

Whereas a spiraling nuclear arms race in South Asia would threaten the national security of the United States, and international peace and security;

Whereas for more than half a century, Pakistan and India have had a dispute involving the Jammu and Kashmir region and tensions remain high;

Whereas three times in the past 50 years, the two nations fought wars against each other, two of these wars directly involving Jammu and Kashmir;

Whereas it is in the interest of United States security and world peace for Pakistan and India to arrive at a peaceful and just settlement of the dispute through talks between the two nations, which takes into account the wishes of the affected population;

Whereas the human rights situation in Jammu and Kashmir continues to deteriorate despite repeated efforts by international human rights groups;

Whereas a resolution to the Jammu and Kashmir dispute would foster economic and social development in the region;

Whereas the United States has a long and important history with both India and Pakistan, and bears a responsibility as a world leader to help facilitate a peaceful resolution to the Jammu and Kashmir dispute; and

Whereas the United States and the United Nations can both play a critical role in helping to resolve the dispute over Jammu and Kashmir and in fostering better relations between Pakistan and India: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the United States should make a high priority the promotion of peace and stability in South Asia, as well as normalization of relations between India and Pakistan;

(2) it is critical for the United States and the world community to give a greater priority to resolving the long-standing dispute between India and Pakistan over the Jammu and Kashmir region;

(3) the United States Permanent Representative to the United Nations should propose to the United Nations Security Council a meeting with the representatives to the United Nations from India and Pakistan for the purpose of discussions about the security situation in South Asia, including regional stability, nuclear disarmament and arms control, and trade;

(4) the United States Permanent Representative to the United Nations should raise the issue of the Jammu and Kashmir dispute within the Security Council and promote the establishment of a United Nations-sponsored mediator for the conflict; and

(5) the President should request India to allow United Nations human rights officials, including the Special Rapporteur on Torture, to visit the Jammu and Kashmir region and to have unrestricted access to meeting with people in that region, including those in detention.

Mr. HARKIN. Mr. President, today I submit a resolution on behalf of myself, Senator BROWNBACK and Senator TORRICELLI, which addresses a critical issue in South Asia. It calls for a peaceful and just settlement of the dispute over Kashmir.

For the better part of half a century, Pakistan and India have had a territorial dispute involving the Jammu and Kashmir region—commonly referred to simply as Kashmir. Three times in the past 50 years, these two nations have fought against one another, two of these wars were over Kashmir. International security ex-

perts have long considered South Asia generally, and Kashmir specifically, a “nuclear flash point.” These long-standing tensions between Pakistan and India have only worsened with their testing of nuclear weapons last month. It is more important than ever to take a serious look at Pakistan-India relations.

A peaceful resolution to the Kashmir dispute is not only in the interest of the peoples of South Asia, it is also in the interest of the United States. Our nation has had a long and important history with both countries. I think the United States is very aware of the dangers to our own national security, as well as the peace and security of the whole world, if the Kashmir dispute continues without resolution.

Further, a peaceful resolution to this conflict would foster economic and social development of the Kashmir region, as well as the rest of South Asia. It would also curb many of the human rights abuses which continue despite the efforts by many international groups.

As a world leader, we must take the initiative to help negotiate a peaceful and just end to the dispute in the Kashmir region that follows the wishes of those affected. And both the United States and the United Nations can play an important role in finding a resolution to the dispute over Kashmir, and in improving relations between Pakistan and India. While the Administration and the international community have taken several steps to address these problems, more action is required.

This Senate resolution states that resolving the Kashmir dispute should be a top US priority, as well as that of the world community. Furthermore, this resolution asks our Ambassador to the United Nations to call a meeting of the Security Council with representatives from both India and Pakistan for the purpose of discussing security in South Asia. It also advises the Administration to raise the issue of Kashmir with the Security Council and promote the possibility of a UN sponsored mediator for the conflict. Finally, this resolution requests that the President ask the Indian government to allow UN human rights officials to visit the Kashmir region.

I believe the resolution outlines some important next steps for the U.S. to help facilitate a reasonable and just solution to the Kashmir dispute and normalization of relations between India and Pakistan. It is time for the United States Government and the world to act in a productive manner that will help attain stability in South Asia. We cannot turn a blind eye to this long-standing conflict any longer and must seek a peaceful end to this dispute which not only benefits the countries involved, but will ultimately benefit the world.

I urge my colleagues to support this resolution.

## AMENDMENTS SUBMITTED

## THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

## ROBERTS AMENDMENT NO. 2730

(Ordered to lie on the table.)

Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill (S. 2057) to authorize appropriations for the fiscal year 19099 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title X, add the following:

## SEC. . . . PRESIDENTIAL AUTHORITY TO IMPOSE NUCLEAR NONPROLIFERATION CONTROLS.

(a) AMENDMENT OF THE ARMS EXPORT CONTROL ACT.—

(1) REPROCESSING TRANSFERS; ILLEGAL EXPORTS.—Section 102(a) of the Arms Export Control Act (22 U.S.C. 2799aa-1(a)) is amended by striking “no funds” and all that follows through “making guarantees,” and inserting the following: “the President may suspend or terminate the provision of economic assistance under the Foreign Assistance Act of 1961 (including economic support fund assistance under chapter 4 of part II of that Act) or military assistance, grant military education and training, or peacekeeping assistance under part II of that Act, or the extension of military credits or the making of guarantees under the Arms Export Control Act.”

(2) TRANSFER OR USE OF NUCLEAR EXPLOSIVE DEVICES.—Section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa-1(b)) is amended—

(A) in paragraph (1), by striking “shall forthwith impose” and inserting “may impose”;

(B) by striking paragraphs (4), (5), and (7);

(C) by redesignating paragraphs (6) and (8) as paragraphs (4) and (5), respectively; and

(D) by amending paragraph (4) (as redesignated) to read as follows:

“(4) If the President decides to impose any sanction against a country under paragraph (1)(C) or (1)(D), the President shall forthwith so inform that country and shall impose the sanction beginning 30 days after submitting to Congress the report required by paragraph (1) unless, and to the extent that, there is enacted during the 30-day period a law prohibiting the imposition of that sanction.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to determinations made by the President before, on, or after the date of enactment of this Act.

## MURKOWSKI AMENDMENTS NOS. 2731-2732

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted two amendments intended to be proposed by him to the bill S. 2057, supra; as follows:

## AMENDMENT No. 2731

At the end of subtitle D of title X, add the following:

## SEC. . . .

Notwithstanding any other provision of law:

(a) It is the Sense of the Senate that:

(1) Compliance with the April 29, 2007 deadline for demilitarization of the United States chemical weapons stockpile mandated by the Chemical Weapons Convention is of primary importance;

(2) The Department of Defense and the Department of the Army should make certain that internal command structures are streamlined and that those with immediate responsibility for the chemical weapons demilitarization program have sufficient stature in nature and scope to meet the April 29, 2007 deadline.

(b) OFFICE FOR CHEMICAL WEAPON DEMILITARIZATION.

(1) As Executive Agent for the chemical weapon demilitarization program, the Department of the Army shall facilitate, expedite, and accelerate the disposal of the chemical weapon stockpile in order to comply with the April 29, 2007, mandatory completion date established by the Chemical Weapons Convention.

(2)(A) The Secretary of the Army shall designate or establish one office to provide oversight and policy guidance for all chemical weapons demilitarization, Chemical Weapons Convention, and related issues. This office shall have executing authority and responsibility for the annual Chemical Weapons Demilitarization Appropriation.

(B) The office provided for in this subsection may (i) delegate such authorities and functions to U.S. agencies as are necessary to comply with the April 29, 2007, deadline; and (ii) negotiate and execute such incentive contracts with non-governmental entities as are necessary to comply with the April 29, 2007 deadline.

(C) For budget issues within the purview of the Department of Defense as provided for in section 1412 of PL 99-145 (as amended), the office created by this subsection shall report through the Army Acquisition Executive to the Defense Acquisition Executive.

(D)(i) The position having responsibilities for this office shall be considered a career-reserved position as defined in section 3132(a)(8) of title 5.

(ii) The Secretary of the Army shall assign an officer from the Army Acquisition Corps to act as a military deputy for this office.

(E) The Secretary of the Army may assign such other responsibilities to the office created by this subsection as the Secretary deems appropriate.

(F)(i) The Assembled Chemical Weapons Assessment Program created by PL 104-208 shall continue to report to the Undersecretary of Defense for Acquisition and Technology.

(ii) The office created in this subsection shall transfer such funds to the Assembled Chemical Weapons Assessment as are made available by Congress.

AMENDMENT NO. 2732

At the appropriate place, insert the following:

SEC.

Notwithstanding any other provision of law:

(a) It is the Sense of the Senate that:

(1) Compliance with the April 29, 2007 deadline for destruction of the United States chemical weapons stockpile mandated by the Chemical Weapons Convention is of primary importance;

(2) The President should request that all federal agencies assist the Department of Defense and the Department of the Army in facilitating, expediting and accelerating the destruction of the United States chemical weapons stockpile; and

(3) The Department of Defense and the Department of the Army should make certain

that internal command structures are well-defined and streamlined avoiding unnecessary oversight layers, and that those with immediate responsibility for the chemical weapons demilitarization program have positions sufficient in stature and scope to meet the April 29, 2007 deadline.

