation with the Secretary of State, the Secretary of Defense, the Administrator of the Environmental Protection Agency, and other officials as appropriate, to consider the Advanced Technology Research Project and submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing the following:

(1) An assessment of whether the United States should encourage the establishment of an international project to facilitate the international exchange of information (including costs data) relating to advanced nuclear waste technologies, including technologies for solid and liquid radioactive wastes and contaminated soils and sediments.

(2) An assessment of whether such a project could be funded privately through industry, public interest, and scientific organizations and administered by an international nongovernmental organization, with operations in the United States, Russia, and other countries that have an interest in developing such technologies.

(3) Recommendations for any legislation that the Secretary of Energy believes would be required to enable such a project to be undertaken.

Part D amendment No. 33 offered by Mr. WELDON of Pennsylvania and Mr. SPRATT:

At the end of subtitle C of title II (page 29, after line 21), insert the following new section:

SEC. 236. RESTRUCTURING OF THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM ACQUISITION STRATEGY.

(a) ESTABLISHMENT OF ALTERNATIVE CONTRACTOR.—(1) The Secretary of Defense shall select an alternative contractor as a potential source for the development and production of the interceptor missile for the Theater High-Altitude Area Defense (THAAD) system within a ''leader-follower'' acquisition strategy.

(2) The Secretary shall take such steps as necessary to ensure that the prime contractor for that system prepares the selected alternative contractor so as to enable the alternative contractor to be able (if necessary) to assume the responsibilities for development or production of an interceptor missile for that system.

(3) The Secretary shall select the alternative contractor as expeditiously as possible and shall use the authority provided in section 2304(c)(2) of title 10, United States Code, to expedite that selection.

(4) Of the amount authorized under section 201(4) for the Theater High-Altitude Area Defense system, the amount provided for the Demonstration/Validation phase for that system is hereby increased by $142,700,000, of which $30,000,000 shall be available for the purposes of this subsection, and the amount provided for the Engineering and Manufacturing Development phase for that system is hereby reduced by $142,700,000.

(b) COST SHARING ARRANGEMENT.—The Secretary of Defense shall contractually establish an appropriate cost sharing arrangement with the prime contractor as of May 14, 1998, for the interceptor missile for the Theater High-Altitude Area Defense system for flight test failures of that missile beginning with flight test nine.

(c) ENGINEERING AND MANUFACTURING DEVELOPMENT PHASE FOR OTHER ELEMENTS OF THE THAAD SYSTEM.—The Secretary of Defense shall proceed as expeditiously as possible with the milestone approval process for the Engineering and Manufacturing Development phase for the Battle Management and Command, Control, and Communications (BM/C^3) element of the Theater High-Altitude Area Defense system and for the Ground-Based Radar (GBR) element for that system. That milestone approval process for those elements shall proceed without regard to the stage of development of the missile interceptor for that system.

(d) REQUIREMENT BEFORE PROCUREMENT OF UOES MISSILES.—The Secretary of Defense may not obligate any funds for acquisition of User Operational Evaluation System (UOES) missiles for the Theater High-Altitude Area Defense system until there have been two successful tests of the interceptor missile for that system.

(e) LIMITATION ON ENTERING ENGINEERING AND MANUFACTURING DEVELOPMENT PHASE.—The Secretary of Defense may not approve the commencement of the Engineering and Manufacturing Development phase for the interceptor missile for the Theater High-Altitude Area Defense system until there have been three successful tests of that missile.

(f) SUCCESSFUL TEST DEFINED.—For purposes of this section, a successful test of the interceptor missile of the Theater High-Altitude Area Defense system is a body-to-body intercept by that missile of a ballistic missile target.

Part D amendment No. 34 offered by Mr. SPENCE:

At the end of title XII (page 253, after line 3), insert the following new section:

SEC. 1206. EXECUTION OF OBJECTION AUTHORITY WITHIN THE DEPARTMENT OF DEFENSE.

Section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1932) is amended by adding at the end the following new subsection:

''(g) DELEGATION OF OBJECTION AUTHORITY WITHIN THE DEPARTMENT OF DEFENSE.—For the purposes of the Department of Defense, the authority to issue an objection referred to in subsection (a) shall be executed for the Secretary of Defense by an individual at the Assistant Secretary level within the office of the Under Secretary of Defense for Policy. In implementing subsection (a), the Secretary of Defense shall ensure that Department of Defense procedures maximize the ability of the Department of Defense to be able to issue an objection within the 10-day period specified in subsection (c).''.

Part D amendment No. 35 offered by Mr. WELDON of Pennsylvania and Mr. PICKETT:

Page 21, line 12, strike out ''$3,078,251,000'' and insert in lieu thereof ''$4,208,978,000''.

Part D amendment No. 36 offered by Mr. RILEY:

Page 19, strike line 2 and all that follows through page 20, line 16 and insert the following:

SEC. 141. ALTERNATIVE TECHNOLOGIES FOR DESTRUCTION OF ASSEMBLED CHEMICAL WEAPONS.

(a) PROGRAM MANAGEMENT.—(1) The program manager for the Assembled Chemical Weapons Assessment program shall continue to manage the development and testing (including demonstration and pilot-scale facility testing) of technologies for the destruction of lethal chemical munitions that are potential or demonstrated alternatives to the baseline incineration program. In performing such management, the program manager shall act independently of the program manager for Chemical Demilitarization and shall report to the Secretary of the Army, or his designee.

(2) The Under Secretary of Defense for Acquisition and Technology and the Secretary of the Army shall jointly submit to Congress, not later than December 1, 1998, a plan for the transfer of oversight of the Assembled Chemical Weapons Assessment program from the Under Secretary to the Secretary.

(3) Oversight of the Assembled Chemical Weapons Assessment program shall be transferred pursuant to the plan submitted under paragraph (2) not later than 60 days after the date of the submission of the notice required under section 152(f)(2) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 214; 50 U.S.C. 1521(f)(2)).

(b) POST-DEMONSTRATION ACTIVITIES.—(1) The program manager for the Assembled Chemical Weapons Assessment program may carry out those activities necessary to ensure that an alternative technology for the destruction of lethal chemical munitions may be implemented immediately after—

(A) the technology has been demonstrated to be successful;

(B) the Under Secretary of Defense for Acquisition and Technology has submitted to Congress a report on the demonstration; and

(C) a decision has been made to proceed with the pilot-scale facility phase for an alternative technology.

(2) To prepare for the immediate implementation of any such technology, the program manager may, during fiscal years 1998 and 1999, take the following actions:

(A) Establish program requirements.

(B) Prepare procurement documentation.

(C) Develop environmental documentation.

(D) Identify and prepare to meet public outreach and public participation requirements.

(E) Prepare to award a contract for the design, construction, and operation of a pilot facility for the technology to the provider team for the technology not later than December, 1999.

(c) PLAN FOR PILOT PROGRAM.—If the Secretary of Defense proceeds with a pilot program under section 152(f) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 214; 50 U.S.C. 1521(f)), the Secretary shall prepare a plan for the pilot program and shall submit to Congress a report on such plan (including information on the cost of, and schedule for, implementing the pilot program).

(d) FUNDING.—Of the amount authorized to be appropriated in section 107, $12,600,000 shall be available for the Assembled Chemical Weapons Assessment program for the following:

(1) Demonstration of alternative technologies under the Assembled Chemical Weapons Assessment program.

(2) Planning and preparation to proceed immediately from demonstration of an alternative technology to the development of a pilot-scale facility for the technology, including planning and preparation for—

(A) continued development of the technology leading to deployment of the technology;

(B) satisfaction of requirements for environmental permits;

(C) demonstration, testing, and evaluation;

(D) initiation of actions to design a pilot program;

(E) provision of support at the field office or depot level for deployment of the technology; and

(F) educational outreach to the public to engender support for the development.

(3) An independent cost and schedule evaluation of the Assembled Chemical Weapons Assembled program, to be completed not later than December 30, 1999.

(e) ASSEMBLED CHEMICAL WEAPONS ASSESSMENT PROGRAM DEFINED.—In this section, the term ''Assembled Chemical Weapons Assessment program'' means the program established in section 152(e) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 214; 50 U.S.C. 1521), and section 8065 of the Department of Defense Appropriations Act, 1997 (as contained in section 101 of Public Law 104–208; 110 Stat. 3009–101), for identifying and demonstrating alternatives to the baseline incineration process for the demilitarization of assembled chemical munitions.

Part D amendment No. 37 offered by Mr. PORTER:

At the end of part I of subtitle D of title XXVIII (page 317, after line 3), insert the following new section:

SEC. —. LAND CONVEYANCE, FORT SHERIDAN, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Lake Forest, Illinois (in this section referred to as the ''City''), all right, title, and interest, of the United States in and to all or some portion of the parcel of real property, including improvements thereon, at the former Fort Sheridan, Illinois, consisting of approximately 14 acres and known as the northern Army Reserve enclave area.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to not less than the fair market value of the real property to be conveyed, as determined by the Secretary.

(c) USE OF PROCEEDS.—In such amounts as are provided in advance in appropriations Acts, the Secretary may use the funds paid by the City under subsection (b) to provide for the construction of replacement facilities and for the relocation costs for Reserve units and activities affected by the conveyance.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

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

Part D amendment No. 38 offered by Mr. DOOLITTLE:

At the end of subtitle D of title X (page 228, after line 13), insert the following new section:

SEC. 1032. REPORT ON PERSONNEL RETENTION.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing information on the retention of members of the Armed Forces on active duty in the combat, combat support, and combat service support forces of the Army, Navy, Air Force, and Marine Corps.

(b) REQUIRED INFORMATION.—The Secretary shall include in the report information on retention of members with military occupational specialties (or the equivalent) in combat, combat support, or combat service support positions in each of the Army, Navy, Air Force, and Marine Corps. Such information shall be shown by pay grade and shall be aggregated by enlisted grades and officers grades and shall be shown by military occupational specialty (or the equivalent). The report shall set forth separately (in numbers and as a percentage) the number of members separated during each such fiscal year who terminate service in the Armed Forces completely and the number who separate from active duty by transferring into a reserve component.

(c) YEARS COVERED BY REPORT.—The report shall provide the information required in the report, shown on a fiscal year basis, for each of fiscal years 1989 through 1998.

The CHAIRMAN. The Clerk will report the modifications.

The Clerk read as follows:

Part D amendment No. 13, as modified, offered by Mr. HALL of Ohio:

The amendment as modified is as follows:

At the end of subtitle B of title II (page 24, after line 25), insert the following new section:

SEC. 214. SCIENCE AND TECHNOLOGY FUNCTIONS OF THE DEPARTMENT OF DEFENSE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) to ensure sufficient financial resources are devoted to emerging technologies, a goal of at least 10 percent of funds available under title II for each of the Army, Navy, and Air Force should be dedicated to science and technology in each military department;

(2) management and funding for science and technology for each military department should receive a level of priority and leadership attention equal to the level received by program acquisition, and the Secretary of each military department should ensure that a senior member of the department holds the appropriate title and responsibility to ensure effective oversight and emphasis on science and technology;

(3) to ensure an appropriate long-term focus for investments, a sufficient percentage of science and technology funds should be directed toward new technology areas, and annual reviews should be conducted for ongoing research areas to ensure that those funded initiatives are either integrated into acquisition programs or discontinued;

(4) the military departments should take appropriate steps to ensure that sufficient numbers of officers and civilian employees in each department hold advanced degrees in technical fields; and

(5) of particular concern, the Secretary of the Air Force should take appropriate measures to ensure that sufficient numbers of scientists and engineers are maintained to address the technological challenges faced in the areas of air, space, and information technology.

(b) STUDY.—

(1) REQUIREMENT.—The Secretary of Defense, in cooperation with the National Research Council of the National Academy of Sciences, shall conduct a study on the technology base of the Department of Defense.

(2) MATTERS COVERED.—The study shall—

(A) recommend the minimum requirements to maintain a technology base that is sufficient, based on both historical developments and future projections, to project superiority in air and space weapons systems, and information technology;

(B) address the effects on national defense and civilian aerospace industries and information technology by reducing funding below the goal described in paragraph (1) of subsection (a); and

(C) recommend the appropriate level of staff holding baccalaureate, masters, and doctorate degrees, and the optimal ratio of civilian and military staff holding such degrees, to ensure that science and technology functions of the Department of Defense remain vital.

(3) REPORT.—Not later than 120 days after the date on which the study required under paragraph (1) is completed, the Secretary shall submit to Congress a report on the results of the study.

Part D amendment No. 22, as modified, offered by Mr. KENNEDY of Rhode Island:

The amendment as modified is as follows:

Page 135, beginning on line 7, strike out ''**AND OTHER NATIONS**'' and insert in lieu thereof **''OTHER NATIONS, AND INDIGENOUS GROUPS**''.

Page 135, after line 16, insert the following (and redesignate the succeeding paragraphs accordingly):

(2) Indigenous groups, such as the Hmong, Nung, Montagnard, Kahmer, Hoa Hao, and Cao Dai contributed military forces, together with the United States, during military operations conducted in Southeast Asia during the Vietnam conflict.

Page 135, beginning on line 17, strike out ''the combat forces from these nations'' and insert in lieu thereof ''these combat forces''.

Page 136, line 1, insert '', indigenous groups,'' after ''Vietnamese''.

Page 136, line 13, insert '', as well as members of the Hmong, Nung, Montagnard, Kahmer, Hoa Hao, and Cao Dai,'' after ''the Philippines''.

Amendment deemed printed in part D of the report by order of the House of May 20, 1998, as modified, offered by Mr. EVERETT:

The amendment as modified is as follows:

At the end of title XII (page 253, after line 3), insert the following:

SEC. 1206. TRANSFER OF EXCESS UH–1 HUEY HELICOPTERS AND AH–1 COBRA HELICOPTERS TO FOREIGN COUNTRIES.

(a) IN GENERAL.—(1) Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2581. Transfer of excess UH–1 Huey helicopters and AH–1 Cobra helicopters to foreign countries

''(a) REQUIREMENTS.—The Secretary of Defense shall make all reasonable efforts to ensure that any excess UH–1 Huey helicopter or AH–1 Cobra helicopter that is to be transferred on a grant or sales basis to a foreign country for the purpose of flight operations for such country shall meet the following requirements:

''(1) Prior to such transfer, the helicopter receives, to the extent necessary, maintenance and repair equivalent to the depot-level maintenance and repair, as defined in section 2460 of this title, that such helicopter would need were the helicopter to remain in operational use with the armed forces of the United States.