(b)(1) The Secretary of the Army shall enter into an Interagency Agreement with the Administrator of the Environmental Protection Agency no later than December 31, 1998, to facilitate, expedite and accelerate all issues and permits necessary to destroy the chemical weapons stockpile as mandated by the Chemical Weapons Convention.

(2) Notwithstanding any other provision of law, the Secretary of the Army may provide such funds or resources to the Environmental Protection Agency as he deems necessary to effectuate the Interagency Agreement provided for in subsection (b)(1).

(3) In its annual Chemical Weapons Demilitarization Report to Congress, the Department of Defense shall provide a detailed explanation of the ongoing status of all federal and state permits needed to destroy the chemical weapons stockpile and the impact of those permits on the program cost and destruction schedule.

GRAMM AMENDMENT NO. 2733

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 130, between lines 11 and 12, insert the following:

SEC. 644. VOTING RIGHTS OF MILITARY PERSONNEL.

(a) GUARANTEE OF RESIDENCY.—Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

"SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia."

(b) STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.—(1) Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(A) by inserting "(a) ELECTIONS FOR FEDERAL OFFICES.—" before "Each State shall—"; and

(B) by adding at the end the following:

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election."

(2) The heading of title I of such Act is amended by striking out "FOR FEDERAL OFFICE".

HUTCHINSON AMENDMENT NO. 2734

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill S. 2057, supra; as follows:

Add at the end the following new title:

TITLE —RADIO FREE ASIA

SEC. . SHORT TITLE.

This title may be cited as the "Radio Free Asia Act of 1998".

SEC. . FINDINGS.

Congress makes the following findings:

(1) The Government of the People's Republic of China systematically controls the flow of information to the Chinese people.

(2) The Government of the People's Republic of China demonstrated that maintaining its monopoly on political power is a higher priority than economic development by announcing in January 1996 that its official news agency Xinhua, will supervise wire services selling economic information, including Dow Jones-Telerate, Bloomberg, and Reuters Business, and in announcing in February of 1996 the "Interim Internet Management Rules", which have the effect of censoring computer networks.

(3) Under the May 30, 1997, order of Premier Li Peng, all organizations that engage in business activities related to international computer networking must now apply for a license, increasing still further government control over access to the Internet.

(4) Both Radio Free Asia and the Voice of America, as a surrogate for a free press in the People's Republic of China, provide an invaluable source of uncensored information to the Chinese people, including objective and authoritative news of in-country and regional events, as well as accurate news about the United States and its policies.

(5) Radio Free Asia currently broadcasts only 5 hours a day in the Mandarin dialect and 2 hours a day in Tibetan.

(6) Voice of America currently broadcasts only 10 hours a day in Mandarin and 3½ hours a day in Tibetan.

(7) Radio Free Asia and Voice of America should develop 24-hour-a-day service in Mandarin, Cantonese, and Tibetan, as well as further broadcasting capability in the dialects spoken in the People's Republic of China.

(8) Radio Free Asia and Voice of America, in working toward continuously broadcasting to the People's Republic of China in multiple languages, have the capability to immediately establish 24-hour-a-day Mandarin broadcasting to that nation by staggering the hours of Radio Free Asia and Voice of America.

(9) Simultaneous broadcasting on Voice of America radio and Worldnet television 7 days a week in Mandarin are also important and needed capabilities.

SEC. . AUTHORIZATION OF APPROPRIATIONS FOR INCREASED FUNDING FOR RADIO FREE ASIA AND VOICE OF AMERICA BROADCASTING TO CHINA.

(a) AUTHORIZATION OF APPROPRIATIONS FOR RADIO FREE ASIA.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Radio Free Asia" \$30,000,000 for fiscal year 1998 and \$22,000,000 for fiscal year 1999.

(2) LIMITATIONS.—

(A) Of the funds under paragraph (1) authorized to be appropriated for fiscal year 1998, \$8,000,000 is authorized to be appropriated for one-time capital costs.

(B) Of the funds under paragraph (1), \$700,000 is authorized to be appropriated for each such fiscal year for additional personnel to staff Cantonese language broadcasting.

(C) Of the funds under paragraph (1), \$100,000 is authorized to be appropriated for

each of the fiscal years 1998 and 1999 for additional personnel to staff Hmong language broadcasting.

(b) **AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL BROADCASTING TO CHINA AND NORTH KOREA.**—In addition to such sums as are otherwise authorized to be appropriated for "International Broadcasting Activities" for fiscal years 1998 and 1999, there are authorized to be appropriated for "International Broadcasting Activities" \$10,000,000 for fiscal year 1998 and \$7,000,000 for fiscal year 1999, which shall be available only for enhanced Voice of America broadcasting to China and North Korea.

(c) **AUTHORIZATION OF APPROPRIATIONS FOR RADIO CONSTRUCTION.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to such sums as are otherwise authorized to be appropriated for "Radio Construction" for fiscal years 1998 and 1999, there are authorized to be appropriated for "Radio Construction" \$10,000,000 for fiscal year 1998 and \$3,000,000 for fiscal year 1999, which shall be available only for construction in support of enhanced broadcasting to China.

(2) **LIMITATION.**—Of the funds under paragraph (1) authorized to be appropriated for fiscal year 1998, \$3,000,000 is authorized to be appropriated to facilitate the timely augmentation of transmitters at Tinian, the Commonwealth of the Northern Mariana Islands.

(d) **ALLOCATION.**—Of the amounts authorized to be appropriated for "International Broadcasting Activities", the Director of the United States Information Agency and the Board of Broadcasting Governors shall seek to ensure that the amounts make available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

(e) **ALLOCATION OF FUNDS FOR NORTH KOREA.**—Of the funds under subsection (b), \$2,000,000 is authorized to be appropriated for each fiscal year for additional personnel and broadcasting targeted at North Korea.

#### **SEC. . REPORTING REQUIREMENT.**

Not later than 90 days after the date of enactment of this Act, in consultation with the Board of Broadcasting Governors, the President shall prepare and transmit to Congress a report on a plan to achieve continuous broadcasting of Radio Free Asia and Voice of America to the People's Republic of China in multiple major dialects and languages.

#### **SEC. . UTILIZATION OF UNITED STATES INTERNATIONAL BROADCASTING SERVICES FOR PUBLIC SERVICE ANNOUNCEMENTS REGARDING FUGITIVES FROM UNITED STATES JUSTICE.**

United States international broadcasting services, particularly the Voice of America, shall produce and broadcast public service announcements, by radio, television, and Internet, regarding fugitives from the criminal justice system of the United States, including cases of international child abduction.

#### **WARNER AMENDMENT NO. 2735**

Mr. WARNER proposed an amendment to the motion to recommit the bill, S. 2057, supra; as follows:

At the appropriate place insert:

Title —Forced Abortions in China

#### **SEC. . SHORT TITLE.**

This title may be cited as the "Forced Abortion Condemnation Act".

#### **SEC. . FINDINGS.**

Congress makes the following findings:

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(2) For over 15 years there have been frequent and credible reports of forced abortion and forced sterilization in connection with the population control policies of the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program, in fact the Communist Chinese Government encourages both forced abortion and forced sterilization through a combination of strictly enforced birth quotas and immunity for local population control officials who engage in coercion. Officials acknowledge that there have been instances of forced abortions and sterilization, and no evidence has been made available to suggest that the perpetrators have been punished.

(B) People's Republic of China population control officials, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical force.

(C) Official sanctions for giving birth to unauthorized children include fines in amounts several times larger than the per capita annual incomes of residents of the People's Republic of China. In Fujian, for example, the average fine is estimated to be twice a family's gross annual income. Families which cannot pay the fine may be subject to confiscation and destruction of their homes and personal property.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. For example, according to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to population control under the slogan "better to have more graves than one more child". Enforcement measures included torture, sexual abuse, and the detention of resisters' relatives as hostages.

(E) Forced abortions in Communist China often have taken place in the very late stages of pregnancy.

(F) Since 1994 forced abortion and sterilization have been used in Communist China not only to regulate the number of children, but also to eliminate those who are regarded as defective in accordance with the official eugenic policy known as the "Natal and Health Care Law".

#### **SEC. . DENIAL OF ENTRY INTO THE UNITED STATES OF PERSONS IN THE PEOPLE'S REPUBLIC OF CHINA ENGAGED IN ENFORCEMENT OF FORCED ABORTION POLICY.**

The Secretary of State may not issue any visa to, and the Attorney General may not admit to the United States, any national of the People's Republic of China, including any official of the Communist Party or the Government of the People's Republic of China and its regional, local, and village authorities (except the head of state, the head of government, and cabinet level ministers) who the Secretary finds, based on credible information, has been involved in the establishment or enforcement of population control policies resulting in a woman being forced to undergo an abortion against her free choice, or resulting in a man or woman being forced to undergo sterilization against his or her free choice.

#### **SEC. . WAIVER.**

The President may waive the requirement contained in section with respect to a national of the People's Republic of China if the President—

(1) determines that it is in the national interest of the United States to do so; and

(2) provides written notification to Congress containing a justification for the waiver.

#### **WARNER AMENDMENT NO 2736**

Mr. WARNER proposed an amendment to the motion to recommit the bill, S. 2057, supra; as follows:

In the amendment, strike all after "FORCED" and insert the following:

#### **ABORTIONS IN CHINA**

#### **SEC. . SHORT TITLE.**

This title may be cited as the "Forced Abortion Condemnation Act".

#### **SEC. . FINDINGS.**

Congress makes the following findings:

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(2) For over 15 years there have been frequent and credible reports of forced abortion and forced sterilization in connection with the population control policies of the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program, in fact the Communist Chinese Government encourages both forced abortion and forced sterilization through a combination of strictly enforced birth quotas and immunity for local population control officials who engage in coercion. Officials acknowledge that there have been instances of forced abortions and sterilization, and no evidence has been made available to suggest that the perpetrators have been punished.

(B) People's Republic of China population control officials, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical force.

(C) Official sanctions for giving birth to unauthorized children include fines in amounts several times larger than the per capita annual incomes of residents of the People's Republic of China. In Fujian, for example, the average fine is estimated to be twice a family's gross annual income. Families which cannot pay the fine may be subject to confiscation and destruction of their homes and personal property.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. For example, according to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to population control under the slogan "better to have more graves than one more child". Enforcement measures included torture, sexual abuse, and the detention of resisters' relatives as hostages.

(E) Forced abortions in Communist China often have taken place in the very late stages of pregnancy.

(F) Since 1994 forced abortion and sterilization have been used in Communist China not only to regulate the number of children, but also to eliminate those who are regarded as defective in accordance with the official eugenic policy known as the "Natal and Health Care Law".

#### **SEC. . DENIAL OF ENTRY INTO THE UNITED STATES OF PERSONS IN THE PEOPLE'S REPUBLIC OF CHINA ENGAGED IN ENFORCEMENT OF FORCED ABORTION POLICY.**

The Secretary of State may not issue any visa to, and the Attorney General may not

admit to the United States, any national of the People's Republic of China, including any official of the Communist Party or the Government of the People's Republic of China and its regional, local, and village authorities (except the head of state, the head of government, and cabinet level ministers) who the Secretary finds, based on credible information, has been involved in the establishment or enforcement of population control policies resulting in a woman being forced to undergo an abortion against her free choice, or resulting in a man or woman being forced to undergo sterilization against his or her free choice.

**SEC. . WAIVER.**

The President may waive the requirement contained in section \_\_\_\_\_ with respect to a national of the People's Republic of China if the President—

(1) determines that it is in the national interest of the United States to do so; and

(2) provides written notification to Congress containing a justification for the waiver.

(3) This section shall become effective 1 day after enactment.

**WARNER AMENDMENT NO. 2737**

Mr. WARNER proposed an amendment to amendment No. 2736 proposed by him to the bill, S. 2057, supra; as follows:

At the end of the amendment, add the following:

**TITLE \_\_\_\_\_**

**SEC. . SHORT TITLE.**

This title may be cited as the "Forced Abortion Condemnation Act".

**SEC. . FINDINGS.**

Congress makes the following findings:

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(2) For over 15 years there have been frequent and credible reports of forced abortion and forced sterilization in connection with the population control policies of the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program, in fact the Communist Chinese Government encourages both forced abortion and forced sterilization through a combination of strictly enforced birth quotas and immunity for local population control officials who engage in coercion. Officials acknowledge that there have been instances of forced abortions and sterilization, and no evidence has been made available to suggest that the perpetrators have been punished.

(B) People's Republic of China population control officials, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical force.

(C) Official sanctions for giving birth to unauthorized children include fines in amounts several times larger than the per capita annual incomes of residents of the People's Republic of China. In Fujian, for example, the average fine is estimated to be twice a family's gross annual income. Families which cannot pay the fine may be subject to confiscation and destruction of their homes and personal property.

(D) Especially harsh punishments have been inflicted on those whose resistance is

motivated by religion. For example, according to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to population control under the slogan "better to have more graves than one more child". Enforcement measures included torture, sexual abuse, and the detention of resisters' relatives as hostages.

(E) Forced abortions in Communist China often have taken place in the very late stages of pregnancy.

(F) Since 1994 forced abortion and sterilization have been used in Communist China not only to regulate the number of children, but also to eliminate those who are regarded as defective in accordance with the official eugenic policy known as the "Natal and Health Care Law".

**SEC. . DENIAL OF ENTRY INTO THE UNITED STATES OF PERSONS IN THE PEOPLE'S REPUBLIC OF CHINA ENGAGED IN ENFORCEMENT OF FORCED ABORTION POLICY.**

The Secretary of State may not issue any visa to, and the Attorney General may not admit to the United States, any national of the People's Republic of China, including any official of the Communist Party or the Government of the People's Republic of China and its regional, local, and village authorities (except the head of state, the head of government, and cabinet level ministers) who the Secretary finds, based on credible information, has been involved in the establishment or enforcement of population control policies resulting in a woman being forced to undergo an abortion against her free choice, or resulting in a man or woman being forced to undergo sterilization against his or her free choice.

**SEC. . WAIVER.**

The President may waive the requirement contained in section \_\_\_\_\_ with respect to a national of the People's Republic of China if the President—

(1) determines that it is in the national interest of the United States to do so; and

(2) provides written notification to Congress containing a justification for the waiver.

This title may be cited as the "Communist China Subsidy Reduction Act of 1998".

**SEC. . FINDINGS.**

Congress finds that—

(1) the People's Republic of China has enjoyed ready access to international capital through commercial loans, direct investment, sales of securities, bond sales, and foreign aid;

(2) regarding international commercial lending, the People's Republic of China had \$48,000,000,000 in loans outstanding from private creditors in 1995;

(3) regarding international direct investment, international direct investment in the People's Republic of China from 1993 through 1995 totaled \$97,151,000,000, and in 1996 alone totaled \$47,000,000,000;

(4) regarding investment in Chinese securities, the aggregate value of outstanding Chinese securities currently held by Chinese nationals and foreign persons is \$175,000,000,000, and from 1993 through 1995 foreign persons invested \$10,540,000,000 in Chinese stocks;

(5) regarding investment in Chinese bonds, entities controlled by the Government of the People's Republic of China have issued 75 bonds since 1988, including 36 dollar-denominated bond offerings valued at more than \$6,700,000,000, and the total value of long-term Chinese bonds outstanding as of January 1, 1996, was \$11,709,000,000;

(6) regarding international assistance, the People's Republic of China received almost \$1,000,000,000 in foreign aid grants and an additional \$1,566,000,000 in technical assistance

grants from 1993 through 1995, and in 1995 received \$5,540,000,000 in bilateral assistance loans, including concessional aid, export credits, and related assistance; and

(7) regarding international financial institutions—

(A) despite the People's Republic of China's access to international capital and world financial markets, international financial institutions have annually provided it with more than \$4,000,000,000 in loans in recent years, amounting to almost a third of the loan commitments of the Asian Development Bank and 17.1 percent of the loan approvals by the International Bank for Reconstruction and Development in 1995; and

(B) the People's Republic of China borrows more from the International Bank for Reconstruction and Development and the Asian Development Bank than any other country, and loan commitments from those institutions to the People's Republic of China quadrupled from \$1,100,000,000 in 1985 to \$4,300,000,000 by 1995.

**SEC. . OPPOSITION OF UNITED STATES TO CONCESSIONAL LOANS TO THE PEOPLE'S REPUBLIC OF CHINA.**

Title XV of the International Financial Institutions Act (22 U.S.C. 2620-2620-1) is amended by adding at the end the following:

**"SEC. 1503. OPPOSITION OF UNITED STATES TO CONCESSIONAL LOANS TO THE PEOPLE'S REPUBLIC OF CHINA.**

"(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Directors at each international financial institution (as defined in section 1702(c)(2) of the International Financial Institutions Act) to use the voice and vote of the United States to oppose the provision by the institution of concessional loans to the People's Republic of China, any citizen or national of the People's Republic of China, or any entity established in the People's Republic of China.

"(b) CONCESSIONAL LOANS DEFINED.—As used in subsection (a), the term 'concessional loans' means loans with highly subsidized interest rates, grace periods for repayment of 5 years or more, and maturities of 20 years or more."

**SEC. . PRINCIPLES THAT SHOULD BE ADHERED TO BY ANY UNITED STATES NATIONAL CONDUCTING AN INDUSTRIAL COOPERATION PROJECT IN THE PEOPLE'S REPUBLIC OF CHINA.**

(a) PURPOSE.—It is the purpose of this section to create principles governing the conduct of industrial cooperation projects of United States nationals in the People's Republic of China.

(b) STATEMENT OF PRINCIPLES.—It is the sense of Congress that any United States national conducting an industrial cooperation project in the People's Republic of China should:

(1) Suspend the use of any goods, wares, articles, or merchandise that the United States national has reason to believe were mined, produced, or manufactured, in whole or in part, by convict labor or forced labor, and refuse to use forced labor in the industrial cooperation project.

(2) Seek to ensure that political or religious views, sex, ethnic or national background, involvement in political activities or nonviolent demonstrations, or association with suspected or known dissidents will not prohibit hiring, lead to harassment, demotion, or dismissal, or in any way affect the status or terms of employment in the industrial cooperation project. The United States national should not discriminate in terms or conditions of employment in the industrial cooperation project against persons with past records of arrest or internal exile for nonviolent protest or membership in unofficial organizations committed to non-violence.

(3) Ensure that methods of production used in the industrial cooperation project do not pose an unnecessary physical danger to workers and neighboring populations or property, and that the industrial cooperation project does not unnecessarily risk harm to the surrounding environment; and consult with community leaders regarding environmental protection with respect to the industrial cooperation project.