''(2) Maintenance and repair described in paragraph (1) is performed in the United States.

''(b) EXCEPTION.—The requirements of subsection (a) shall not apply with respect to salvage helicopters provided to the foreign country solely as a source for spare parts.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2581. Transfer of excess UH–1 Huey helicopters and AH–1 Cobra helicopters to foreign countries.''.

(b) EFFECTIVE DATE.—Section 2581 of title 10, United States Code, as added by subsection (a), shall apply with respect to the transfer of a UH–1 Huey helicopter or AH–1 Cobra helicopter on or after the date of the enactment of this Act.

Mr. SPENCE (during the reading). Mr. Chairman, I ask unanimous consent that the modifications be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to House Resolution 441, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 10 minutes.

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

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of the en bloc amendment, and thank the chairman of the committee for including the Bartlett-Solomon amendment in this package. I believe that a picture

is worth a thousand words, and this picture shows a scene which should grab the attention of every Member of Congress.

Last Thursday, on the East Front of the Capitol, 12 members of the New York Air National Guard, all of whom were combat-decorated veterans, surrendered their combat medals and decorations on the steps of the Capitol in protest.

These men, who are some of our Nation's best and brightest, were protesting the actions of the New York Air National Guard, who, with reckless abandon and complete disregard for combat capability, bowed at the altar of political correctness and rushed an unqualified female pilot into the combat unit at the expense of military readiness.

When the members of the Air Guard brought their allegations to their chain of command, their unit was grounded, and the pilots who brought the allegations forward were transferred, demoted, or dismissed.

These brave men, in whom our country has invested over $20 million, have shown that the New York Air Guard investigation into these allegations was fraught with charges of coverup, withholding of evidence, and perjury.

We cannot allow political correctness to ruin the lives and careers of members of the military who have sacrificed their lives for this country. The Bartlett-Solomon amendment will require a DOD inspector general to investigate the grounding of the Air National Guard. I urge support of the en bloc amendment.

Mr. SPENCE. Mr. Chairman, I ask unanimous consent that the debate time for consideration of amendments en bloc be expanded by 30 minutes, and that such time be equally divided and controlled by the gentleman from Missouri (Mr. SKELTON) and myself.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from South Carolina?

Mr. SKELTON. Reserving the right to object, Mr. Chairman, that gives each side how much time total?

Mr. SPENCE. If the gentleman will yield, Mr. Chairman, that is 25 minutes.

Mr. SKELTON. 25 minutes each? All right.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. WAMP. Reserving the right to object, Mr. Chairman, is there any way we could designate that extended time, 10 minutes on the Markey amendment, divided 5 minutes per side, on this critical issue of tritium production in the United States of America?

Mr. SPENCE. If the gentleman will yield, Mr. Chairman, we have about 30 people who want to speak now. That just about takes that up.

Mr. WAMP. I understand that, sir. This is a $4.5 billion issue. I think it deserves at least 10 minutes on the floor of the U.S. House of Representatives at this critical time in history, please.

Mr. SPENCE. If the gentleman will continue to yield, Mr. Chairman, I suggest to the gentleman he might get 10 people to say that much, and that would be 10 minutes.

Mr. WAMP. Mr. Chairman, I withdraw my reservation, and ask the ranking member and the chairman to please make sure we get our due time on the floor.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, it is my honor today to rise as a proud sponsor of the Kennedy amendment in the en bloc amendments. This amendment would recognize the services of the military forces of South Vietnam, other nations, as well as indigenous groups in connection with the United States Armed Forces during the Vietnam conflict.

From 1965 to 1971, these indigenous groups, such as the Kahmer, Nung, Hmong, Lao, Montagnard, Hao Hao, and Cao Dai, were the spearhead in the struggle for freedom in Southeast Asia. They fought against both the North Vietnamese army and the South Vietnamese insurgents.

They rescued downed American pilots and protected American air bases, bases from which thousands of missions were flown against North Vietnam. They were armed, equipped, fed, paid, and often transported into and out of conflict by the United States military. They all provided an invaluable service to the American military and to their own people.

By supporting this amendment, we will be giving these veterans the respect and recognition that they deserve. If we support this amendment, no one will ever again say that America and the world does not recognize the valor and courage demonstrated by these veterans in the struggle for freedom in Southeast Asia.

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They can take pride in the fact that they will live on in American history as part of a long line of soldiers who fought to make the world a safer place.

In particular, Mr. Chairman, I would like to acknowledge and recognize the contributions of the Hmong and Lau veterans who comprise such a vital segment of the population in my own State of Rhode Island and with whom I have had a good personal working relationship.

On behalf of every one of the 86 Hmong and Lau veterans in my State of Rhode Island and on behalf of the 14,000 Hmong and Lau veterans in this country, I would like to ask my colleagues to show their support for this cause that they fought alongside our American service people with and show that America does not forget them.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Chairman, following up on the Bartlett-Solomon amendment, it is under very grave circumstances that we come to the floor today to ask the Inspector General of the Department of Defense to undertake an impartial investigation into a very disturbing and controversial case involving the 174th Fighter Wing of the Air National Guard in my home State of New York.

We cannot explain it all in one minute, but let me just say the members of the 174th, often referred to as the ''Boys from Syracuse,'' have had their names besmirched and their careers destroyed. They should not be kept in the dark any longer. They have turned in their medals from 15 heroes in the Vietnam War because of their protesting of the treatment they got because of politics in the New York State Air National Guard. I hope that we accept the amendment. Let us get on with this investigation.

Mr. Chairman, I rise in support of the amendment I have co-authored with my good friend and member of the National Security Committee, ROSCOE BARTLETT of Maryland.

Unfortunately, it is under very grave circumstances that we come to the floor today to force the Inspector General of the Department of Defense to undertake an impartial investigation into a very disturbing and controversial case involving the 174th Fighter Wing of the Air National Guard in my home state of New York.

Particularly, we are asking the IG to examine what seem to be retaliatory tactics taken against a number of members of that unit after they came forward to report what they believed to be serious wrong-doing by a trainee and superiors in their midst.

The worst part is that this stemmed from another social experiment in the military gone wrong when former Governor Cuomo's administration forced the acceptance of a female pilot into the wing who proved to be incapable of flying in a fighter wing and a constant source of controversy.

Even though this situation dates back several years to 1993, the fallout has been tragic and continues today.

Just last week, I had two of my own constituents turn in all of the medals they had earned from the Air Force as decorated members of the 174th Fighter Wing.

All tolled 15 pilots from the unit turned in their medals and Air Force Wings, many of whom are combat decorated veterans of the Persian Gulf War.

The question is why would so many members of one distinguished unit feel compelled to take such a dramatic step?

Why would the members of a wing who flew 1600 missions in the Persian Gulf War suddenly renounce their allegiance to the Air Force and the New York Air Guard they once so proudly and expertly represented?

Well, Mr. Chairman, the answer is simple to anyone who takes a minute to listen to their story.

These men were forced to retire, had their mental stability placed in question, accused of discrimination, reassigned to jobs copying papers, after being trained to fly fighters at a cost of $20 million to we taxpayers I might add, and otherwise humiliated.

In short, their distinguished military careers were destroyed and their future employment as private pilots jeopardized.

And for what? Because they had the guts to come forward and report wrongdoing in their unit and because they questioned the capability of the high-profile female trainee who couldn't pass muster as a fighter pilot.

Mr. Chairman, the military is not intended to be a social lab.

The American military has to be founded on a warrior culture that strives for uncompromising excellence because their mission is to fight wars and protect our way of life.

This case highlights just how much we place our national security and military preparedness at risk by continuing to press these politically correct experiments.

These principal pilots and officers were concerned for their units combat readiness yet their calls were ignored and they were punished.

That's exactly why we want the IG to examine this case now, Mr. Chairman.

We want to know what rules were violated and by whom, regardless of rank.

We want to know who did or did not perjure themselves during subsequent investigations, one by the military, the other by New York State's Inspector General.

We want to know if there was retaliation by superiors in the military against six pilots who made whistle-blower complaints and expected to be protected by whistle-blower laws.

We want to know if combat readiness was jeopardized.

And most importantly, we want all of this to be made public in full once and for all.

The members of the 174th, often referred to as the 'Boys from Syracuse', have had their names besmirched and their careers destroyed.

They shouldn't be kept in the dark any longer and they deserve to have an investigation into this mess that is open and fair.

Requirinfg this investigation and a report to Congress will provide that and is a positive step toward their complete vindication.

Please support the Bartlett/Solomon amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I appreciate the ranking minority member yielding me the time. I appreciate the support on this I am getting, not just from the chairman and the ranking minority member, but from the gentleman from Virginia who has been an active proponent.

Last year we passed overwhelmingly, unanimously, an amendment that said the United States will not spend more than $200 million per year for our share of the cost of NATO expansion. NATO expansion is one thing. But an American subsidy of France and Germany and England and Italy and Scandinavia and the Benelux countries is quite another. We have a continuing problem.

Our wealthy, powerful European allies, who do not themselves face serious threats, have gotten so used to the American taxpayer picking up the tab for the common defense that they do not make a contribution. Part of the objection to NATO was an objection over an excessive contribution from Americans. We in this amendment take what the State Department and Defense Department told us it would cost and we say that will be the maximum.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I would say the gentleman is absolutely correct. It is a good amendment. We all should support it.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman because this may become a dispute between this body and the Senate, and I hope we will have our conferees standing firm for the American taxpayer if the Senate tries to kill it.

Mr. SPENCE. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I would like to thank Members on both sides of the aisle for their overwhelming support which enables disabled veterans and their disabled family members to participate in outdoor activities. For example, if they go fishing, they want a rail with a wheelchair or a sub. All funds are paid for by private funds. It has had overwhelming support from the Sportsmen's Caucus with over 200 members.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Chairman, I would like to thank the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) and other members of the Committee on National Security for accommodating my amendment as part of the manager's en bloc amendment. The amendment that I offered allows service personnel who serve on the Joint Task Force for Full Accounting in Southeast Asia and who are working to seek a full accounting of our MIAs, it will allow them to receive hardship duty pay. There are about 155 members of the task force at any given time and hardship duty pay is up to $300 per month per person.

The men and women on these teams have volunteered for this tour of duty. They are dedicated to recovering and repatriating the remains of their colleagues, but must often work in areas that are littered with unexploded cluster bomb units and Sidewinder missiles. Add to that the malaria and snake infested, poisonous snake infested areas.

They provide great service to our Nation by giving the families of our lost service personnel hope and closure. They fully deserve our support. This small measure will demonstrate our commitment and show that we appreciate the danger that they encounter while on the job.

I had the opportunity to travel there and to see them at work and to experience firsthand the arduous ordeal that they go through in discharging this very, very sacred duty of returning the remains of our lost servicemen and women.

I appreciate this, Mr. Chairman. I appreciate the accommodation and certainly this is, I think, in the best interest of our service personnel and certainly in the best interest of the families of our lost servicemen who have not yet been repatriated.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank our chairman for yielding me the time. I want to yield to the gentlewoman from Washington and to the gentleman from North Carolina to explain a very important provision which will give the same tax breaks to our uniformed folks that we have given to the rest of the country with respect to a home sale.

I yield to the gentlewoman from Washington (Mrs. Linda SMITH).

Mrs. LINDA SMITH of Washington. Mr. Chairman, this provision expresses Congress's resolve to fix something that we did not do quite right last year in the Taxpayer Relief Act. Under the Taxpayer Relief Act, we allow people who sell their residence to exclude the first $250,000 of profit or $500,000 for a married couple. To qualify, though, the couple has to live in the home two of the last five years. In military States like mine and the two gentlemen standing with me, that does not always work with the deployment practices of this administration. So we just ask that we change this to say that if they are actively deployed, that also is considered as living in the home. It is only fair and they deserve it.

Mr. HUNTER. Mr. Chairman, I yield to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Chairman, I join the gentleman from California (Mr. HUNTER) and the gentlewoman from Washington (Mrs. LINDA SMITH) in offering this amendment today to urge the House to address this issue quickly.

The truth is Congress never intended to change the longstanding policy, that is, to understand the unique nature of homeownership for the American taxpayer serving in the military, when we drafted the Taxpayer Relief Act of 1997. It was an oversight. Clearly, it is unfair to deny men, women in the military the same tax relief as their civilian counterparts. That is exactly what is happening. I urge my colleagues to support this resolution and the legislation to correct this unfairness.

Mr. HUNTER. Mr. Chairman, this just says if you are stationed around the world and you may have been renting your home out for two of the last five years because of the extraordinary demands on uniformed service people, you can designate that home as your place of residence even though you

may be deployed in a different place. I thank both the authors of this legislation. They have done a lot to help our uniformed folks.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Chairman, I thank my good friend from Missouri for yielding me this time.

I rise to commend the bipartisan support for this bill and the leadership.

However, I am concerned that the level of modernization funding for our aging tactical trucks, specifically the HMMWV and the 2½ ton truck extended service program, may be inadequate. The Army and Marine Corps have placed HMMWV near the top of their unfunded requirements priority list, but the fiscal year 1999 HMMWV budget request level would result in a gap in HMMWV production.

The Army would require an increase to the budget of $65.7 million to meet existing requirements and avoid a production gap. The Marine Corps would require an increase of $37 million to accelerate replacement of aging HMMWVs with corrosion problems. In addition, the 2½ ton truck ESP program is critical to our Army Guard and Reserve forces which have large fleets of overage trucks. To meet existing requirements and to avoid a production gap, the 2½ ton truck ESP request needs to be increased by $93 million. The Senate version does this, and I would encourage the conferees to support the Senate authorization levels for these programs.

Mr. Chairman, I yield to the gentleman from Virginia (Mr. SISISKY).

Mr. SISISKY. Mr. Chairman, I understand the concerns of the distinguished gentleman from Indiana. The committee recognizes the importance of HMMWV and 2½ ton truck ESP and their unique roles in meeting defense requirements. I would like to assure the gentleman that I will ensure your concerns are carefully considered as this bill moves through the conference process.

Mr. ROEMER. I thank the gentleman from Virginia and the gentleman from Missouri and our Republican leadership on this bill.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. HANSEN) for the purpose of a colloquy.