(4) Strive to establish a private business enterprise when involved in an industrial cooperation project with the Government of the People's Republic of China or other state entity.

(5) Discourage any Chinese military presence on the premises of any industrial cooperation projects which involve dual-use technologies.

(6) Undertake to promote freedom of association and assembly among the employees of the United States national. The United States national should protest any infringement by the Government of the People's Republic of China of these freedoms to the International Labor Organization's office in Beijing.

(7) Provide the Department of State with information relevant to the Department's efforts to collect information on prisoners for the purposes of the Prisoner Information Registry, and for other purposes.

(8) Discourage or undertake to prevent compulsory political indoctrination programs from taking place on the premises of the industrial cooperation project.

(9) Promote freedom of expression, including the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media. To this end, the United States national should raise with appropriate authorities of the Government of the People's Republic of China concerns about restrictions on the free flow of information.

(10) Undertake to prevent harassment of workers who, consistent with the United Nations World Population Plan of Action, decide freely and responsibly the number and spacing of their children; and prohibit compulsory population control activities on the premises of the industrial cooperation project.

(c) **PROMOTION OF PRINCIPLES BY OTHER NATIONS.**—The Secretary of State shall forward a copy of the principles set forth in subsection (b) to the member nations of the Organization for Economic Cooperation and Development and encourage them to promote principles similar to these principles.

(d) **REGISTRATION REQUIREMENT.**—

(1) **IN GENERAL.**—Each United States national conducting an industrial cooperation project in the People's Republic of China shall register with the Secretary of State and indicate that the United States national agrees to implement the principles set forth in subsection (b). No fee shall be required for registration under this subsection.

(2) **PREFERENCE FOR PARTICIPATION IN TRADE MISSIONS.**—The Secretary of Commerce shall consult the register prior to the selection of private sector participants in any form of trade mission to China, and undertake to involve those United States nationals that have registered their adoption of the principles set forth above.

(e) **DEFINITIONS.**—As used in this section—  
(1) the term "industrial cooperation project" refers to a for-profit activity the business operations of which employ more than 25 individuals or have assets greater than \$25,000; and

(2) the term "United States national" means—

(A) a citizen or national of the United States or a permanent resident of the United States; and

(B) a corporation, partnership, or other business association organized under the laws of the United States, any State or territory thereof, the District of Columbia, the Commonwealth of Puerto Rico, or the Commonwealth of the Northern Mariana Islands.

**SEC. \_\_\_\_ PROMOTION OF EDUCATIONAL, CULTURAL, SCIENTIFIC, AGRICULTURAL, MILITARY, LEGAL, POLITICAL, AND ARTISTIC EXCHANGES BETWEEN THE UNITED STATES AND CHINA.**

(a) **EXCHANGES BETWEEN THE UNITED STATES AND CHINA.**—Agencies of the United States Government which engage in educational, cultural, political, scientific, agricultural, military, legal, political, and artistic exchanges shall endeavor to initiate or expand such exchange programs with regard to China.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that a federally chartered not-for-profit organization should be established to fund exchanges between the United States and China through private donations.

**SEC. \_\_\_\_ CONGRESSIONAL STATEMENT OF POLICY.**

It is the sense of Congress that the President should make freedom of religion one of the major objectives of United States foreign policy with respect to China. As part of this policy, the Department of State should raise in every relevant bilateral and multilateral forum the issue of individuals imprisoned, detained, confined, or otherwise harassed by the Chinese Government on religious grounds. In its communications with the Chinese Government, the Department of State should provide specific names of individuals of concern and request a complete and timely response from the Chinese Government regarding the individuals' whereabouts and condition, the charges against them, and sentence imposed. The goal of these official communications should be the expeditious release of all religious prisoners in China and Tibet and the end of the Chinese Government's policy and practice of harassing and repressing religious believers.

**SEC. \_\_\_\_ PROHIBITION ON USE OF FUNDS FOR THE PARTICIPATION OF CERTAIN CHINESE OFFICIALS IN CONFERENCES, EXCHANGES, PROGRAMS, AND ACTIVITIES.**

(a) **PROHIBITION.**—Notwithstanding any other provision of law, for fiscal years after fiscal year 1997, no funds appropriated or otherwise made available for the Department of State, the United States Information Agency, and the United States Agency for International Development may be used for the purpose of providing travel expenses and per diem for the participation of nationals of the People's Republic of China described in paragraphs (1) and (2) in conferences, exchanges, programs, and activities:

(1) The head or political secretary of any of the following Chinese Government-created or approved organizations:

- (A) The Chinese Buddhist Association.
- (B) The Chinese Catholic Patriotic Association.
- (C) The National Congress of Catholic Representatives.
- (D) The Chinese Catholic Bishops' Conference.
- (E) The Chinese Protestant "Three Self" Patriotic Movement.
- (F) The China Christian Council.
- (G) The Chinese Taoist Association.
- (H) The Chinese Islamic Association.

(2) Any military or civilian official or employee of the Government of the People's Republic of China who carried out or directed the carrying out of any of the following policies or practices:

(A) Formulating, drafting, or implementing repressive religious policies.

(B) Imprisoning, detaining, or harassing individuals on religious grounds.

(C) Promoting or participating in policies or practices which hinder religious activities or the free expression of religious beliefs.

(b) **CERTIFICATION.**—

(1) Each Federal agency subject to the prohibition of subsection (a) shall certify in writing to the appropriate congressional committees no later than 120 days after the date of enactment of this Act, and every 90 days thereafter, that it did not pay, either directly or through a contractor or grantee, for travel expenses or per diem of any national of the People's Republic of China described in subsection (a).

(2) Each certification under paragraph (1) shall be supported by the following information:

(A) The name of each employee of any agency of the Government of the People's Republic of China whose travel expenses or per diem were paid by funds of the reporting agency of the United States Government.

(B) The procedures employed by the reporting agency of the United States Government to ascertain whether each individual under subparagraph (A) did or did not participate in activities described in subsection (a)(2).

(C) The reporting agency's basis for concluding that each individual under subparagraph (A) did not participate in such activities.

(c) **DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.**—For purposes of this section the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

**SEC. \_\_\_\_ CERTAIN OFFICIALS OF THE PEOPLE'S REPUBLIC OF CHINA INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION.**

(a) **REQUIREMENT.**—Notwithstanding any other provision of law, any national of the People's Republic of China described in section \_\_\_\_ (a)(2) (except the head of state, the head of government, and cabinet level ministers) shall be ineligible to receive visas and shall be excluded from admission into the United States.

(b) **WAIVER.**—The President may waive the requirement in subsection (a) with respect to an individual described in such subsection if the President—

(1) determines that it is vital to the national interest to do so; and

(2) provides written notification to the appropriate congressional committees (as defined in section \_\_\_\_ (c)) containing a justification for the waiver.

**SEC. \_\_\_\_ SUNSET PROVISION.**

Sections \_\_\_\_ and \_\_\_\_ shall cease to have effect 4 years after the date of the enactment of this Act.

**THURMOND AMENDMENT NO. 2738**

Mr. THURMOND proposed an amendment to the bill, S. 2057, supra; as follows:

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

**SEC. 1005. REDUCTIONS IN FISCAL YEAR 1998 AUTHORIZATIONS OF APPROPRIATIONS FOR DIVISION A AND DIVISION B AND INCREASES IN CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.**

(a) **TOTAL REDUCTION.**—Notwithstanding any other provision in this division, amounts authorized to be appropriated under other provisions of this division are reduced in accordance with subsection (b) by the total

amount of \$421,900,000 in order to reflect savings resulting from revised economic assumptions.

(b) DISTRIBUTION OF REDUCTION.—

(1) PROCUREMENT.—Amounts authorized to be appropriated for procurement under title I are reduced as follows:

(A) ARMY.—For the Army:

(i) AIRCRAFT.—For aircraft under section 101(1), by \$4,000,000.

(ii) MISSILES.—For missiles under section 101(2), by \$4,000,000.

(iii) WEAPONS AND TRACKED COMBAT VEHICLES.—For weapons and tracked combat vehicles under section 101(3), by \$4,000,000.

(iv) AMMUNITION.—For ammunition under section 101(4), by \$3,000,000.

(v) OTHER PROCUREMENT.—For other procurement under section 101(5), by \$9,000,000.

(B) NAVY AND MARINE CORPS.—For the Navy, Marine Corps, or both the Navy and Marine Corps:

(i) AIRCRAFT.—For aircraft under section 102(a)(1), by \$22,000,000.

(ii) WEAPONS.—For weapons, including missiles and torpedoes, under section 102(a)(2), by \$4,000,000.

(iii) SHIPBUILDING AND CONVERSION.—For shipbuilding and conversion under section 102(a)(3), by \$18,000,000.

(iv) OTHER PROCUREMENT.—For other procurement under section 102(a)(4), by \$12,000,000.

(v) MARINE CORPS PROCUREMENT.—For procurement for the Marine Corps under section 102(b), by \$2,000,000.

(vi) AMMUNITION.—For ammunition under section 102(c), by \$1,000,000.

(C) AIR FORCE.—For the Air Force:

(i) AIRCRAFT.—For aircraft under section 103(1), by \$23,000,000.

(ii) MISSILES.—For missiles under section 103(2), by \$7,000,000.

(iii) AMMUNITION.—For ammunition under section 103(3), by \$1,000,000.

(iv) OTHER PROCUREMENT.—For other procurement under section 103(4), by \$17,500,000.