Mr. HANSEN. Mr. Chairman, I rise to engage the chairman of the Committee on National Security regarding the development of fiber optic sensor technology in the Navy's anti-submarine warfare program.

Mr. Chairman, for several years the Committee on National Security has recommended additional funds for research and development of fiber optic technology for the Navy's anti-submarine warfare program. This effort has been highly successful.

Fiber optic technology is playing a major role in the development of advanced sonar centers and arrays for submarines, including the new attack submarine, surface ships, and the advanced deployable system.

This year, however, I am particularly concerned that funding for the advanced deployable system did not specifically address fiber optics and may inadvertently preclude the Navy from accelerating this technology, even though the Navy program office views fiber optics as a high priority.

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

Mr. HANSEN. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Chairman, I am pleased to report to the gentleman that despite the severe constraints on the budget, the committee fully funded the Navy's budget request for the development of fiber optic technology, including $11.3 million to complete the development of the All Optical Deployable System. The Navy's request represents an increased emphasis on the use of fiber optic technology, and I understand that the Navy's anti-submarine warfare plan emphasizes the exploitation of this technology in the future.

Mr. HANSEN. Mr. Chairman, I thank the gentleman from South Carolina for the information and trust that he will continue to work with me to accelerate the development of these important naval technologies.

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

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

Mr. RILEY. Mr. Chairman, the fiscal year 1997 National Defense Authorization Act directed the Department of Defense to conduct an assessment of alternative technologies for the disposal of assembled chemical munitions. Congress allocated $40 million for the Assembled Chemical Weapons Assessment program in the past year, better known as the ACWA program. ACWA is expected to deliver its recommendations to Congress this December.

My amendment, which has been drafted in consultation with the House Committee on National Security staff, will allow the Department of Defense to continue the ACWA program beyond the demonstration phase. The Riley amendment transfers oversight of the alternative technology program from the Under Secretary of Defense for acquisition and technology to the Secretary of the Army. In addition, it provides $12.6 million for a full pilot demonstration of an alternative to high temperature incineration.

Mr. Chairman, I believe we must continue the progress that we have made in the development of alternative chemical demilitarization technologies. I thank the chairman and the staff for working with me on this amendment and urge my colleagues to support the en bloc amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. TRAFICANT. Mr. Chairman, I want to thank the chairman, the distinguished ranking member for putting my amendments en bloc. One is a Buy American amendment with a compliance report which must be submitted in 60 days. The other would be a simple transfer, some task keeping in my district. I appreciate their help on the transfer of that property.

The third one was an unusual request from the veterans of America to me on my issue of Buy American. It states that when a veteran passes, that flag that is placed in that coffin shall be 100 percent made in America. That is what they wanted.

□ 1515

An unusual request. They did not want the flag to be made somewhere else. And that is in here, and I thank the gentleman because we did not get into any big debate about it.

But there is a fourth very important issue that I ask the chairman and the ranking member to consider. Nearly every major aviation tragedy has been due to bad weather, where the runway was absolutely missed with the existing technology. I am asking that report language, if necessary, or the conference, take up the position that would allow for and authorize a limited testing of laser-guided systems that work second to none in bad weather.

The gentleman from California (Mr. DUKE CUNNINGHAM) knows this; that when a pilot gets down into that cloud cover, they do not have a whole lot of time to react. And most of these aviation tragedies, including Ron Brown's, is they misjudged that landing strip.

So, now, this is not in there. And all I am asking, and I am not even asking that we put money into it, just get the Air Force, with whatever money they can find, if they can find it, to retrofit one air base and try it; where the pilot locks in and lands in the same spot on that runway every time.

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

Mr. TRAFICANT. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Chairman, I appreciate the gentleman's position. As he knows, we have been talking about this thing before, and I will do all I can as we go through the process to make this happen.

Mr. TRAFICANT. Mr. Chairman, I appreciate the gentleman's efforts.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WELDON).

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

Mr. WELDON of Pennsylvania. Mr. Chairman, I first of all thank my distinguished chairman for yielding me this time, and thank again our ranking member for his cooperation.

I will speak briefly. I have four amendments, all of which are in the en

bloc, or five amendments, actually. One is a noncontroversial amendment I have cosponsored with the gentleman from Virginia (Mr. PICKETT) clarifying our R&D section of the bill.

A second clarifies our jurisdiction over next generation internet, to make sure that all the funding for next generation internet paid for by the Department of Defense is, in fact, authorized by the defense authorization bill.

The third amendment, Mr. Chairman, deals with the issue of a nuclear race cooperative program with Russia, a very severe problem. It allows our military, where they desire, to in fact exchange cooperative assistance to the Russians in cleaning up what is, in fact, a very real problem with their spent nuclear fuel and with their deactivated nuclear submarines.

The two major amendments I wanted to focus on, first off all is the THAAD amendment. We had, unfortunately, the fifth unsuccessful test of the THAAD program. Working with my colleague, the gentleman from South Carolina (Mr. SPRATT), we have gone in and we have tweaked the contractor. We are giving the Department of Defense the authorization to impose liability on any further failures of the test of THAAD. We break off the missile program to allow the radar and the BMC cube to move forward. They are both very successful. And we say to the Pentagon, bring in a second contractor team to help oversee the THAAD program.

And, finally, the last amendment I do with a distinguished Member, who is the ranking member, the gentleman from Missouri (Mr. SKELTON), and that is to look at the whole issue of how we respond to terrorist incidents. The gentleman from Missouri has been a lead in the body. He has, in fact, requested four consecutive GAO reports on the problems associated with response to planning for weapons of mass destruction and terrorist activities in this country.

My subcommittee has held five hearings on this issue. There are severe problems. James Lee Witt, the head of FEMA, just recently pulled FEMA out of the directorate role because of confusion. What we say to the administration is, it is time to step back and look at reorganizing this process to be more efficient and effective in responding to terrorist incidents.

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

It gives me great pleasure to jointly offer this amendment with the gentleman from Pennsylvania (Mr. WELDON). I take this opportunity to commend him for his leadership and his effort, and I certainly enjoy working with him on this very, very important issue for our country, and I thank him for that.

The amendment contains several promising provisions. I am particularly pleased with section 1413, which contains language authorizing a domestic preparedness pilot program. The pilot, aimed at improving the Defense Against Weapons of Mass Destruction Act of 1996, allows the FBI to assist Federal, State and local agencies with threat and risk assessments in order to determine training and equipment requirements. This is something we need. I believe this is a step in the right direction.

Mr. Speaker, addressing the threat of terrorism presents great challenges for our Nation. At present, at least 43 Federal departments, agencies and bureaus are involved. At times, uneven and nearly incompatible levels of expertise exist, and duplication and poor communication may also complicate our effort.

Furthermore, GAO, at my request, as the gentleman from Pennsylvania (Mr. WELDON) pointed out, recently concluded a series of terrorism studies with these observations: That no regular governmentwide collection and review of funding data exists; that no apparent governmentwide set of priorities has been established; that no assessment process exists to coordinate and focus government efforts; and that no government office or entity maintains the authority to enforce coordination.

It is, therefore, within this context that I ask the House to consider this amendment. This language offers the potential to better prioritize training and assistance to American cities. It is also a timely and complementary amendment, in that, as I understand, the President will soon announce recommended improvements to our response program.

Together, these two efforts, this language and the President's proposal, should bring us one step closer to attaining adequate coordination throughout all aspects of government. With an eye aimed toward this goal, I look forward to working with both the majority and the administration over the next several weeks.

I again compliment the gentleman from Pennsylvania and thank him for his coordination and cooperation with me.

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

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I commend the gentleman from South Carolina (Mr. SPENCE) and the committee for their attempt to bring objectivity and honesty to the readiness reporting system.

When I visit with military people in the field, I often hear about the lack of ammunition, spare parts, fuel and other essential equipment that is degrading their training for combat.

I thank the chairman also for incorporating my amendment in the en bloc amendments. This amendment would require the Secretary of Defense to report to Congress on the vital issue of retention. Air Force and Navy pilots, perhaps the most intensely and expensively trained members of the military, are leaving in droves, and other highly trained members of our Armed Forces are also leaving.

Why? Because over the past 5 years they have been asked repeatedly to do more with less. That means more missions of marginal value to the security of the United States, executed with fewer people, older equipment and, most vitally, less combat training.

This amendment will take a look at this. And I want to urge my colleagues to support the amendment and to support the bill.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the en bloc amendment, and I am very happy that the committee has agreed to accept the amendments sponsored by the gentleman from South Carolina (Mr. GRAHAM) and myself for inclusion in the en bloc amendment.

This amendment, quite briefly, continues to make this distinction between nuclear power plants, which are used to generate electricity that have light bulbs and toast made for civilians in their homes, and nuclear power plants or linear accelerators which are used to construct nuclear bombs.

For 50 years in America we have kept these two facilities separate. When people have their lights go on at home, they know they are not making any material that could be used in the construction of a nuclear weapon.

Now, the Congress realized this, and back in 1982, Senator Hart and Senator Simpson were able to pass an amendment which memorialized this. Kept them separate. But there is a little bit of a loophole. They did not mention the word ''tritium.'' And what the gentleman from South Carolina (Mr. GRAHAM) and I are seeking to do is add that word, this critical ingredient for nuclear bombs as well.

Otherwise, the TVA, civilian electricity generator for use in homes, will be able to qualify as a nuclear weapons material bomb making factory. And that is not good, especially when we are trying to convince the Indians that they should not use their civilian reactors for nuclear material; the Pakistanis that they should not use their civilian reactors for nuclear materials; that only military facilities should be used.

The facility that we are talking about here is a civilian facility that is overseen by the Nuclear Regulatory Commission. This is a policy which has served America well for 50 years. I urge the committee to adopt the en bloc amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, the Reuse Technology Adoption Program, RTAP, assists the military services and defense agencies through

the reuse of computer software, originally developed for older defense systems, in the development of new defense systems.

For fiscal year 1998, Congress provided $2.5 million to continue RTAP as a part of the Defense Advanced Research Projects Agency's Computing Systems and Communications Technology program. Advanced software engineering techniques and training developed under the RTAP program have contributed to the reuse of software and programs such as the Joint Strike Fighter, the F–22, the EF–111 aircraft, the small ICBM, the global positioning system, and the Comanche helicopter. Other RTAP products have also been used in the software technology for Adaptable Reliable Systems programs and by the Institute for Defense Analysis.

Mr. Chairman, I believe the Reuse Technology Adoption Program will result in lower software development and acquisition costs, increase the quality and productivity of software intensive systems, and assist the Department of Defense in developing more efficient and cost effective systems for our Armed Forces.

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

Mr. DAVIS of Virginia. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Chairman, I share the gentleman's views on the results of the programs, such as Reuse Technology Adoption Program, and the contribution such programs can make towards stretching the increasingly limited research and development funds available to DOD.

Mr. DAVIS of Virginia. Mr. Chairman, I thank the distinguished chairman of the committee.

Mr. SKELTON. Mr. Chairman, may I inquire how much time is remaining on each side?

The CHAIRMAN. The gentleman from Missouri (Mr. SKELTON) has 11 minutes remaining, and the gentleman from South Carolina (Mr. SPENCE) has 13 minutes remaining.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Chairman, I thank the ranking member for yielding me this time.

I rise reluctantly in opposition to the en bloc amendments. Our colleague from Massachusetts just spoke about the tritium issue. The Markey-Graham amendment is a dangerous amendment, and I hope my colleagues will listen to me.

The issue is tritium. We will be interrupting, if we adopt this amendment in the en bloc amendments, we will be interrupting an already mandated process by DOE to evaluate how we produce tritium.

This country must have tritium for bombs. But tritium is not a substance that we are not already seeing commercial use of. It is used on airport runways. It is used in exit signs. There have been opportunities before for us to use this very important substance.

Back in 1988, we decided we had enough tritium. In 1993, we decided that we needed more tritium; that we needed to advance the production of it. So we mandated that DOE begin a process of evaluating how we would do that. If we adopt this amendment today, we are eliminating one of the two options for producing tritium that are under consideration by DOE.

So the Members need to be aware this is a very controversial amendment. This is a very controversial process that we will be getting into. And if Members are confused, they should vote against the en bloc amendments in order to allow DOE and the administration to complete a process that we started.

So please pay attention to this amendment. It should not be in the en bloc amendments. There has been no hearing over this particular issue at all, and here we are on the floor, within a matter of a few minutes that we can squeeze out, trying to decide an issue that is extremely important to this country.

Please vote against the en bloc amendments because of the Markey-Graham amendment.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. SESSIONS).

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

My amendment would require the secretaries of each military department to draft a plan and set a schedule for implementing best inventory practices for secondary inventory items.

This may sound rather innocuous, Mr. Chairman, but this tiny amendment would reap substantial savings for the Department of Defense, the American people and, perhaps more importantly, the fighting men and women of this great country.

The General Accounting Office recently reported that 62 percent of the hardware items purchased by DOD went unused for an entire year, and that an additional 21 percent of these items had enough inventory to last for more than 2 years.

□ 1530

That means that 77 percent of the Department of Defense's $5.7 billion hardware inventory is wasting away in some warehouse.

With innovative solutions throughout the Department of Defense, our fighting men and women will have more reliable logistic systems at a lower cost, and that is what this amendment is about.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, first of all, I would like to thank the chairman, the gentleman from South Carolina (Mr. SPENCE), and the gentleman from Missouri (Mr. SKELTON), the ranking member, for accepting one of my amendments regarding soldiers' pensions en bloc.

While I understand this sort of protection is necessary for those who have served honorably, I was most disappointed to see it used as a loophole for enlisted men who have a felony conviction to avoid punishment. My amendment closes this loophole, and I thank them for accepting.

I also rise in support of the Session amendment requiring the Department of Defense to begin using modern, best-business practices, common-sense business practices for its inventory control. I am happy to see that he, as well as members of the Committee on National Security, are finally taking up an issue on which I have been working for many years.

The Department of Defense controls some of the most advanced technology in the world, but its inventory management practices are stuck in the stone ages. Last year, the General Accounting Office reported that DOD was holding a secondary inventory worth $67 billion, and they further reported that $41 billion of which was not needed. They reported there was a hundred-year supply of some items that were totally unnecessary and that it cost taxpayers $90 million a year just to house it.

This amendment will require the Department of Defense to order supplies on an as-needed basis. It will save taxpayers billions of dollars in useless parts and supplies.

I compliment my colleague, and I am glad that he has brought this to the floor, and I hope that it passes.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST) for the purpose of a colloquy.

Mr. GILCHREST. I thank the chairman for yielding.

Mr. Chairman, I would like to engage the gentleman from Florida (Mr. SCARBOROUGH) in a colloquy on the issue of ship scrapping.

Mr. SCARBOROUGH, as we know, the government's program for scrapping obsolete ships of the Department of Defense and the Maritime Administration has recently come under scrutiny because of environmental, health and safety violations that have occurred at some domestic ship breakers and concerns about the conditions under which ships are scrapped overseas.

As chairman of the Coast Guard and Maritime Transportation Subcommittee of the Committee on Transportation and Infrastructure, I held a hearing on the problems of this program in March and will hold a follow-up hearing on June 4, 1998.

Based upon testimony at the March hearing and the recently published report of an interagency panel studying the issue, I continue to have concerns about the ability of DOD and MARAD

to develop a satisfactory plan to dispose of obsolete vessels.

I intend to aggressively pursue the ship scrapping issue with a goal of developing legislation to address this problem next year. I hope to work closely with the Merchant Marine Panel of the Committee on National Security to pursue the goal of establishing a viable and environmentally responsible ship scrapping program.

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

Mr. GILCHREST. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Chairman, I understand the concerns of my colleague and want to work with him to examine this issue and work with him for a solution for the ship disposal problem that does not impose additional regulatory or financial burdens upon the Department of Defense or the Maritime Administration.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Florida (Mr. SCARBOROUGH) and the Chairman for their cooperation in this matter.

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

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

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

Mr. WAMP. Mr. Chairman, I am coming back to this tritium issue, the Markey amendment. We need to focus on this as part of this en bloc amendment.

Tritium is a gas. It is necessary to maintain our nuclear weapons capability in the United States of America. Just look around the world and we know that we need to do that. So we have to produce a tritium source again by a date certain. The Department of Energy was given a mandate, as the gentleman from Alabama (Mr. CRAMER) said, by Congress to pursue these legitimate options. And we must produce tritium.

Two options exist. One is an accelerator-based project, which would be built in the State of South Carolina, at an estimated cost of more than $4 billion with a pretty high annual operation cost. The accelerator has not been built, so the technology is really unproven and untested.

The other option, which has been tested, is to use a commercial reactor. TVA, the Tennessee Valley Authority, which has a defense mission in its charter, was given the Department of Energy project to test tritium. It has been enormously successful. We have tested the production of tritium in a commercial reactor. It is safe and reliable, and the operational costs are lower. And the initial capital cost, the total cost, is $2½ billion less than the accelerator.

But the Markey amendment, working with the leadership of this committee, is eliminating the cheaper option completely. The Senate will not revive it, I am afraid. This may be the last chance to save the taxpayers $2½ billion and do the right thing.

The National Taxpayers Union is against it. Citizens Against Government Waste is against it. The gentleman from Massachusetts (Mr. MARKEY) speaks eloquently. But, frankly, there is fear tactics being implemented about the safety of testing tritium or producing tritium at a commercial reactor.

This is a political power play that is going to cost the American taxpayers big time over time. This is arbitrary. Please vote and reluctantly vote against the en bloc amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Chairman, now the rest of the story about tritium.

The good news is that when we are talking about tritium, something we ought to be talking about, my good friend the gentleman from Tennessee (Mr. WAMP) is absolutely right, it is an essential component to keep a nuclear deterrent force operational.

I speak about it from representing a district that has made tritium for the United States military for about 50 years. There is parochial interests involved. If they do not have a dog in this tritium, they make a decision they think is good for the country. But let me point a couple things out to my colleagues.

The reactor they are talking about that TVA owns is 85 percent complete. They do not have the money to complete it. Nobody will buy it, and they are trying to dump it on the Department of Energy. Let me tell my colleagues what would be so dangerous to let this happen.

The gentleman from Massachusetts (Mr. MARKEY) is right. Seldom do we agree on anything. And this is an historic agreement in Congress when the gentleman from Alabama (Mr. GRAHAM) and the gentleman from Massachusetts (Mr. MARKEY) can agree on something.

But if we allow a commercial reactor to make a nuclear weapons product, we are taking 50 years of American public policy and turning it on its head at a time the world is in the most danger it has been in recent times. And what are we going to tell the Indians when they use their commercial power plants to make nuclear weapons? ''Do not do that like us''? That is not what we want to tell them.

Let us talk about money. I will take my position as a fiscal conservative against anybody in this body. The $4 billion price tag we hear about the accelerator, the other way of making tritium, is too much. $4 billion is too much to spend.

A modular design is being had right now to reduce the cost of the accelerator to $2.6 billion. If they use the TVA numbers to complete this reactor, which is 85 percent complete, they say $2½ billion. A utility that looked at buying the thing said it cost over $4 billion to complete.

If they go down this road, they will be in court forever. Because every group in this country will sue them to keep them from using a commercial reactor to make a military product, and they ought to sue them. It will never happen. Do not take a bad reactor off TVA's hands and mess up American military policy.

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

Mr. ADERHOLT. Mr. Chairman, tritium production is necessary for our national defense; and it is certainly reasonable to select the safest, most economical source of production.

The Markey amendment which we have discussed today would force the Department of Energy to select an unproven accelerator option that is three times the cost of proven commercial lot water reactor technology.

The Council for Citizens Against Government Waste opposes the Markey amendment, and with good reason. Should the accelerator option not perform well or suffer delays in development, the government could be forced to purchase a light-water reactor in addition to the accelerator in order not to hamper our national security.

We can safely spend $1.8 to $2 billion on a commercial light-water reactor or risk $4 billion to $6 billion on the accelerator option. Unless the Markey amendment is removed, I must vote against the en bloc amendments and strongly encourage my colleagues to do the same.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BARR) for a unanimous consent request.

MODIFICATION TO AMENDMENT NO. 24 OFFERED BY MR. BARR OF GEORGIA

Mr. BARR of Georgia. Mr. Chairman, I ask unanimous consent that the amendment at the desk in place of amendment D–24 be inserted in this en bloc amendment.

Chairman. The Clerk will report the modification.

The Clerk read as follows:

Amendment, as modified, offered by Mr. BARR of Georgia:

The amendment as modified is as follows:

At the end of subtitle C of title X (page 227, after line 14), insert the following new section:

SEC. 1023. SENSE OF CONGRESS REGARDING ESTABLISHMENT OF COUNTER-DRUG CENTER IN PANAMA.

In anticipation of the closure of all United States military installations in Panama by December 31, 1999, it is the sense of Congress that the Secretary of Defense, in consultation with the Secretary of State, should continue negotiations with the Government of Panama for the establishment in Panama of a counter-drug center to be used by military and civilian personnel of the United States, Panama, and other friendly nations.

Mr. BARR of Georgia (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BARR of Georgia. Mr. Chairman, I appreciate the opportunity to have this amendment in the en bloc amendment, and particularly as amended.

This amendment puts the Congress of the United States firmly on record as encouraging and supporting and urging the administration of this country and the administration in Panama to do everything possible to move forward the negotiations for the development of a multinational counter-drug center to be located in Panama after the date of December 31, 1999, which is when all U.S. military and civilian presence in control of the canal ceases.

This is a very important set of negotiations that are moving forward. They have not been moving forward with the dispatch that is necessary. And I think it is important in our joint effort with Panama and our colleagues in Latin America to go on record as encouraging, supporting and proactively moving forward with these very important negotiations for the development of a multinational counter-drug center to be located in Panama with military and civilian personnel from Panama, the United States and other friendly nations to fight the war against drugs.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the Chairman of the Committee for yielding me the time, and I thank the ranking member for supporting my amendment, which is included in the en bloc amendment. And I encourage all my colleagues to vote for the en bloc amendment.

My amendment is an amendment to fence off the funds for the modernization of the eastern test range located in Cape Canaveral in my district in Florida, as well as the western test range in California.

For years now, DOD, because of multiple demands from all of these overseas deployments, has been raiding various accounts, to include the account for modernizing our test ranges. The result is that the range modernization programs are falling way behind.

I recently witnessed a launch of a probe to Mars being scrubbed at Cape Canaveral because of the failure of a tube. Yes, a tube. We are relying on antiquated technology to keep our launch ranges operational. This is a disgrace. Support the modernization of our ranges. This is a critical issue to our national security. I encourage a yes vote on the en bloc amendment.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DOOLITTLE) for the purpose of a colloquy.

Mr. DOOLITTLE. Mr. Chairman, I want to commend the gentleman from South Carolina (Mr. SPENCE) for his commitment to force readiness. He knows well how the cuts in training have put our national security at risk.

But I would like to ask for his commitment that when this bill is in conference that he will fight to maintain the House readiness reporting language and will work to keep my amendment on retention in the conference report.

Mr. SPENCE. Mr. Chairman, if the gentleman will yield, he can depend on it. We realize the importance of readiness is one of the important problems we have, and we will do our best to keep it in there.

Mr. DOOLITTLE. Mr. Chairman, I appreciate it.

Mr. EVERETT. Mr. Chairman, I rise in support of this en bloc amendment package, which includes my amendment to require that all excess military helicopters meet certain safety and operational requirements before they can be transferred to foreign governments. Any work required to meet these standards must be done by a qualified U.S. company in the United States. The amendment has been modified to meet the concerns of the International Relations Committee.

The purpose of this amendment is two-fold.

First, to ensure that when we transfer these helicopters (primarily UH–1 Huey's) to our allies for counter drug missions or other purposes, that the aircraft are actually operational, and at least, meet minimum safety standards. The current ''where is, as is'' standard often means these aircraft are not airworthy when they are transferred. Mexico has a large fleet of our excess Huey's rotting in a field, because they haven't been overhauled and can't fly.

Secondly, to help maintain the aviation industrial base, any work necessary to bring these aircraft up to these minimum standards ought to be done in the United States, by American workers. This would be consistent with the standard that we currently use for the transfer of naval vessels.

In the near term, most of these excess aircraft are destined for Columbia and other South American countries to help them fight the war on drugs. If America is serious about stemming the tide of the illegal drugs that are infiltrating our borders, we ought to send our allies overhauled Huey's with a five to ten year life extension, rather then an ''as is'' Huey that may last two months.

This policy change makes sense and I urge all members to support this amendment.

Mr. SHUSTER. Mr. Chairman, the amendment pending before the House, offered by Mr. WELDON of Pennsylvania and Mr. SKELTON of Missouri addresses matters relating to domestic terrorism involving weapons of mass destruction. Such matters fall within the jurisdiction of the Committee on Transportation and Infrastructure through our jurisdiction in Rule X, clause (1)(q) over ''Federal management of emergencies and natural disasters,'' including activities of the Federal Emergency Management Agency (FEMA), the lead federal agency for domestic emergency preparedness and response.

While I have some concerns about how broadly this amendment has been drafted, I fully support the intent of this Weldon/Skelton amendment to provide for proper coordination of Federal, State, and local efforts to prepare for and respond to domestic terrorism. Accordingly, I look forward to working with members of the National Security Committee in a House-Senate conference on this bill to provide some additional direction to the President to ensure that the authorizations provided by this amendment will not be used to undertake activities beyond the intent of Congress.

Mr. HALL of Ohio. Mr. Chairman, I rise in support of the Hall-Boehlert Amendment which contains a series of sense-of-the Congress expressions directing the Department of Defense to focus more attention to long-term scientific research. It also requires the Secretary of Defense to initiate a study and recommend minimum requirements to maintain a defense technology base that is sufficient to project superiority in air and space weapons systems and information technology.

The amendment urges that the Defense Department give science and technology attention equal to the level received by program acquisition; that the secretary of each military department ensure that a senior member of the department holds the appropriate title and responsibility to ensure effective oversight and emphasis on science and technology; and that annual reviews should be conducted to ensure a sufficient percentage of science and technology funds are directed toward new technology areas.

In the past, establishing science and technology as a priority for our military has effectively contributed to our National defense and it will be even more important in the future. Once, in an era of simpler technology, America's superior brain power could over take the enemy's technology through sudden spurts of scientific development. But now, with longer lead times for technology development, the Nation no longer has the luxury of ramping up scientific research only during the time of crises. Only a vital, invigorated, and ongoing science and technology program will provide our military with the technology required to maintain air, space, and information superiority.

Recent budget requests by the services, especially the Air Force, do not reflect the need for basic scientific research to maintain future military supremacy. My hope is that this amendment will instill the longer term view needed in the services to create quantum leaps in capability in the next century.

I thank Mr. BOEHLERT, the cosponsor of the amendment for his support on this issue. I urge the adoption of the amendment.

Mrs. CAPPS. Mr. Chairman, I rise in support of the en bloc amendment, which includes the Weldon-Capps provision. I want to commend my colleague from Florida, Dr. WELDON, for his hard work and leadership on this issue and I am pleased that the Committee has agreed to accept this important amendment.

This bill continues the commitment that we must make to ensure that our national defenses are strong enough to keep our country safe. It also continues the commitment that we have to the men and women of our armed services to ensure that they are provided with the equipment, facilities and support necessary to do their jobs safely and efficiently. They deserve nothing less.

The Weldon-Capps amendment does one simple thing: It protects funds in the Air Force Budget that are supposed to go to modernize our two launch ranges at Vandenberg AFB and Cape Canaveral. The upgrading of these facilities is crucial for our national defense and to support our growing commercial space industry.

The Air Force is currently undertaking a multi-year, $1.3 billion range modernization program for these two sites. Originally, it was

to be completed in 2003. However, this modernization program for our launch ranges is now running three years behind schedule, and is now not expected to be completed until at least 2006.

This delay has arisen because over the last five years funds have been continually siphoned off and used for other Air Force projects. This has needlessly delayed the much needed upgrade of the launch ranges at Vandenberg and at Cape Canaveral.

These are the primary launch facilities in the continental United States and their role is crucial in all of our space activities. However, a lack of modern infrastructure has seriously hindered U.S. space launch capabilities and it costs the Air Force money to maintain outdated facilities.

Unless we act to ensure that these funds are dedicated to this critical project, we will continue to hinder our military, NASA and commercial launches.

I am grateful that the Committee has recognized the value of this amendment to our national security and will support its addition to the bill.