(D) DEFENSE-WIDE ACTIVITIES.—For the Department of Defense for Defense-wide activities under section 104, by \$5,800,000.

(E) CHEMICAL DEMILITARIZATION PROGRAM.—For the destruction of lethal chemical agents and munitions and of chemical warfare material under section 107, by \$3,000,000.

(2) RDT&E.—Amounts authorized to be appropriated for research, development, test, and evaluation under title II are reduced as follows:

(A) ARMY.—For the Army under section 201(1), by \$10,000,000.

(B) NAVY.—For the Navy under section 201(2), by \$20,000,000.

(C) AIR FORCE.—For the Air Force under section 201(3), by \$39,000,000.

(D) DEFENSE-WIDE ACTIVITIES.—For Defense-wide activities under section 201(4), by \$26,700,000.

(3) OPERATION AND MAINTENANCE.—Amounts authorized to be appropriated for operation and maintenance under title III are reduced as follows:

(A) ARMY.—For the Army under section 301(a)(1), by \$24,000,000.

(B) NAVY.—For the Navy under section 301(a)(2), by \$32,000,000.

(C) MARINE CORPS.—For the Marine Corps under section 301(a)(3), by \$4,000,000.

(D) AIR FORCE.—For the Air Force under section 301(a)(4), by \$31,000,000.

(E) DEFENSE-WIDE ACTIVITIES.—For Defense-wide activities under section 301(a)(6), by \$17,600,000.

(F) ARMY RESERVE.—For the Army Reserve under section 301(a)(7), by \$2,000,000.

(G) NAVAL RESERVE.—For the Naval Reserve under section 301(a)(8), by \$2,000,000.

(H) AIR FORCE RESERVE.—For the Air Force Reserve under section 301(a)(10), by \$2,000,000.

(I) ARMY NATIONAL GUARD.—For the Army National Guard under section 301(a)(11), by \$4,000,000.

(J) AIR NATIONAL GUARD.—For the Air National Guard under section 301(a)(12), by \$4,000,000.

(K) ENVIRONMENTAL RESTORATION, ARMY.—For Environmental Restoration, Army under section 301(a)(15), by \$1,000,000.

(L) ENVIRONMENTAL RESTORATION, NAVY.—For Environmental Restoration, Navy under section 301(a)(16), by \$1,000,000.

(M) ENVIRONMENTAL RESTORATION, AIR FORCE.—For Environmental Restoration, Air Force under section 301(a)(17), by \$1,000,000.

(N) ENVIRONMENTAL RESTORATION, DEFENSE-WIDE.—For Environmental Restoration, Defense-wide under section 301(a)(18), by \$1,000,000.

(O) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—For Drug Interdiction and Counter-drug Activities, Defense-wide under section 301(a)(21), by \$2,000,000.

(P) MEDICAL PROGRAMS, DEFENSE.—For Medical Programs, Defense under section 301(a)(23), by \$36,000,000.

(4) MILITARY CONSTRUCTION, ARMY.—Amounts authorized to be appropriated for military construction, Army, under title XXI by section 2104(a) are reduced by \$5,000,000, of which \$3,000,000 shall be a reduction of support of military family housing under section 2104(a)(5)(B).

(5) MILITARY CONSTRUCTION, NAVY.—Amounts authorized to be appropriated for military construction, Navy, under title XXII by section 2204(a) are reduced by \$5,000,000, of which—

(A) \$1,000,000 shall be a reduction of construction and acquisition of military family housing under section 2204(a)(5)(A); and

(B) \$3,000,000 shall be a reduction of support of military family housing under section 2204(a)(5)(B).

(6) MILITARY CONSTRUCTION, AIR FORCE.—Amounts authorized to be appropriated for military construction, Air Force, under title XXIII by section 2304(a) are reduced by \$4,000,000, of which—

(A) \$1,000,000 shall be a reduction of construction and acquisition of military family housing under section 2304(a)(5)(A); and

(B) \$2,000,000 shall be a reduction of support of military family housing under section 2304(a)(5)(B).

(7) MILITARY CONSTRUCTION, DEFENSE AGENCIES.—Amounts authorized to be appropriated for military construction, Defense Agencies, under title XXIV by section 2404(a) are reduced by \$6,300,000, of which \$5,000,000 shall be a reduction of defense base closure and realignment under section 2404(a)(10), of which—

(A) \$1,000,000 shall be a reduction of defense base closure and realignment, Army;

(B) \$2,000,000 shall be a reduction of defense base closure and realignment, Navy; and

(C) \$2,000,000 shall be a reduction of defense base closure and realignment, Air Force.

(8) NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM.—Amounts authorized to be appropriated for contributions to the North Atlantic Treaty Organization Security Investment program under title XXV by section 2502 are reduced by \$1,000,000.

(c) PROPORTIONATE REDUCTIONS WITHIN ACCOUNTS.—The amount provided for each budget activity, budget activity group, budget subactivity group, program, project, or activity under an authorization of appropriations reduced by subsection (b) is hereby reduced by the percentage computed by dividing the total amount of that authorization of appropriations (before the reduction) into the amount by which that total amount is so reduced.

(d) INCREASE IN CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.—

(1) OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD.—The amount authorized to be appropriated by section 301(a)(11), as reduced by subsection (b)(3)(I), is increased by \$120,000,000.

(2) OTHER DEFENSE PROGRAMS, DEPARTMENT OF ENERGY.—The amount authorized to be appropriated by section 3103 is increased by \$20,000,000, which amount shall be available for verification and control technology under paragraph (1)(C) of that section.

BIDEN AMENDMENT NO. 2739

Mr. LEVIN (for Mr. BIDEN) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle B of title VI, add the following:

**SEC. 620. INCREASED HAZARDOUS DUTY PAY FOR AERIAL FLIGHT CREWMEMBERS IN PAY GRADES E-4 TO E-9.**

(a) RATES.—The table in section 301(b) of title 37, United States Code, is amended by striking out the items relating to pay grades E-4, E-5, E-6, E-7, E-8, and E-9, and inserting in lieu thereof the following:

“E-9 .....	240
E-8 .....	240
E-7 .....	240
E-6 .....	215
E-5 .....	190
E-4 .....	165”.

(b) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect on October 1, 1998, and shall apply with respect to months beginning on or after that date.

FORD (AND OTHERS) AMENDMENT NO. 2740

Mr. LEVIN (for himself, Mr. FORD, Mr. BOND, Mr. LOTT, Mr. STEVENS, and Mr. GRASSLEY) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title III, insert the following:

**SEC. \_\_\_\_ . REVISION AND CLARIFICATION OF AUTHORITY FOR FEDERAL SUPPORT OF NATIONAL GUARD DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.**

(a) PROCUREMENT OF EQUIPMENT.—Subsection (a)(3) of section 112 of title 32, United States Code, is amended by striking out “and leasing of equipment” and inserting in lieu thereof “and equipment, and the leasing of equipment.”.

(b) TRAINING AND READINESS.—Subsection (b)(2) of such section is amended to read as follows:

“(2)(A) A member of the National Guard serving on full-time National Guard duty under orders authorized under paragraph (1) shall participate in the training required under section 502(a) of this title in addition to the duty performed for the purpose authorized under that paragraph. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing duty for the purpose of carrying out drug interdiction and counter-drug activities.

“(B) Appropriations available for the Department of Defense for drug interdiction and counter-drug activities may be used for paying costs associated with a member's participation in training described in subparagraph (A). The appropriation shall be reimbursed in full, out of appropriations available for paying those costs, for the amounts paid. Appropriations available for paying

those costs shall be available for making the reimbursements.”

(c) ASSISTANCE TO YOUTH AND CHARITABLE ORGANIZATIONS.—Subsection (b)(3) of such section is amended to read as follows:

“(2) A unit or member of the National Guard of a State may be used, pursuant to a State drug interdiction and counter-drug activities plan approved by the Secretary of Defense under this section, to provide services or other assistance (other than air transportation) to an organization eligible to receive services under section 508 of this title if—

“(A) the State drug interdiction and counter-drug activities plan specifically recognizes the organization as being eligible to receive the services or assistance;

“(B) in the case of services, the provision of the services meets the requirements of paragraphs (1) and (2) of subsection (a) of section 508 of this title; and

“(C) the services or assistance is authorized under subsection (b) or (c) of such section or in the State drug interdiction and counter-drug activities plan.”

(d) DEFINITION OF DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.—Subsection (j)(1) of such section is amended by inserting after “drug interdiction and counter-drug law enforcement activities” the following: “, including drug demand reduction activities.”

#### THURMOND AMENDMENT NO. 2741

Mr. THURMOND proposed an amendment to the bill, S. 2057, supra; as follows:

On page 264, strike out line 17 and insert in lieu thereof the following:

striking out the second, third, and fourth sentences and inserting in lieu thereof the following: “Any such Federal entity which proposes to so relocate shall notify the NTIA, which in turn shall notify the Commission, before the auction concerned of the marginal costs anticipated to be associated with such relocation or with modifications necessary to accommodate prospective licensees. The Commission in turn shall notify potential bidders of the estimated relocation or modification costs based on the geographic area covered by the proposed licenses before the auction.”

On page 266, strike out line 7 and insert in lieu thereof the following:

“(E) IMPLEMENTATION PROCEDURES.—The NTIA and the Commission shall develop procedures for the implementation of this paragraph, which procedures shall include a process for resolving any differences that arise between the Federal Government and commercial licensees regarding estimates of relocation or modification costs under this paragraph.

“(F) INAPPLICABILITY TO CERTAIN RELOCATIONS.—With the exception of spectrum located at 1710-1755 Megahertz, the provisions of this paragraph shall not apply to Federal spectrum identified for reallocation in the first reallocation report submitted to the President and Congress under subsection (a).”

(d) REPORTS ON COSTS OF RELOCATIONS.—The head of each department or agency of the Federal Government shall include in the annual budget submission of such department or agency to the Director of the Office of Management and Budget a report assessing the costs to be incurred by such department or agency as a result of any frequency relocations of such department or agency that are anticipated under section 113 of the National Telecommunications Information Administration Organization Act (47 U.S.C. 923) as of the date of such report.

#### FEINSTEIN AMENDMENT NO. 2472

Mr. LEVIN (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 531. PROHIBITION ON ENTRY INTO CORRECTIONAL FACILITIES FOR PRESENTATION OF DECORATIONS TO PERSONS WHO COMMIT CERTAIN CRIMES BEFORE PRESENTATION.**

(a) PROHIBITION.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following:

“§ 1132. Presentation of decorations: prohibition on entering into correctional facilities for certain presentations

“(a) PROHIBITION.—No member of the armed forces may enter into a Federal, State, or local correctional facility for purposes of presenting a decoration to a person who has been convicted of a serious violent felony.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘decoration’ means any decoration or award that may be presented or awarded to a member of the armed forces.

“(2) The term ‘serious violent felony’ has the meaning given that term in section 3359(c)(2)(F) of title 18.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that chapter is amended by adding at the end the following:

“1132. Presentation of decorations: prohibition on entering into correctional facilities for certain presentations.”

#### THURMOND (AND LEVIN) AMENDMENT NO. 2743

Mr. THURMOND (for himself and Mr. LEVIN) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 296, in the table following line 10, strike out the item relating to Fort Dix, New Jersey.

On page 296, in the table following line 10, strike out the item relating to Camp Dawson, West Virginia.

On page 296, in the table following line 10, strike out “\$627,007,000” in the amount column in the item relating to the total and insert in lieu thereof “\$604,681,000”.

On page 298, line 19, strike out “\$2,005,630,000” and insert in lieu thereof “\$1,983,304,000”.

On page 298, line 22, strike out “\$539,007,000” and insert in lieu thereof “\$516,681,000”.

On page 302, in the table following line 23, strike out the item relating to Naval Air Station, Atlanta, Georgia.

On page 302, in the table following line 23, strike out “\$39,310,000” in the amount column of the item relating to Naval Shipyard, Pearl Harbor, Hawaii, and insert in lieu thereof “\$11,400,000”.

On page 302, in the table following line 23, insert after the item relating to Navy Public Works Center, Pearl Harbor, Hawaii, the following new items:

Fleet and Industrial Supply Center, Pearl Harbor .....	\$9,730,000
Naval Station, Pearl Harbor .....	\$18,180,000

On page 302, in the table following line 23, strike out “\$446,984,000” in the amount column of the item relating to the total and insert in lieu thereof “\$442,884,000”.

On page 305, line 16, strike out “\$1,741,121,000” and insert in lieu thereof “\$1,737,021,000”.

On page 305, line 19, strike out “\$433,484,000” and insert in lieu thereof “\$429,384,000”.

On page 307, in the table following line 16, strike out the item relating to McChord Air Force Base, Washington.

On page 307, in the table following line 16, strike out “\$469,265,000” in the amount column in the item relating to the total and inserting in lieu thereof “\$465,865,000”.

On page 310, line 17, strike out “\$1,652,734,000” and insert in lieu thereof “\$1,649,334,000”.

On page 310, line 21, strike out “\$469,265,000” and insert in lieu thereof “\$465,865,000”.

On page 320, line 25, strike out “\$95,395,000” and insert in lieu thereof “\$108,990,000”.

On page 321, line 1, strike out “\$107,378,000” and insert in lieu thereof “\$116,109,000”.

On page 321, line 3, strike out “\$15,271,000” and insert in lieu thereof “\$19,371,000”.

On page 321, line 8, strike out “\$20,225,000” and insert in lieu thereof “\$23,625,000”.

#### KEMP THORNE (AND OTHERS) AMENDMENT NO. 2477

Mr. THURMOND (for himself, Mr. KEMP THORNE, Mr. CLELAND, and Mr. AKAKA) proposed an amendment to the bill, S. 2057, supra; as follows:

Beginning on page 108, strike out line 21 and all that follows through “(b) APPLICABILITY OF WAIVER.—” on page 109, line 4, and insert in lieu thereof the following:

**SEC. 530. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO CERTAIN PERSONS.**

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary of the military department concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) DISTINGUISHED-SERVICE CROSS.—Subsection (a) applies to award of the Distinguished-Service Cross of the Army as follows:

(1) To Isaac Camacho of El Paso, Texas, for extraordinary heroism in actions at Camp Hiep Hoa in Vietnam on November 24, 1963, while serving as a member of the Army.

(2) To Bruce P. Crandall of Mesa, Arizona, for extraordinary heroism in actions at Landing Zone X-Ray in Vietnam on November 14, 1965, while serving as a member of the Army.

(3) To Leland B. Fair of Jessieville, Arkansas, for extraordinary heroism in actions in the Philippine Islands on July 4, 1945, while serving as a member of the Army.

(c) DISTINGUISHED-SERVICE MEDAL.—Subsection (a) applies to award of the Distinguished-Service Medal of the Army to Richard P. Sakakida of Fremont, California, for exceptionally meritorious service while a prisoner of war in the Philippine Islands from May 7, 1942, to September 14, 1945, while serving as a member of the Army.

(d) DISTINGUISHED FLYING CROSS.—

#### WARNER AMENDMENT NO. 2745

Mr. THURMOND (for Mr. WARNER) proposed an amendment to the bill, S. 2057, supra; as follows:

Strike out section 1012, and insert in lieu thereof the following:

**SEC. 1012. LONG-TERM CHARTER OF THREE VESSELS IN SUPPORT OF SUBMARINE RESCUE, ESCORT, AND TOWING.**

(a) AUTHORITY.—The Secretary of the Navy may to enter into one or more long-term

charters in accordance with section 2401 of title 10, United States Code, for three vessels to support the rescue, escort, and towing of submarines.

(b) VESSELS.—The vessels that may be chartered under subsection (a) are as follows:

(1) The Carolyn Chouest (United States official number D102057).

(2) The Kellie Chouest (United States official number D1038519).

(3) The Dolores Chouest (United States official number D600288).

(c) CHARTER PERIOD.—The period for which a vessel is chartered under subsection (a) may not extend beyond October 1, 2004.

(d) FUNDING.—The funds used for charters entered into under subsection (a) shall be funds authorized to be appropriated under section 301(a)(2).

#### MCCAIN AMENDMENT NO. 2746

Mr. THURMOND (for Mr. MCCAIN) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle B of title VI, add the following:

#### SEC. 620. DIVING DUTY SPECIAL PAY FOR DIVERS HAVING DIVING DUTY AS A NONPRIMARY DUTY.

(a) ELIGIBILITY FOR MAINTAINING PROFICIENCY.—Section 304(a)(3) of title 37, United States Code, is amended to read as follows:

“(3) either—

“(A) actually performs diving duty while serving in an assignment for which diving is a primary duty; or

“(B) meets the requirements to maintain proficiency as described in paragraph (2) while serving in an assignment that includes diving duty other than as a primary duty.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1998, and shall apply with respect to months beginning on or after that date.

#### COATS AMENDMENT NO. 2747

Mr. THURMOND (for Mr. COATS) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle C of title I, add the following:

#### SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR CERTAIN AIRCRAFT PROGRAMS.

Beginning with the fiscal year 1999 program year, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into multiyear contracts for the procurement of the following aircraft:

- (1) The AV-8B aircraft.
- (2) The E-2C aircraft.
- (3) The T-45 aircraft.

#### WARNER AMENDMENT NO. 2748

Mr. THURMOND (for Mr. WARNER) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 14, line 16, reduce the amount by \$15,895,000.

On page 29, line 2, increase the amount by \$15,895,000.

#### THURMOND (AND OTHERS) AMENDMENT NO. 2749

Mr. THURMOND (for himself, Mr. LEVIN, Mr. SANTORUM, and Mr. LIEBERMAN) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 347, below line 23, add the following:

#### SEC. 2833. MODIFICATION OF AUTHORITY RELATING TO DEPARTMENT OF DEFENSE LABORATORY REVITALIZATION DEMONSTRATION PROGRAM.

(a) PROGRAM REQUIREMENTS.—Subsection (c) of section 2892 of the National Defense Authorization for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 590; 10 U.S.C. 2805 note) is amended to read as follows:

“(c) PROGRAM REQUIREMENTS.—(1) Not later than 30 days before commencing the program, the Secretary shall establish procedures for the review and approval of requests from Department of Defense laboratories for construction under the program.

“(2) The laboratories at which construction may be carried out under the program may not include Department of Defense laboratories that are contractor-owned.”.

(b) REPORT.—Subsection (d) of that section is amended to read as follows:

“(d) REPORT.—Not later than February 1, 2003, the Secretary shall submit to Congress a report on the program. The report shall include the Secretary's conclusions and recommendation regarding the desirability of making the authority set forth under subsection (b) permanent.”.