Mr. SPRATT. Mr. Chairman, I rise in opposition to the Gilman amendment although I agree with many of the concerns about nuclear proliferation which he expresses.

I oppose the Gilman amendment because it is unnecessary, and it runs counter to our efforts to discourage nuclear proliferation. Non-OECD countries like Taiwan, Thailand, and others, are planning the construction of several nuclear power facilities over the next decade. U.S. companies are on the cutting edge of these technologies having recently developed and licensed advanced light water reactors which are strong competitors for this business. Business which could run into the billions of dollars.

But our interests here are not just commercial. Unlike their counterparts designed in Russia and elsewhere, U.S. light water reactors are at very little risk for nuclear proliferation. Our reactor designs are not conducive to the production of highly enriched uranium, plutonium, or other weapons materials. U.S. citizens can rest easier knowing that reactors built in these non-OECD countries are not producing weapons materials.

Sometimes the United States must sacrifice its commercial interests for the sake of national security, and I have supported that. But in the area of nuclear power technology, encouraging the use of U.S. designs significantly enhances our nonproliferation efforts, and enhances nuclear safety. And these sales will produce significant revenues for the U.S. treasury. The treasury will receive royalties as a result of our contribution to the Advanced Light Water Reactor program.

Current law already requires licenses and an opportunity for public comment in the export of these technologies. Adding a layer of complexity to this process is unnecessary. I urge a no vote on the Gilman amendment.

Mr. SPRATT. Mr. Chairman, I rise in strong support of the Weldon-Spratt amendment.

On May 12 the U.S. Army performed its eighth test of the THAAD anti-ballistic missile system. The test was a failure, and this failure comes despite almost a year of preparation following a string of 3 earlier unsuccessful intercept tests.

The Weldon-Spratt amendment addresses this problem in an aggressive manner. The amendment directs the Department to identify and contract with a company capable of producing the THAAD system in a leader-follower contract arrangement. In other words, we are telling Lockheed Martin that if they cannot fix the THAAD interceptor, the contract may be taken away from them. The amendment also directs DOD to modify its contract to ensure that THAAD's primary contractor shares in the cost of future test failures. Both steps are needed to bring necessary accountability to this program. Both steps are taken in the sincerest desire that they help the program succeed.

We take steps for the simple reason that THAAD is too important to fail. The THAAD system is the archetype upon which we are patterning our family of systems for missile defense. It is the mother of all missile defense systems, if you will.

THAAD is not the first system to experience difficulties in testing, and the Weldon-Spratt amendment builds on past experience in utilizing the prospect of competition to encourage improved program performance. Many members will remember the numerous problems experienced with the C–17, where the prospect of competition was used effectively by the Congress to bring focus back to the program. And the C–17 is now a success.

It is important to recognized that large portions of the THAAD system are and have been working well. The THAAD radar and its battle management command, control, and communications systems are working well. The Weldon-Spratt amendment allows these components of THAAD to proceed to the Engineering Manufacturing and Development (EMD) phase when they are ready.

Finally, the Weldon-Spratt amendment clarifies the criteria for allowing the program to proceed with the procurement of 40 UOES test missiles. We mandate two successful kinetic kill intercepts before any funding is committed for UOES procurement.

Mr. Chairman, these steps are necessary and prudent and I urge all members to support the Weldon-Spratt amendment.

Mr. CLEMENT. Mr. Chairman, today, I rise in strong opposition to the Markey-Graham amendment which would prohibit the production of tritium at Commercial Light Water Reactors (CLWR) for defense purposes. But I also want to raise the fact that this amendment is being considered in Mr. SPENCE's ''en bloc'' amendment with a group of amendments that are non-controversial in nature. And, for the most part I support the en bloc amendments.

However, the Markey-Graham amendment deserves an up or down vote on its own. This is a controversial issue and a major policy decision. This should not be buried in the en bloc amendment. Because, if we were to vote on this amendment alone—Members would have to vote against Markey-Graham. From a budgetary and fiscal standpoint, the Markey-Graham amendment eliminates choice of a more economic and scientifically proven method for tritium production—use of an existing commercial light water reactor.

Tritium gas is an essential component for nuclear weapons. In fact, tritium gas is used in every U.S. nuclear weapon to enhance its explosive yield. The last time the U.S. production tritium was in 1988 at a test reactor at Savannah River. That facility was shut down and the U.S. has not produced tritium since then.

In 1993, both the Department of Energy and the Department of Defense determined that the production of tritium must be resumed to enable the U.S. to maintain its weapons stockpile. Under current law, DOE will make a decision on tritium production by December of this year.

DOE has been engaged in a lengthy, thorough examination of the technology, environmental impact, cost, reliability, and nonproliferation concerns of each option. It is imperative to allow DOE to finish their review of the options an make an informed decision, selecting the option that best serves the national interest. This amendment would short circuit that important process and arbitrarily force DOE to select the accelerator option.

The accelerator option—by any standard—costs at least two times as much as the commercial reactor option. That's right, estimates from DOE and CBO show that the commercial reactor projected costs range from $1.8–$2.0 billion while the costs for the accelerator are in the $3.9–$6.72 billion range. Plus, approximately $150 million in federal funds for annual operating expenses would be required at the accelerator, whether it manufactures tritium or not. Do the math. It defies fiscal responsibility to eliminate the commercial reactor option from consideration.

And, it is important to remember that tritium production in a commercial reactor is NOT a proliferation issue. Let me repeat that—according to the Nuclear Non-Proliferation Treaty the production of tritium in a commercial reactor is not a proliferation issue. Tritium is not considered to be special nuclear material. And, it can be produced for commercial use—it is used to illuminate objects such as airport runway lights and non-electrical signs.

There is no question in my mind that my constituents and yours—and all American taxpayers—deserve an informed decision that has considered the cost and technological advantages, as well as the proliferation concerns of each option.

That is why I am voting no on the Markey amendment and urge my colleagues to vote no on the Markey amendment, as well.

Mr. STENHOLM. Mr. Chairman, I rise today in support of an amendment which will improve TRICARE, the military managed health care program. I have the privilege of representing the 17th District of Texas which includes Abilene, TX. Abilene is located one of the first regions in which TRICARE was implemented. There were many problems with the start up of the TRICARE Program in our area, and although many of the initial bugs have been worked out of the system, there are still several areas of improvements to the program which are needed—improvements which will help to maintain and to improve access to quality health care for our Nation's military, their dependents, and retirees.

One of the issues my constituents have identified is claim processing and the hassle associated with the TRICARE system. TRICARE requires that its regional contractors use a computer software program known as ClaimCheck. ClaimCheck is a bundling system similar to the Correct Coding Initiative used by the Medicare Program which ''bundles'' claims for multiple services performed during a single visit to a health care provider. When claims are bundled, services considered to be incidental to the primary service are reimbursed at a lower rate.

Currently there is no provision for appeals from ClaimCheck denials even though the Department of Defense has acknowledged that ClaimCheck software in some cases contradicts Department policy. The Department of Defense has indicated an interest in establishing a formal appeal process; however, no concrete steps toward establishing such a process have been taken. The amendment Congressman THUNE and I have proposed would simply require the Department to prepare and submit a proposal to establish an appeal process which could simply mean incorporating ClaimCheck denials into the existing appeals process. The amendment does not dictate the nature of the process.

Although this is a small step to decrease the hassle-factor for both military patients and civilian doctors, I believe it is an important step in the right direction to improve the military health care system and the quality of life of those who serve and have served our nation.

I urge my colleagues to support this amendment by voting for the en bloc amendment in which it is included.

Mr. GIBBONS. Mr. Chairman, the amendment that I am offering before the House today will compel the Secretary of Commerce to transmit any information that is requested by the Director of Central Intelligence, Secretary of Defense, Secretary of Energy, and Designees of these three officials in a timely manner (defined as within 5 days of request) upon receiving a written request for such material. The information that these officials could request includes: export licenses and information on exports that were carried out under an export license by the Department of Commerce and information collected by the Department of Commerce on exports from the United States that were carried out without an export license.

The amendment doesn't ask them to produce new data or collect additional information. It simply requires the Secretary of Commerce to provide the information that he maintains—as a part of his department's day-to-day mission—to these selected Executive Branch Secretaries to enable them to do their jobs of producing intelligence and protecting our nation.

Mr. Chairman, until recently, I would not have believed that this body would have to mandate timely cooperation between Executive branch departments. However, when the defense of this nation and it's citizens is challenged or compromised—the time has come.

The current situation with China and the transfer of satellite technology is in the news right now, but similar situations inside the administration are proliferating almost as quickly weapons of mass destruction are around the world.

Let me share the example that focuses on the seriousness of the issue.

In last year's defense bill, the National Security Committee recommended a study to assess the extent and the impact of the distribution of U.S. and allied supercomputers to China, the former Soviet Union, Iran, Iraq, Syria and Libya.

The National Security Committee has been increasingly concerned about technology transfers of this type in recent years.

The study would have assessed the effect of the technology transfers on the design, development, manufacturing, performance and testing of nuclear, chemical and biological weapons; weapons platforms; command and control communications; and financial, commercial, government and military communications.

The Defense Intelligence Agency and the Department of Energy were assigned the task of conducting the analysis.

However, they were unable to get any assistance from the Department of Commerce.

They needed assistance from Commerce since Commerce is charged with the responsibility to control the export of sensitive technologies that have both military and civil applications.

The Department of Commerce refused to cooperate for the entire period of the study. Only after pointed communications from the Chairman and Ranking Member of the National Security Committee, did they provide ''derivative'' data that was not usable for the analysis that had been requested.

Mr. Chairman, it is not uncommon for our intelligence entities to have to go to other Executive Branch departments to collect ''raw'' information that they process into usable intelligence. It is a common requirement that has not presented a problem in the past.

This ''stonewalling'' behavior by Commerce was unprecedented. While it was unprecedented, it was no less excusable!

This was one Executive Branch department refusing to provide information to another Executive Branch department.

I am at a loss to explain the difference between Commerce's response and the responses of the other Executive Branch departments. Did Commerce have something to hide or was there something else at play in this incident?

Commerce's intransigence had national security implications and it is incumbent on us to ensure that our decisions are not affected by faulty information and analysis in the future!

Our national security demands that the Congress and the President make decisions based on timely, accurate and truthful intelligence.

I urge my colleagues to support my amendment and ensure that our national security is not compromised in the future.

FISCAL YEAR 1998 NDAA—IMPLICATIONS OF TECHNOLOGY TRANSFER; ''A CASE STUDY OF THE STALL''

July 15, 1997—The HNSC recommended a study be conducted by the Defense Intelligence Agency (DIA) to study the distribution of United States and allied supercomputers to China, the former Soviet Union, Iran, Iraq, Syria and Libya to Assess the impact of Technology Transfers on:

Nuclear weapons design, development, manufacturing, performance and testing chemical and biological weapon design, development, manufacturing, performance and testing;

Design, development, manufacturing, performance and testing of major weapons platforms (tactical aircraft, cruise/ballistic missiles, submarines);

Anti-submarine warfare; command and control communications; intelligence collection, processing and dissemination; financial, commercial, government and military communications.

December 10, 1997—Chariman SPENCE and ranking minority member DELLUMS requested the study of DIA and asked for a report by 2 March 1998. Chairman SPENCE and Mr. DELLUMS also asked the Department of Energy to conduct a review concentrating on the impact of high performance computer exports on the design, development, manufacturing, performance and testing of nuclear weapons and associated delivery systems.

Early December 1997—The staffs of DIA and DOE submit oral requests for information from the Department of Commerce for all the info they have on supercomputers to the study target countries. The Department of Commerce is the executive agency with responsibility to control the export of sensitive technologies that have both military and civil applications. These oral requests were denied.

December 22, 1997—The Director, DIA, LTG Patrick Hughes wrote to the Deputy Secretary of Commerce and requested that the Commerce Department supply the information on supercomputer exports. The Commerce Department finally responded on 3 February 1998.

January 7, 1998—Chairman SPENCE and Mr. DELLUMS wrote to William Daley, Secretary of Commerce asking that the Department of Commerce provide the requested information to the DIA and DOE.

February 3, 1998—Under Secretary of Commerce William Reinsch responded to the December 22 letter from DIA.

Under Secretary Reinsch stated that Commerce would defer to the DCI on who should conduct the study that had been tasked to DIA and DOE. The CIA later attempted to transfer the requested information to the DIA and DOE but the Department of Commerce refused to allow such a transfer.

March 3, 1998—The Director, DIA wrote the HNSC that he could not complete the study because he was not able to obtain the necessary information from the Department of Commerce.

March 3, 1998—Chairman FLOYD SPENCE of the House National Security Committee wrote to William Daley, Secretary of Commerce.

Chairman SPENCE stated his understanding that the Department of Commerce had declined the DIA and DOE requests for information on supercomputer exports.

Chairman SPENCE stated that, ''I find the prospect that information is being denied to intelligence agencies that are attempting to determine the effect of illicit exports on U.S. national security highly disturbing and believe such dilatory tactics are indicative of a cavalier attitude by your department on matters of national security.''

Chairman SPENCE again requested the personal assurance of the Secretary of Commerce that Commerce would cooperate fully with the requested intelligence review.

March 3, 1998—the Secretary of Commerce responded to the January 7, 1998 letter from Chairman SPENCE and Ranking Minority Member DELLUMS.

Secretary Daley's letter stated, ''the Department of Commerce has been in contact with the Director of Central Intelligence regarding this matter, and we intend to defer to his judgment on how to best proceed with respect to the conduct of the study.'' (See the entry for February 3, above.)

March 9, 1998—the DIA and the DOE received ''derivative'' supercomputer export information from the Department of Commerce.

April 30, 1998—the Director of the DIA wrote to Under Secretary of Commerce Reinsch thanking him for the ''derivative report'' on the export of high performance computers but stating that the information provided by Commerce ''does not provide the requisite data necessary to complete a comprehensive review.''

General Hughes asked Commerce to provide DIA with the raw export data obtained from U.S. supercomputer manufacturers so that DIA could conduct its own independent analysis.

May 19, 1998—as of this morning, Commerce has not provided any additional information to DIA to enable them to complete the study.

Mr. Chairman, I offered this amendment today to address a vital national security issue. That issue is the failure of the Department of Commerce to provide complete and accurate information to our organizations that are charged with assessing threats around the globe.