(c) EXTENSION.—Subsection (g) of that section is amended by striking out “September 30, 1998” and inserting in lieu thereof “September 30, 2003”.

#### LEVIN AMENDMENT NO. 2750

Mr. LEVIN proposed an amendment to the bill, S. 2057, supra; as follows:

On page 196, between lines 18 and 19, insert the following:

#### SEC. 908. REDESIGNATION OF DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING AS DIRECTOR OF DEFENSE TECHNOLOGY AND COUNTERPROLIFERATION AND TRANSFER OF RESPONSIBILITIES.

(a) REDESIGNATION.—Subsection (a) of section 137 of title 10, United States Code, is amended by striking out “Director of Defense Research and Engineering” and inserting in lieu thereof “Director of Defense Technology and Counterproliferation”.

(b) DUTIES.—Subsection (b) of such section 137 is amended to read as follows:

“(b) The Director of Defense Technology and Counterproliferation shall—

“(1) except as otherwise prescribed by the Secretary of Defense, perform such duties relating to research and engineering as the Under Secretary of Defense for Acquisition and Technology may prescribe;

“(2) advise the Secretary of Defense on matters relating to nuclear energy and nuclear weapons;

“(3) serve as the Staff Director of the Joint Nuclear Weapons Council under section 179 of this title; and

“(4) perform such other duties as the Secretary of Defense may prescribe.”.

(c) ABOLISHMENT OF POSITION OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS.—Section 142 of such title is repealed.

(d) CONFORMING AMENDMENTS.—(1) Title 5, United States Code, is amended as follows:

(A) In section 5315, by striking out “Director of Defense Research and Engineering” and inserting in lieu thereof the following: “Director of Defense Technology and Counterproliferation”.

(B) In section 5316, by striking out “Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, Department of Defense.”.

(2) Title 10, United States Code, is amended as follows:

(A) In section 131(b), by striking out paragraph (6) and inserting in lieu thereof the following:

“(6) Director of Defense Technology and Counterproliferation.”.

(B) In section 138(d), by striking out “Director of Defense Research and Engineering” and inserting in lieu thereof “Director of Defense Technology and Counterproliferation”.

(C) In section 179(c)(2), by striking out “Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs” and inserting in lieu thereof “Director of Defense Technology and Counterproliferation”.

(D) In section 2350a(g)(3), by striking out “Deputy Director, Defense Research and Engineering (Test and Evaluation)” and inserting in lieu thereof “Undersecretary of Defense for Acquisition and Technology”.

(E) In section 2617(a), by striking out “Director of Defense Research and Engineering” and inserting in lieu thereof “Director of Defense Technology and Counterproliferation”.

(F) In section 2902(b), by striking out paragraph (1) and inserting in lieu thereof the following:

“(1) The Director of Defense Technology and Counterproliferation.”.

(3) Section 257(a) of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 2358 note) is amended by striking out “Director of Defense Research and Engineering” and inserting in lieu thereof “Director of Defense Technology and Counterproliferation”.

(4) The National Defense Authorization Act for Fiscal Year 1994 is amended as follows:

(A) In section 802(a) (10 U.S.C. 2358 note), by striking out “Director of Defense Research and Engineering” and inserting in lieu thereof “Director of Defense Technology and Counterproliferation”.

(B) In section 1605(a)(5), (22 U.S.C. 2751 note) by striking out “Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs” and inserting in lieu thereof “Director of Defense Technology and Counterproliferation”.

(e) CLERICAL AMENDMENTS.—(1) The section heading of section 137 of title 10, United States Code, is amended to read as follows:

#### “§ 137. Director of Defense Technology and Counterproliferation”.

(2) The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended—

(A) by striking out the item relating to section 137 and inserting in lieu thereof the following:

“137. Director of Defense Technology and Counterproliferation.”;

and

(B) by striking out the item relating to section 142.

#### THURMOND AMENDMENT NO. 2751

Mr. THURMOND proposed an amendment to the bill, S. 2057, supra; as follows:

On page 160, beginning on line 9, strike out “amount” and all that follows through “section 3202(1)” on line 17, and insert in lieu thereof the following:

“amounts were charged.

“(B) For amounts relating to sales for unofficial travel, deposit in nonappropriated fund accounts available for morale, welfare, and recreation programs.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘head of an agency’ has the meaning given that term in section 2302(1)”.

#### WARNER AMENDMENT NO. 2752

Mr. THURMOND (for Mr. WARNER) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of title VIII, add the following:  
**SEC. 812. PLAN FOR RAPID TRANSITION FROM COMPLETION OF SMALL BUSINESS INNOVATION RESEARCH INTO DEFENSE ACQUISITION PROGRAMS.**

(a) **PLAN REQUIRED.**—Not later than February 1, 1999, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for facilitating the rapid transition into Department of Defense acquisition programs of successful first phase and second phase activities under the Small Business Innovation Research program under section 9 of the Small Business Act (15 U.S.C. 638).

(b) **CONDITIONS.**—The plan submitted under subsection (a) shall—

(1) be consistent with the Small Business Innovation Research program and with recent acquisition reforms that are applicable to the Department of Defense; and

(2) provide—

(A) a high priority for funding the projects under the Small Business Innovation Research program that are likely to be successful under a third phase agreement entered into pursuant to section 9(r) of the Small Business Act (15 U.S.C. 638(r)); and

(B) for favorable consideration, in the acquisition planning process, for funding projects under the Small Business Innovation Research program that are subject to a third phase agreement described in subparagraph (A).

#### LIEBERMAN AMENDMENT NO. 2753

Mr. LEVIN (for Mr. LIEBERMAN) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle B of title II, add the following:

**SEC. 219. NATO ALLIANCE GROUND SURVEILLANCE CONCEPT DEFINITION.**

Amounts authorized to be appropriated under subtitle A are available for a NATO alliance ground surveillance concept definition that is based on the Joint Surveillance Target Attack Radar System (Joint STARS) Radar Technology Insertion Program (RTIP) sensor of the United States, as follows:

(1) Of the amount authorized to be appropriated under section 201(1), \$6,400,000.

(2) Of the amount authorized to be appropriated under section 201(3), \$3,500,000.

#### WARNER AMENDMENT NO. 2754

Mr. THURMOND (for Mr. WARNER) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 634. SURVIVOR BENEFIT PLAN OPEN ENROLLMENT PERIOD.**

(a) **PERSONS NOT CURRENTLY PARTICIPATING IN SURVIVOR BENEFIT PLAN.**—

(1) **ELECTION OF SBP COVERAGE.**—An eligible retired or former member may elect to participate in the Survivor Benefit Plan during the open enrollment period specified in subsection (d).

(2) **ELECTION OF SUPPLEMENTAL ANNUITY COVERAGE.**—An eligible retired or former member who elects under paragraph (1) to participate in the Survivor Benefit Plan may also elect during the open enrollment period to participate in the Supplemental Survivor Benefit Plan.

(3) **ELIGIBLE RETIRED OR FORMER MEMBER.**—For purposes of paragraphs (1) and (2), an eligible retired or former member is a member or former member of the uniformed services who on the day before the first day of the open enrollment period is not a participant in the Survivor Benefit Plan and—

(A) is entitled to retired pay; or

(B) would be entitled to retired pay under chapter 1223 of title 10, United States Code (or chapter 67 of such title as in effect before October 5, 1994), but for the fact that such member or former member is under 60 years of age.

(4) **STATUS UNDER SBP OF PERSONS MAKING ELECTIONS.**—

(A) **STANDARD ANNUITY.**—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(A) shall be treated for all purposes as providing a standard annuity under the Survivor Benefit Plan.

(B) **RESERVE-COMPONENT ANNUITY.**—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(B) shall be treated for all purposes as providing a reserve-component annuity under the Survivor Benefit Plan.

(b) **MANNER OF MAKING ELECTIONS.**—

(1) **IN GENERAL.**—An election under this section must be made in writing, signed by the person making the election, and received by the Secretary concerned before the end of the open enrollment period. Except as provided in paragraph (2), any such election shall be made subject to the same conditions, and with the same opportunities for designation of beneficiaries and specification of base amount, that apply under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be. A person making an election under subsection (a) to provide a reserve-component annuity shall make a designation described in section 1448(e) of title 10, United States Code.

(2) **ELECTION MUST BE VOLUNTARY.**—An election under this section is not effective unless the person making the election declares the election to be voluntary. An election to participate in the Survivor Benefit Plan under this section may not be required by any court. An election to participate or not to participate in the Survivor Benefit Plan is not subject to the concurrence of a spouse or former spouse of the person.

(c) **EFFECTIVE DATE FOR ELECTIONS.**—Any such election shall be effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

(d) **OPEN ENROLLMENT PERIOD DEFINED.**—The open enrollment period is the one-year period beginning on March 1, 1999.

(e) **EFFECT OF DEATH OF PERSON MAKING ELECTION WITHIN TWO YEARS OF MAKING ELECTION.**—If a person making an election under this section dies before the end of the two-year period beginning on the effective date of the election, the election is void and the amount of any reduction in retired pay of the person that is attributable to the election shall be paid in a lump sum to the person who would have been the deceased person's beneficiary under the voided election if the deceased person had died after the end of such two-year period.