The need for analysis to have a flow of raw data to produce intelligence is as old as war itself. Skilled analysts sift through the bits and pieces of everyday trivia and find patterns that allows them to formulate an adversary's likely intentions.

The Congress relies on the technical analysis of national intelligence resources. Last year, this Congress was concerned with the threat that was posed by the transfer of technology around the world.

The National Security Committee requested a study addressing the impacts of past transfers. Mr. Speaker, I find it inexcusable that the study could not be completed because the Department of Commerce refused to work with the Departments of Defense and Energy on the study.

The responsibility for controlling much of this technology was transferred by the administration to the Commerce Department last year, over the objections of both the Department of State and the Department of Defense.

The recent nuclear tests in India; Pakistan's threats to conduct its own tests and the improper transfers of technology to the Chinese underscore the dangerous nature of our world today.

We cannot allow ourselves to be forced to make decision with anything less than the best information and intelligence. We cannot allow executive branch departments to determine what information is important and what isn't.

This amendment ensures that our intelligence community has access to vital information. Let's allow our analysts do their jobs!

Vote yes on the Gibbons amendment.

Mr. HILLEARY. Mr. Chairman, I rise today in strong opposition to the Markey tritium amendment within this en bloc package. It is unfortunate that such a contentious issue is being included in what is historically a noncontentious package.

The Markey amendment would change the Atomic Energy Act by prohibiting tritium production in commercial nuclear reactors. This amendment is bad public policy and reckless economic policy. The American taxpayer deserves better than to be forced to pay for a project three times as expensive as the competition.

Tritium is an isotope of hydrogen that is required by all U.S. nuclear weapons in order to function as designed. Because tritium decays at a rate of about 5.5% per year, it must be replaced periodically to maintain our nuclear weapon stockpile.

The U.S. has not produced tritium since 1988, when the last tritium production reactor was shut down. By Presidential Directive, the Department of Energy must have a new supply of tritium available by 2005.

The Tennessee Valley Authority's (TVA), Watts Bar Nuclear Plant 1, has been selected by the Department of Energy (DOE) to conduct a one-time of components, to produce tritium in commercial light water reactors. If awarded the contract to produce tritium, the Bellefonte nuclear plant would assume the primary role, with Watts Bar as the backup. Total cost to the taxpayer for the TVA contract; about $1.8 billion. However, the competing ''accelerator'' proposal is going to sock the American taxpayers with a price tag around $7 billion.

For reasons ranging from unfair competition to wasteful government spending, it is only appropriate that Citizens Against Government Waste is also OPPOSED to the Markey amendment.

Again, the tritium program is a key element in DOE's Stockpile Stewardship and Management Program to ensure safety and reliability of the nuclear weapons stockpile without testing. We have to produce it and we should encourage fair competition.

The purpose of the Watts Bar test is to confirm excellent results from prior testing. This will provide added confidence to utilities, the public, and the Nuclear Regulatory Commission which regulates commercial reactors, of which tritium can be produced to meet national security requirements in a technically straightforward, safe and cost-effective manner.

The bottom line is this; TVA's professional experience, infrastructure and smart economic proposal exceed DOE's criteria. We should not legislatively hinder the Department of Energy's ability to choose which facility produces tritium.

By allowing the Markey amendment to pass, the federal government and the American taxpayer lose. We will lose the ability or fair competition, and we lose the opportunity to save money. The commercial reactor proposal allows money to be paid back to the Treasury from the sale of energy from the commercial reactor, thus we will recoup costs. The ''accelerator'' proposal has NO cost recoupment.

We must promote competition, and the Markey amendment does not. It would force the Department of Energy to choose one proposal for tritium production by default, and by doing so, sinks upwards of $8 billion into a new special facility.

I strongly encourage my colleagues to oppose the Markey amendment. Let the Department of Energy and their experts determine the most cost effective, safe, and professional tritium facility, not Congress.

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Hall/Boehlert amendment which is included in the en bloc amendment, our amendment expresses the Sense of Congress that adequate resources—funding and personnel—be applied to the science and technology activities of the Army, Navy, and Air Force. The amendment will require the Secretary of Defense to initiate a study and recommend minimum requirements to maintain a defense technology base that is sufficient to project superiority in air and space weapons systems, and information technology.

A robust science and technology investment is critical if our Armed Forces are to move into the 21st Century and operate at the cutting edge of technology. The future of American defense rests on our ability to improve our technology and maintain our military superiority.

We must ensure that our Armed Forces continue to apply the necessary attention and resources to science and technology development if we are to safeguard our future national security. The investments we make today will make the difference tomorrow. I thank my colleague and co-sponsor, Mr. HALL of Ohio, for his work on this amendment and urge my colleagues to vote in favor of it.

Mr. SKELTON. Mr. Chairman, we have no further requests for time. Thus, I yield back the balance of my time.

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

The CHAIRMAN pro tempore. The question is on the amendments en bloc offered by the gentleman from South Carolina (Mr. SPENCE).

The amendments en bloc were agreed to.

☐ 1545

The CHAIRMAN pro tempore (Mr. PEASE). It is now in order to consider amendment No. 4 printed in part B of the House Report 105–544.

AMENDMENT NO. 4 OFFERED BY MR. THORNBERRY

Mr. THORNBERRY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B, amendment No. 4 printed in House Report 105–544 offered from Mr. THORNBERRY:

At the end of title VII (page 197, after line 5), add the following new section:

SEC. 726. DEMONSTRATION PROJECT TO INCLUDE CERTAIN COVERED BENEFICIARIES WITHIN FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.

(a) DEMONSTRATION PROJECT.—(1) Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1108. Health care coverage through Federal Employees Health Benefits program: demonstration project

''(a) FEHBP OPTION DEMONSTRATION.—The Secretary of Defense, after consulting with the other administering Secretaries, shall enter into an agreement with the Office of Personnel Management to conduct a demonstration project under which not more than 70,000 eligible covered beneficiaries described in subsection (b) and residing within one of the areas covered by the demonstration project may be enrolled in health benefits plans offered through the Federal Employees Health Benefits program under chapter 89 of title 5.

''(b) ELIGIBLE COVERED BENEFICIARIES.—(1) An eligible covered beneficiary under this subsection is—

''(A) a member or former member of the uniformed services described in section 1074(b) of this title who is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.);

''(B) a dependent of such a member described in section 1076(b) or 1076(a)(2)(B) of this title;

''(C) a dependent of a member of the uniformed services who died while on active duty for a period of more than 30 days; or

''(D) a dependent described in section 1076(b) or 1076(a)(2)(B) of this title who is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act, regardless of the member's or former member's eligibility for such hospital insurance benefits.

''(2) A covered beneficiary described in paragraph (1) shall not be required to satisfy

any eligibility criteria specified in chapter 89 of title 5 as a condition for enrollment in health benefits plans offered through the Federal Employee Health Benefits program under the demonstration project.

''(3) Covered beneficiaries who are eligible to enroll in the Federal Employment Health Benefits program under chapter 89 of title 5 as a result of civil service employment with the United States Government shall not be eligible to enroll in a Federal Employees Health Benefits plan under this section.

''(c) AREA OF DEMONSTRATION PROJECT.—The Secretary of Defense and the Director of the Office of Personnel Management shall jointly identify and select the geographic areas in which the demonstration project will be conducted. The Secretary and the Director shall establish at least six, but not more than ten, such demonstration areas. In establishing the areas, the Secretary and Director shall include—

''(1) a site that includes the catchment area of one or more military medical treatment facilities;

''(2) a site that is not located in the catchment area of a military medical treatment facility;

''(3) a site at which there is a military medical treatment facility that is a Medicare Subvention Demonstration project site under section 1896 of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

''(4) not more than one site for each TRICARE region.

''(d) TIME FOR DEMONSTRATION PROJECT.—(1) The Secretary of Defense shall conduct the demonstration project during three contract years under the Federal Employees Health Benefits program.

''(2) Eligible covered beneficiaries shall, as provided under the agreement pursuant to subsection (a), be permitted to enroll in the demonstration project during the open season for the year 2000 (conducted in the fall of 1999). The demonstration project shall terminate on December 31, 2002.

''(e) PROHIBITION AGAINST USE OF MTFS.—Eligible covered beneficiaries who participate in the demonstration project shall not be eligible to receive care at a military medical treatment facility.

''(f) TERM OF ENROLLMENT.—(1) The minimum period of enrollment in a Federal Employees Health Benefits plan under this section shall be three years.

''(2) A beneficiary who elects to enroll in such a plan, and who subsequently discontinues enrollment in the plan before the end of the period described in paragraph (1), shall not be eligible to reenroll in the plan.

''(3) An eligible beneficiary enrolled in a Federal Employees Health Benefits plan under this section may change plans during the open enrollment period in the same manner as any other Federal Employees Health Benefits program beneficiary may change plans.

''(g) SEPARATE RISK POOLS; CHARGES.—(1) The Office of Personnel Management shall require health benefits plans under chapter 89 of title 5 that participate in the demonstration project to maintain a separate risk pool for purposes of establishing premium rates for covered beneficiaries who enroll in such a plan in accordance with this section.

''(2) The Office shall determine total subscription charges for self only or for family coverage for covered beneficiaries who enroll in a health benefits plan under chapter 89 of title 5 in accordance with this section, which shall include premium charges paid to the plan and amounts described in section 8906(c) of title 5 for administrative expenses and contingency reserves.

''(h) GOVERNMENT CONTRIBUTIONS.—The Secretary of Defense shall be responsible for the Government contribution for an eligible covered beneficiary who enrolls in a health benefits plan under chapter 89 of title 5 in accordance with this section, except that the amount of the contribution may not exceed the amount of the Government contribution which would be payable if the electing individual were an employee enrolled in the same health benefits plan and level of benefits.

''(i) EFFECT OF CANCELLATION.—The cancellation by a covered beneficiary of coverage under the Federal Employee Health Benefits program shall be irrevocable during the term of the demonstration project.

''(j) REPORT REQUIREMENTS.—(1) The Secretary of Defense and the Director of the Office of Personnel Management shall jointly submit to Congress a report containing the information described in paragraph (2)—

''(A) not later than the date that is 15 months after the date that the Secretary begins to implement the demonstration project; and

''(B) not later than the date that is 39 months after the date that the Secretary begins to implement the demonstration project.

''(2) The reports required by paragraph (1) shall include—

''(A) information on the number of eligible covered beneficiaries who opt to participate in the demonstration project;

''(B) an analysis of the percentage of eligible covered beneficiaries who participate in the demonstration project as compared to usage rates for similarly situated Federal retirees;

''(C) information on eligible covered beneficiaries who opt to participate in the demonstration project who did not have Medicare Part B coverage before opting to participate in the project;

''(D) an analysis of the enrollment rates and cost of health services provided to eligible covered beneficiaries who opt to participate in the demonstration project as compared with other enrollees in the Federal Employees Health Benefits Program under title 5, United States Code;

''(E) an analysis of how the demonstration project affects the accessibility of health care in military medical treatment facilities, and a description of any unintended effects on the treatment priorities in those facilities in the demonstration area;

''(F) an analysis of any problems experienced by the Department of Defense in managing the demonstration project;

''(G) a description of the effects of the demonstration project on medical readiness and training at military medical treatment facilities located in the demonstration area, and a description of the probable effects that making the project permanent would have on medical readiness and training;

''(H) an examination of the effects that the demonstration project, if made permanent, would be expected to have on the overall budget of the Department of Defense, the budget of the Office of Personnel and Management, and the budgets of individual military medical treatment facilities;

''(I) an analysis of whether the demonstration project affects the cost to the Department of Defense of prescription drugs or the accessibility, availability, and cost of such drugs to covered beneficiaries;

''(J) a description of any additional information that the Secretary of Defense or the Director of the Office of Personnel Management deem appropriate and that would assist Congress in determining the viability of expanding the project to all Medicare-eligible members of the uniformed services and their dependents; and

''(K) recommendations on whether covered beneficiaries—

''(i) should be given more than one chance to enroll in a Federal Employees Health Benefits plan under this section;

''(ii) should be eligible to enroll in such a plan only during the first year following the date that the covered beneficiary becomes eligible to receive hospital insurance benefits under title XVIII of the Social Security Act; or

''(iii) should be eligible to enroll in the plan only during the two-year period following the date on which the beneficiary first becomes eligible to enroll in a Federal Employees Health Benefits plan under this section.

''(k) COMPTROLLER GENERAL REPORT.—Not later than 39 months after the Secretary begins to implement the demonstration project, the Comptroller General shall submit to Congress a report examining the same criteria required to be examined under subsection (j)(2).''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1108. Health care coverage through Federal Employees Health Benefits program: demonstration project.''.

(b) CONFORMING AMENDMENTS.—Chapter 89 of title 5, United States Code, is amended—

(1) in section 8905—

(A) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(B) by inserting after subsection (c) the following new subsection:

''(d) An individual whom the Secretary of Defense determines is an eligible covered beneficiary under subsection (b) of section 1108 of title 10 may enroll, as part of the demonstration project under such section, in a health benefits plan under this chapter in accordance with the agreement under subsection (a) of such section between the Secretary and the Office and applicable regulations under this chapter.'';

(2) in section 8906(b)—

(A) in paragraph (1), by striking ''paragraphs (2) and (3)'' and inserting in lieu thereof ''paragraphs (2), (3), and (4)''; and

(B) by adding at the end the following new paragraph:

''(4) In the case of individuals who enroll, as part of the demonstration project under section 1108 of title 10, in a health benefits plan in accordance with section 8905(d) of this title, the Government contribution shall be determined in accordance with section 1108(h) of title 10.''; and

(3) in section 8906(g)—

(A) in paragraph (1), by striking ''paragraph (2)'' and inserting in lieu thereof ''paragraphs (2) and (3)''; and

(B) by adding at the end the following new paragraph:

''(3) The Government contribution described in subsection (b)(4) for beneficiaries who enroll, as part of the demonstration project under section 1108 of title 10, in accordance with section 8905(d) of this title shall be paid as provided in section 1108(h) of title 10.''.

(c) DISPOSAL OF NATIONAL DEFENSE STOCKPILE MATERIALS TO OFFSET COSTS.—

(1) DISPOSAL REQUIRED.—Subject to paragraphs (2) and (3), the President shall dispose of materials contained in the National Defense Stockpile and specified in the table in subsection (b) so as to result in receipts to the United States in amounts equal to—

(A) $89,000,000 during fiscal year 1999;

(B) $104,000,000 during fiscal year 2000;

(C) $95,000,000 during fiscal year 2001; and

(D) $72,000,000 during fiscal year 2002.

(2) LIMITATION ON DISPOSAL QUANTITY.—The total quantities of materials authorized for disposal by the President under paragraph (1)

may not exceed the amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Chromium Ferroally Low Carbons	92,000 short tons
Diamond Stones	3,000,000 carats
Palladium	1,227,831 troy ounces
Platinum	439,887 troy ounces

(3) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under paragraph (1) to the extent that the disposal will result in—

(A) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(B) avoidable loss to the United States.

(4) TREATMENT OF RECEIPTS.—Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), funds received as a result of the disposal of materials under paragraph (1) shall be—

(A) deposited into the general fund of the Treasury; and

(B) used to offset the revenues that will be lost as a result of the implementation of the demonstration project under section 1108 of title 10, United States Code (as added by subsection (a)).

(5) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in paragraph (1) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding materials specified in the table in paragraph (2).

The CHAIRMAN pro tempore. Pursuant to House Resolution 441, the gentleman from Texas (Mr. THORNBERRY) and a Member opposed, the gentleman from California (Mr. THOMAS), each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I ask unanimous consent that 10 minutes of my time be yielded to the gentleman from Virginia (Mr. MORAN) and that he may be entitled to yield time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. THORNBERRY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment is sponsored by the gentleman from Oklahoma (Mr. WATTS), the gentleman from Virginia (Mr. MORAN), and myself. I greatly appreciate their efforts as well as the efforts of the gentleman from South Carolina (Mr. SPENCE), the gentleman from Indiana (Mr. BUYER), the gentleman from Missouri (Mr. SKELTON), the gentleman from New York (Mr. SOLOMON), the gentleman from Florida (Mr. MICA) and the gentleman from Indiana (Mr. BURTON) of the Committee on Government Reform and Oversight, the gentleman from California (Mr. CUNNINGHAM), as well as others who have worked on this issue.

The problem is we promised free lifetime medical care to military retirees if they serve the country 20 years. The problem is, we cannot keep that promise. Particularly with base closings, with the declining military budgets, we are not providing that health care.

We have got situations in this country where bases are closing. We have got other situations where there are military treatment facilities that are too crowded and other situations where people are a long way from any sort of care.

This amendment takes us a step toward keeping our commitments. We already have a pilot for Medicare subvention, which is under way. This sets up a demonstration project to allow over-65-year-old military retirees to participate in FEHBP.

The bottom line to the amendment, Mr. Chairman, is that this program would allow military retirees the same respect as civilian Federal retirees get now. It would treat them the same way. Now they are treated worse.

The pilot project is limited in cost. It is limited as far as the number of people who can participate. It is limited in the number of sites that can participate. But I think the key thing is that it is most important for us to take some action today to show the military retirees that we are serious about keeping our commitments, but, equally important, to show those young active duty folks that we are serious about respecting their service to their country, risking their lives for our freedom, and that we intend to keep our commitments to them, because that is in serious doubt at this point.

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

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

Mr. Chairman, I rise reluctantly in opposition because, quite frankly, I am sympathetic with the concern, but I wish the gentleman who is the cosponsor of the amendment would appreciate the fact that this is an attempt to tap directly into the health insurance trust fund of Medicare.

The jurisdiction for the HI trust fund lies wholly within the Committee on Ways and Means. That is why, over the last several years, as chairman of the Subcommittee on Health from the Committee on Ways and Means, I have worked tirelessly to perfect a Department of Defense subvention program, which attempts to utilize military hospitals to provide the service for military retirees in conjunction with the Medicare trust fund. There are a number of safeguards that are contained in the Department of Defense subvention program that are missing from this program.

Shortly, perhaps immediately, the week that we come back, a bill will be on the floor providing a Veterans Administration subvention program. It will be a program for both the part A low-income service disabled veterans and for the so-called category C veterans who are not low income, nor do they have a service-related disability. That particular program has more than a dozen safeguards for the health insurance trust fund.

I am sorry that the subcommittee of jurisdiction was not involved in the crafting of this particular program, because, frankly, there are just a number of flaws in the bill. They do not just extend to a clear protection of the taxpayers in the HI trust fund, although, clearly, that is of some concern.

I would refer Members to a letter which was written in favor of this particular amendment by a group called The Military Coalition. Their concern is over the funding mechanism and the argument that the Congressional Budget Office believes that there will be an increased consumption of Medicare usage by these individuals.

This is not a new argument that we have had with the Congressional Budget Office. We had it over the DoD subvention program, the VA subvention program. Frankly, I tend to support the argument that, if they are already a Medicare eligible user, that they will not necessarily increase their Medicare usage.

The concern comes in the argument that says, ''Roughly 30 percent of all Medicare eligible military retirees have Medigap coverage right now. These are people that will switch to the FEHBP because it provides better coverage,'' that is the Federal Employees Health Benefit Program, ''at a lower cost than Medigap.''

This is a 3-year program. It is designed to terminate after 3 years. These people will give up their Medigap and take private dollars and substitute them for taxpayer dollars 75 cents out of every dollar.

In a moment, I will speak to the problems in the bill because these military retirees are not treated like any other Federal employee under the Federal Employee Health Benefit Program. They are treated entirely differently.

But let us take a look at this person who decides to get into this program, give up their Medigap, go under the

FEHBP, and, in 3 years, the program ends. They now will be forced to go back into the Medigap market, and they may, in fact, face that concern that all of us face in terms of trying to go back and buy insurance after you released it, and the potential of not being able to get the kind of insurance that they had prior to going into this program.

I would caution any military retiree who has Medigap insurance that I would be very, very careful of giving up my Medigap insurance to go into a program that has no guarantee that it would continue.

Let us take a look in an attempt, I assume, to control costs what this particular amendment actually does. It says military retirees will go into the Federal Employees Health Benefit Program, but they will not go in like every other Federal employee, including the retiree program. They have to create a separate risk pool for these people.

It means that, if they are in the separate risk pool, they are already Medicare eligible. They are above 65. They have gone through rigorous military duty. Their per-capita cost could be considerably higher.

But it says in another section of the amendment that the government's amount has to stay at the appropriate amount; that is the statistical average of 72 percent.

The argument that the amount for the Federal Employees Health Benefit Program will be exactly the same or lower than the Medigap, which is used as an argument in the letter in favor of it, is not necessarily true, because the amendment requires a separate risk pool to be developed for these individuals.

It is not clear what the complete role of the HI trust fund is. The argument is that it will be completely compensated.

Remember, the health insurance trust fund is a payroll tax fund paid into by individuals. The funding mechanism in this bill is selling assets of the Department of Defense, principally precious metals that are stored for strategic use. The selling off of those assets go into the general fund.

But the HI is a dedicated trust fund out of the payroll tax. There has to be a clear guarantee of transfer of funds to make sure that the HI trust fund is held harmless.

I can go on and on in terms of a series of flaws that are contained in this amendment which, as I said, I am sorry no one ever involved the committee of jurisdiction to make sure, one, that the HI trust fund was protected; two, that it was integrated properly and appropriately in the two other defense measures that we are working on in terms of people who serve their country, the Department of Defense TriCare subvention program and the Veterans Vision subvention program.

I would have to tell Members that this particular amendment is so fundamentally flawed that I am going to have to ask for a ''no'' vote on this amendment. I would very much like to sit down and see if there is not some way that we could correct these fundamental flaws.

But absent that, you may be exposing the HI trust fund; probably more insidious, you may be exposing these military retirees to a test program which will not allow them to get the Medigap coverage they had in the first place that they are giving up to go into this test program. It just does not make sense the way it is written.

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

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this amendment. At the outset of this debate, I first wanted to express my gratitude to the gentleman from South Carolina (Mr. SPENCE), chairman, and to the gentleman from Missouri (Mr. SKELTON), the ranking minority member, for their leadership on this issue and to Donna Hoffmeier, Mieke Eoyang of the Committee on National Security staff, and especially to Mike Brown of my staff for all the work that they have done to enable us to bring this amendment to the floor today.

This amendment establishes a demonstration project through which Medicare eligible military retirees will be able to join the Federal Employees Health Benefits Program.

We have taken the basic text of H.R. 1766, which is cosponsored by 284 Members of this body, and we have added one refinement after another until we have ensured that every concern has been addressed. As of this morning, every concern had been addressed that we have been told about.

Mr. THOMAS. Mr. Chairman, will the gentleman yield on my time?

Mr. MORAN of Virginia. Shortly.

Mr. THOMAS. On my time.

Mr. MORAN of Virginia. Sure.

Mr. THOMAS. I would not want to take the gentleman's time.

Mr. MORAN of Virginia. On his time, I yield to the gentleman from California.

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

Mr. Chairman, what is the provision that protects those military retirees who choose to give up their Medigap program to go into this 3-year test that they can go back to their original Medigap program without risk? Where is that guarantee in the amendment?

Mr. MORAN of Virginia. Mr. Chairman, if the gentleman will yield, I will tell the gentleman from California that the gentleman from California (Mr. STARK), who has also worked on this bill for some time and, as you know, serves with you on the Committee on Ways and Means, is going to address those issues.

Mr. THOMAS. Mr. Chairman, reclaiming my time briefly, I will tell you that the gentleman from California, to my knowledge, and of course he can speak for himself has not worked on this bill; that the Committee on Ways and Means and the Subcommittee on Health has not been involved in this bill at all.

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

Mr. MORAN of Virginia. Mr. Chairman, again, I yield myself such time as I may consume and tell the gentleman from California that CBO has looked at this, has determined that it would cost a maximum of $50 million. That assumes that military retirees will avail themselves of this opportunity and, in fact, will use Medicare to a somewhat greater extent than they do now.

Mr. Chairman, even though every enlisted service member was promised free quality lifetime health care as partial compensation for their service to their country, Medicare eligible military retirees are not provided adequate access to health care.

Free quality lifetime health care is no longer available to people once they become 65 years of age. They are precluded from participating in TriCare, they are prohibited from using Champus, and they are placed last on the priority list at military medical treatment facilities.

That is why we have this amendment. Federal civilian retirees and former Members of Congress in comparison have excellent health care. Civilian retirees are able to participate in the same health insurance program they enjoyed when they were active employees.

The Federal Government does not kick them out of their insurance program once they become eligible for Medicare. In fact, many of the plans provided for civilian employees provide greater coverage and more benefits to those who are Medicare eligible, because that is when they need health care the most, when they retire at 65.

We should correct this inequity in treatment between Federal retirees and military retirees by providing Medicare eligible military retirees the same options and the same insurance program as we provide Medicare eligible Federal retirees.

That is what this amendment does. It begins this process. It establishes a limited demonstration program that will allow 70,000 Medicare eligible military retirees the option to join the Federal Employee Health Benefits Program for 3 years. During that time, they have the same rights and benefits as their Federal civilian counterparts.

The amendment establishes separate risk pools to ensure that military retirees and Federal civilian beneficiaries do not cross-subsidize one another. Then it requires that DoD, the Office of Personnel Management, and GAO fully analyze the impact of this FEHBP option after the demonstration has ended.

□ 1600

So we can then decide whether or not we want full national implementation based on complete factual information.

This is a bipartisan amendment. It is strongly supported by the Military Coalition, the National Military Veterans Alliance, the Retired Officers Association. Every major military association endorses this amendment.

I know the gentleman from California (Mr. THOMAS) is concerned about it. I am disappointed the gentleman is opposed to it. It is going to have some minor impact on Medicare, $50 million, but that means in addition to the $700 billion Medicare program that Medicare will spend over that 3 year period, $50 million might be spent by military retirees who are eligible for Medicare? We could save 10 times this amount annually if we change HCFA's billing system, for example.

The gentleman from Texas (Mr. THORNBERRY) and I will enter into a colloquy with the gentleman from California (Mr. STARK) promising to work with him to address the concerns of the gentleman from California (Mr. THOMAS). It is unfortunate the gentleman from California (Mr. THOMAS) cannot join us to work out these problems.

I urge my colleagues to vote in favor of this amendment and support military retirees health care when they need it the most.

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

Mr. MORAN of Virginia. I yield to the gentleman from California.

Mr. STARK. Mr. Chairman, I am inclined to support the Watts-Moran-Thornberry amendment. I am a cosponsor of the legislation of the gentleman from Virginia (Mr. MORAN), which does roughly the same thing.

The amendment is revenue neutral. It does have an accounting problem as currently drafted. As drafted, the amendment would increase Medicare utilization undoubtedly as the retirees find it less expensive to seek medical care there.

As we all know, we have a long-term financing problem in the Medicare Trust Fund, and if we increase Medicare spending, it is essential that we keep the trust fund neutral.

This amendment needs an accounting fix to make sure that that money that the DOD raises gets into the Medicare Trust Fund and not into general revenues. It is my understanding that staff has not yet had time to work out the details of the language, and I am wondering if the gentleman from Texas (Mr. THORNBERRY) could give us a commitment to address this problem in conference?

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

Mr. MORAN of Virginia. I yield to the gentleman from Texas.

Mr. THORNBERRY. I thank the gentleman, and I thank the gentleman from California (Mr. STARK) for raising this concern.

Mr. Chairman, we have discussed this issue and completely agree it is appropriate to make sure that the Medicare trust funds are not negatively impacted by the amendment. The offsets included in this amendment do include CBO's estimated Medicare costs, and I assure the gentleman I will certainly work with the gentleman from South Carolina (Mr. SPENCE), the gentleman from Missouri (Mr. SKELTON), the gentleman from Indiana (Mr. BUYER) and others in the weeks ahead to clarify that the legislative language addresses those concerns and that there are appropriate offsets, in addition to the protections that are needed on the concern that the gentleman from California (Mr. THOMAS) has raised.

Mr. MORAN of Virginia. Mr. Chairman, reclaiming my time, we look forward it addressing this concern in conference.

Mr. STARK. Mr. Chairman, if the gentleman will yield further, I thank the authors of the amendment. I think you have a winner. I would suggest that if anybody is concerned, that you do not extend it at the end of three years. In the balanced budget amendment we made it the law that people had to be able to get the Medigap policy back. So if in the third year we decide the experiment will not work, we can write that into law and see that no one is disadvantaged by losing the Medigap policy.

Mr. MORAN of Virginia. It sounds like a good solution.

Mr. THOMAS. Mr. Chairman, I yield myself such time as I may concern.

Mr. Chairman, notwithstanding the attempted agreement that was just made, which is clearly a concern in terms of the trust funds, but what I just heard was that the military retirees who give up their Medigap program and who may not in fact be able to get insurance, we will worry about them three years later when the demonstration program ends.

I would tell the gentleman, if that is the way you are going to treat military retirees, then I can fully understand why you have some concern about the DOD program which we are now working on. You may have some concern about the VA program. But in every one of those programs that we worked with, that we sat down and made sure were done correctly, the military retirees were protected from day one.

What you just heard, Mr. Chairman, was the hope that three years later, if this demonstration program does not work, those military retirees who gave up their Medigap insurance, we will see if we can pass a piece of legislation that will fix that problem. I cannot believe that the dialogue that just took place was concerned about the HI trust fund alone and showed no concern whatsoever for the military retirees that are the guinea pigs in this program.

Had you sat down with the committee of jurisdiction, we would have worked that out to make sure that the military retirees were protected. This is just another example of what the gentleman from Virginia said was a well-crafted amendment, which leaves every one of those up to 70,000 military retirees who are asked to participate in this program at risk on their Medigap program. I do not believe the House is willing to vote on that kind of a risk for our military retirees.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Let me just tell the gentleman, we have been working on this for four years. I can verify to you that I introduced this five years ago. Now, we have 284 cosponsors. We want to work with the gentleman. We did everything we could to work it out in conference.

Mr. THOMAS. Reclaiming my time, did the gentleman or the gentleman's staff ever call the Subcommittee on Health of the Committee on Ways and Means? The answer is if you did everything you could to work it out, it seems to me the subcommittee of jurisdiction, which has worked on the balanced budget amendment for the DOD subvention, which has worked with the Committee on Veterans Affairs on the VA subvention program, and which is currently working in the Medicare Commission to make sure that those individuals who served time in the military, and especially were in theaters of combat, are taken care of.

The gentleman continues to give this blanket assurance that everything has been done. I simply continue to repeat, you never once worked with the subcommittee of jurisdiction. I believe that is one of the reasons that all these flaws are in the amendment.

We have taken care of it in every other area that we have worked with combining Department of Defense and veterans interests with Medicare. They are not in this amendment. It is flawed.

If someone would indicate that we could sit down and resolve the flaws in the amendment, then I am far more interested in going forward. What I heard as a resolution for those individuals who are going to give up their Medigap is that three years from now, when this demonstration ends, maybe we can pass a law that will give them a chance to get their Medigap back.

I do not think that is a very comfortable assurance for military retirees. I certainly would not want to gamble my program to go into a program that may end on the assurance that this Congress, three or four years down the road, is going to be able to make sure I get back the insurance I lost when I started this experiment. That is not a solid guarantee, and that is what this amendment says, and that is what was just discussed on the floor.

Mr. MORAN of Virginia. Mr. Chairman, if the gentleman will yield further, we have invited the Committee on Ways and Means staff to meetings. Let me say, the Parliamentarian did not refer this to the Committee on Ways and Means as the committee of jurisdiction. So we worked with the Subcommittee on Civil Service within

the Committee on Government Operations, and we worked with the Committee on National Security, because they were referred to us as the committee of jurisdiction.

We are only talking about one line in this bill among many lines, and I think we can work that out in conference.

Mr. THOMAS. Mr. Chairman, reclaiming my time, perhaps the gentleman did not hear me. The one line you continue to refer to is the transfer of funds from the endangered HI trust fund, which is scheduled to go bankrupt in a short number of years. That is why we have the Medicare Commission, to protect those funds.

What I have continued to refer to is the requirement and in fact the argument that is made by the military coalition, that these military retirees are going to give up their Medigap insurance to get into the program. Because certainly they are not going to pay out of pocket their own private dollars for a Medigap program, when in fact the taxpayers are going to pay 75 cents out of every dollar to put them into the FEHBP program.

So you have the HI trust fund paying for the Medicare, and 75 cents out of every dollar of taxpayers money, the employer, to the retired military being paid in the FEHBP. They are giving up their private sector dollars, the Medigap dollars, to get this.

But it is a demonstration program. It is only for three years. Why could you not write into the program a protection for these military retirees? It is not the one line you are talking about, which is the HI trust fund. It is the guarantee that you do not lose any more than the insurance that you had when you went into the program. That is one of the fundamental flaws of this amendment.

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

Mr. THORNBERRY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, there are two important points in response to the concerns of the gentleman from California (Mr. THOMAS). Number one is I think all of us admire the protections that he has worked on in the Medicare subvention pilot program and want to work with him to see appropriate protections are included in this bill.

Secondly, before the Subcommittee on Personnel marked up, we were aware that the Committee Ways and Means were interested in this issue, and I have been informed as a matter of fact that the Committee on Ways and Means staff was invited to a meeting on Monday, May 4, 1998, at 11:30 a.m., and they did not show up. Included in that meeting were representatives of the Committee on Government Reform and Oversight, CBO and others.

Mr. Chairman, I yield two minutes to the sponsor of the amendment, the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Chairman, I thank the gentleman from Texas for yielding me this time.

Mr. Chairman, I rise in support of the Watts-Thornberry-Moran amendment to H.R. 3616 that the Parliamentarian has cleared and that the Committee on Rules has ruled in order. This amendment is to the defense authorization bill for fiscal year 1999.

Just for the record, I have got a long list of support letters here from the American Military Retirees Association, the American Retirees, Korean War Veterans Association, the National Association of Uniform Services, the Veterans of Foreign Wars, and the list goes on and on.

This amendment is an important key to improving the delivery of high quality health care to our military retirees and their dependents. No one deserves the option of enrolling in the Federal Employees Health Benefits Program more than these good Americans.

For decades our government promised millions of people who served in the Armed Forces free lifetime health care for themselves and their dependents if they served for 20 or more years. They earned that benefit, yet we all know that the promise was broken and never fixed.

As a result, we face a situation wherein thousands of military retirees are forced to scramble for adequate health care for themselves and their dependents. Many must make do with the TriCare system or space available care in a rapidly diminishing number of military hospitals.

If they are 65 years old or older, they must use the Medicare system. Those who live far from military treatment facilities or hospitals except TriCare often purchase private medical insurance or simply remain uncovered.

The Watts-Thornberry-Moran amendment, again, is an optional program that would begin to restore that promise of health care for this group by enrolling a limited number of Medicare eligible military retirees in the FEHBP program at a number of sights around the country.

Mr. Chairman, the Watts-Thornberry-Moran amendment is but a small optional step, and I encourage Members to support it.

Mr. MORAN of Virginia. Mr. Chairman, I yield one minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the Watts-Moran-Thornberry amendment. For almost three years now, I have worked with the gentleman from Virginia (Mr. MORAN) and others on this critical issue of providing quality lifetime health care to military retirees.

I want to thank the gentlemen from Virginia, Oklahoma and Texas for the opportunity to urge all of our Members to support this amendment, which will demonstrate a way to give the Medicare eligible retirees the option of participating in the Federal Employee Health Benefit Program. I am assured that the gentleman from California (Mr. THOMAS) is going to find a way to make this acceptable in the Committee on Ways and Means as well.

On the eve of Memorial Day, it seems not only the appropriate time, but it also is the honorable time to keep our promise to the military retirees that we would provide them health care.

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

Mr. Chairman, Medigap is a wrap-around insurance program. There are ten standardized Medigap programs that are made available by HCFA. The argument is that these military retirees will be giving up their Medigap insurance.

Now, I know as you begin to talk about how this program is supposed to fit together, some eyes begin to glaze over, and all you are supposed to do is just say, it ought to be done, and therefore it is done.

Well, I will tell you, in trying to work with the DOD subvention program, and now successfully with the VA, if you are really interested in looking out after the interests of these military retirees, you had better have in writing exactly what is going to occur. The Federal Employees Health Benefit Program does not match up to any of the Medigap programs.

What are the policies? What are the premiums? You are creating a structure which creates a separate risk pool. The premiums may be outrageous. You have no protections for the military retirees in that regard.

On page 4 of the amendment, line 11 through 14, if you agree to go into this program, what do you agree to do? You agree eligible covered beneficiaries who participate in the demonstration project shall not be eligible to receive care at a military medical treatment facility.

Under the DOD subvention program, we try to blend the military medical facilities with the HI program. What you do in this is you are a military retiree, you are used to going to a military facility, and, now, if you enter into this program, you become an FEHBP member, not knowing what your premium is going to be, because you are going to be in a separate risk pool, not knowing what the benefits are going to be in terms of an augmentation, and you get your Medicare money, which you also have been utilizing perhaps in conjunction with the military medical facility, but you are denied going to the military medical facility if you become part of this program.

□ 1615

You have to find an entirely different health care delivery structure, maybe somewhere else if you live by a military reservation which you have been going to.

These are the kinds of things in reading this bill and in analyzing it as we did with the DOD subvention and with the VA subvention that simply jump

out at us. There are very many flaws in this bill. Why are we trying to rush this forward without putting it together in a way the military retiree has some comfort? Is it absolutely necessary to tell them that if you enter this program for your own benefit, you have to give up military medical facilities completely, you can never go back?

A lot of times in today's health care system people are saying, I want to be able to choose my own doctor. What this demonstration program says is you have to give up the doctor you had or you cannot get in the program. That makes no sense. But after all, you have X number of cosponsors, you have X number of people whose heart is certainly in it, and my heart is in it, and the reason I am up here today is to tell my colleagues we have to put our heads in it as well as our hearts, and it is not impossible to work these out, but if we are going to move forward and simply say all of these are going to be resolved, unfortunately the end result will be a 3-year program which will fail. If we want a successful program, we ought to sit down and work out these difficulties, we will have a higher chance of succeeding, and perhaps my admonitions will go unheeded, and I am sorry, because it will be the military retirees who will have suffered.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, I was waiting for the gentleman to catch his breath.

Mr. THOMAS. Mr. Chairman, reclaiming my time, when I feel strongly about an issue and I believe that folks are not being treated fairly, I do get impassioned.

Mr. MORAN of Virginia. Mr. Chairman, I am very much impressed, and I appreciate the gentleman bringing up these issues.

What I wanted to say to the gentleman, though, we have talked with the insurance companies. The fact is that with a separate risk pool, given the fact that these people are eligible for Medicare, Medicare is a payer of first resort, the insurance premiums are not going to be exorbitant as the gentleman has suggested, they are going to be quite affordable.

Mr. THOMAS. Mr. Chairman, reclaiming my time, I would inquire of the gentleman, under the current program with military retirees, is Medicare A the first payer?

Mr. MORAN of Virginia. Mr. Chairman, if the gentleman will yield further, if one goes to a military treatment facility, it is not the first payer, but for many, there is about 70 percent of military retirees.

Mr. THOMAS. Mr. Chairman, again reclaiming my time, so for the military retirees who use a military facility, that currently is the first payer, but they are denied the ability to go there; if they enter into this demonstration program, they are forced to find medical services elsewhere if they want to go in the program.

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

Mr. THORNBERRY. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, the rush is that World War II veterans, the average age is 72 years of age. They are not going to be around. The Thomas-Stump bill I applaud for what they are trying to do. We are both trying to do the same thing to help veterans.

But the Moran bill, the original Moran-Bond bill was limited, it only had two sites. The Thornberry-Watts-Cunningham bill put in $1.5 billion to a full program. That is what we need to do. This is a compromise between the 2 bills. Subvention does not give them enough care; it is a Band-Aid. They do not have access to TriCare. But I ask my colleagues to support this, and I look forward to working with the gentleman from California (Mr. THOMAS) because he is trying to do the same thing we are.

The CHAIRMAN pro tempore (Mr. PEASE). The Committee will rise informally.

The SPEAKER pro tempore (Mr. MICA) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate passed a concurrent resolution of the following title, in which concurrence of the House is requested:

S. Con. Res. 98. Concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives.

The SPEAKER pro tempore. The Committee will resume its sitting.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Committee resumed its sitting.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of the Moran-Thornberry amendment.

I sat on the Subcommittee on Civil Service, and I have a full appreciation, because I heard the quagmire of technical problems associated with ensuring medical care for Medicare-eligible veterans. There are risks associated with being a part of any control group. I do not for a moment believe that this body is going to leave any veterans who decide to go into this program in a lurch at the end of the period.

I do think it is unthinkable to let this gap in health care for these veterans to go on any longer. I do think this is Congress at its best. We did not know what to do after we heard this testimony. We said let us do a demonstration project and learn from it; that will allow us to know whether we spread it or change it or fix it.

Moreover, these are the first people to be allowed into the FEHBP program other than the traditional clients programs. I think we will learn something about FEHBP as well, and I think the people to learn it from are veterans who have been left out of their full right to medical care.

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Indiana (Mr. BUYER), chairman of the Subcommittee on Military Personnel.

Mr. BUYER. Mr. Chairman, I would like everyone to recognize, this has been one of the consequences of base closures. Many of the retirees, they located next to these military treatment facilities and now that the bases have closed, they are unwilling to move, and they do not want to move. They are stationed where they are. So we are dealing with some cleanup work to do from base closures, and that is what this is about.

I want to recognize the gentleman from California (Mr. THOMAS) on the Subcommittee on Military Personnel whose letter we received, we made it a part of the RECORD; not only the gentleman from California (Mr. THOMAS), but the gentleman from Texas (Mr. ARCHER), so we are well aware of their objections.

We recognize that the Committee on Commerce and the Committee on Ways and Means were not committees of jurisdiction on this, but what I want to say to the gentleman is that invitations were sent out, there were meetings with CBO and the Committee on the Budget and the Committee on Government Reform and Oversight, and the Committee on National Security on this. The gentleman has raised some very interesting points here today, and what I would like to do between now and conference is for us to work together on this as we move toward a demonstration.

I also want to compliment the gentleman from Virginia (Mr. MORAN) and the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Texas (Mr. THORNBERRY). I appreciate them accepting that one of these sites should also be one of the Medicare subvention sites so we completely understand what we are doing, and I am glad we are not moving to the total phase-in, but only a limited pilot.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, I rise in strong support of this amendment and would like to commend my colleagues, the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Virginia (Mr. MORAN) for their leadership in this area.

As a Member of the House Committee on Veterans' Affairs and a representative from Florida, I am very concerned