(f) **APPLICABILITY OF CERTAIN PROVISIONS OF LAW.**—The provisions of sections 1449, 1453, and 1454 of title 10, United States Code, are applicable to a person making an election, and to an election, under this section in the same manner as if the election were made under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be.

(g) **PREMIUMS FOR OPEN ENROLLMENT ELECTION.**—

(1) **PREMIUMS TO BE CHARGED.**—The Secretary of Defense shall prescribe in regulations premiums which a person electing under this section shall be required to pay for participating in the Survivor Benefit Plan pursuant to the election. The total amount of the premiums to be paid by a person under the regulations shall be equal to the sum of—

(A) the total amount by which the retired pay of the person would have been reduced before the effective date of the election if the person had elected to participate in the Survivor Benefit Plan (for the same base amount specified in the election) at the first opportunity that was afforded the member to participate under chapter 73 of title 10, United States Code;

(B) interest on the amounts by which the retired pay of the person would have been so reduced, computed from the dates on which the retired pay would have been so reduced at such rate or rates and according to such methodology as the Secretary of Defense determines reasonable; and

(C) any additional amount that the Secretary determines necessary to protect the actuarial soundness of the Department of Defense Military Retirement Fund against any increased risk for the fund that is associated with the election.

(2) **PREMIUMS TO BE CREDITED TO RETIREMENT FUND.**—Premiums paid under the regulations shall be credited to the Department of Defense Military Retirement Fund.

(h) **DEFINITIONS.**—In this section:

(1) The term "Survivor Benefit Plan" means the program established under subchapter II of chapter 73 of title 10, United States Code.

(2) The term "Supplemental Survivor Benefit Plan" means the program established under subchapter III of chapter 73 of title 10, United States Code.

(3) The term "retired pay" includes re-tainer pay paid under section 6330 of title 10, United States Code.

(4) The terms "uniformed services" and "Secretary concerned" have the meanings given those terms in section 101 of title 37, United States Code.

(5) The term "Department of Defense Military Retirement Fund" means the Department of Defense Military Retirement Fund established under section 1461(a) of title 10, United States Code.

#### THOMPSON (AND OTHERS) AMENDMENTS NOS. 2755-2757

Mr. THURMOND (for Mr. THOMPSON, for himself, Mr. GLENN, Mr. THURMOND, Mr. LEVIN, Mr. SANTORUM, and Mr. LIEBERMAN) proposed three amendments to the bill, S. 2057, supra; as follows:

##### AMENDMENT NO. 2755

At the end of title VIII, add the following:  
**SEC. 812. SENIOR EXECUTIVES COVERED BY LIMITATION ON ALLOWABILITY OF COMPENSATION FOR CERTAIN CONTRACTOR PERSONNEL.**

(a) **DEFENSE CONTRACTS.**—Section 2324(1)(5) of title 10, United States Code, is amended to read as follows:

"(5) The term 'senior executive', with respect to a contractor, means the five most highly compensated employees in management positions at each home office and other organizational segment of the contractor."

(b) **NON-DEFENSE CONTRACTS.**—Section 306(m)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(m)(2)) is amended to read as follows:

"(2) The term 'senior executive', with respect to a contractor, means the five most highly compensated employees in management positions at each home office and other organizational segment of the contractor."

(c) **CONFORMING AMENDMENT.**—Section 39(c)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 435(c)(2)) is amended to read as follows:

"(2) The term 'senior executive', with respect to a contractor, means the five most

highly compensated employees in management positions at each home office and other organizational segment of the contractor.”.

## AMENDMENT NO. 2756

Beginning on page 162, strike out line 23 and all that follows through “that clarify” on page 163, line 2, and insert in lieu thereof the following:

“or subsection (b)(1)(B) of section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b), from the requirements for submission of certified cost or pricing data under that section.

“(c) COMMERCIAL PRICING REGULATIONS.—(1) The Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act shall be revised to clarify”.

## AMENDMENT NO. 2757

At the end of title VIII, add the following:

**SEC. 812. SEPARATE DETERMINATIONS OF EXCEPTIONAL WAIVERS OF TRUTH IN NEGOTIATION REQUIREMENTS FOR PRIME CONTRACTS AND SUBCONTRACTS.**

(a) DEFENSE PROCUREMENTS.—Section 2306a(a)(5) of title 10, United States Code, is amended to read as follows:

“(5) A waiver of requirements for submission of certified cost or pricing data that is granted under subsection (b)(1)(C) in the case of a contract or subcontract does not waive the requirement under paragraph (1)(C) for submission of cost or pricing data in the case of subcontracts under that contract or subcontract unless the head of the agency concerned determines that the requirement under that paragraph should be waived in the case of such subcontracts and justifies in writing the reasons for the determination.”.

(b) NON-DEFENSE PROCUREMENTS.—Section 304A(a)(5) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(a)(5)) is amended to read as follows:

“(5) A waiver of requirements for submission of certified cost or pricing data that is granted under subsection (b)(1)(C) in the case of a contract or subcontract does not waive the requirement under paragraph (1)(C) for submission of cost or pricing data in the case of subcontracts under that contract or subcontract unless the head of the executive agency concerned determines that the requirement under that paragraph should be waived in the case of such subcontracts and justifies in writing the reasons for the determination.”.

DEWINE (AND INHOFE)  
AMENDMENT NO. 2758

Mr. THURMOND (for Mr. DEWINE, for himself and Mr. INHOFE) proposed an amendment to the bill, S. 2057, supra, as follows:

At the end of title VII, add the following:

**SEC. . PROFESSIONAL QUALIFICATIONS OF PHYSICIANS PROVIDING MILITARY HEALTH CARE.**

(a) REQUIREMENT FOR UNRESTRICTED LICENSE.—Section 1094(a)(1) of title 10, United States Code, is amended by adding at the end the following: “In the case of a physician, the physician may not provide health care as a physician under this chapter unless the current license is an unrestricted license that 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) SATISFACTION OF CONTINUING MEDICAL EDUCATION REQUIREMENTS.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1094 the following new section:

**“§ 1094a. Continuing medical education requirements: system for monitoring physician compliance**

“The Secretary of Defense shall establish a mechanism for ensuring that each person under the jurisdiction of the Secretary of a military department who provides health care under this chapter as a physician satisfies 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. Continuing medical education requirements: system for monitoring physician compliance.”.

(c) EFFECTIVE DATES.—(1) The amendment made by subsection (a) shall take effect on October 1, 1998.

(2) The system required by section 1094a of title 10, United States Code (as added by subsection (b)), shall take effect on the date that is three years after the date of the enactment of this Act.

## GRASSLEY AMENDMENT NO. 2759

Mr. THURMOND (for Mr. GRASSLEY) proposed an amendment to the bill, S. 2057, supra, as follows:

Strike out section 1055, and insert in lieu thereof the following:

**SEC. 1055. ELIGIBILITY FOR ATTENDANCE AT DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.**

(a) MILITARY DEPENDENTS.—Subsection (a) of section 2164 of title 10, United States Code, is amended—

(1) by designating the first sentence as paragraph (1);

(2) by designating the second sentence as paragraph (2); and

(3) by adding at the end of paragraph (2), as so designated, the following: “The Secretary may also permit a dependent of a member of the armed forces to enroll in such a program if the dependent is residing in such a jurisdiction, whether on or off a military installation, while the member is assigned away from that jurisdiction on a remote or unaccompanied assignment under permanent change of station orders.”.

(b) EMPLOYEE DEPENDENTS.—Subsection (c)(2) of such section is amended by striking out subparagraph (B) and inserting in lieu thereof the following:

“(B) The Secretary may extend the enrollment of a dependent referred to in subparagraph (A) in the program for more than five consecutive school years if the Secretary determines that the dependent is eligible under paragraph (1), space is available in the program, and adequate arrangements are made for reimbursement of the Secretary for the costs to the Secretary of the educational services provided for the dependent. An extension shall be for only one school year, but the Secretary may authorize a successive extension each year for the next school year upon making the determinations required under the preceding sentence for that next school year.”.

(c) CUSTOMS SERVICE EMPLOYEE DEPENDENTS IN PUERTO RICO.—(1) Subsection (c) of such section is further amended by adding at the end the following:

“(4)(A) A dependent of a United States Customs Service employee who resides in Puerto Rico but not on a military installation may enroll in an educational program provided by the Secretary pursuant to subsection (a) in Puerto Rico.

“(B) Notwithstanding the limitation on duration of enrollment set forth in paragraph (2), a dependent described in subparagraph (A) who is enrolled in an education program

described in that subparagraph may be removed from the program only for good cause (as determined by the Secretary). No requirement under that paragraph for reimbursement of the Secretary for the costs of educational services provided for the dependent shall apply with respect to the dependent.

“(C) In the event of the death in the line of duty of an employee described in subparagraph (A), a dependent of the employee may remain enrolled in an educational program described in that subparagraph until—

“(i) the end of the academic year in which the death occurs; or

“(ii) the dependent is removed for good cause (as so determined).”.

(2) The amendment made by paragraph (1) shall take effect on the date of enactment of this Act and apply to academic years beginning on or after that date.

## ROBERTS AMENDMENT NO. 2760

Mr. THURMOND (for Mr. ROBERTS) proposed an amendment to the bill, S. 2057, supra, as follows:

At the appropriate place in title XXVIII, insert the following:

**SEC. 28 . REPORT AND REQUIREMENT RELATING TO “1 PLUS 1 BARRACKS INITIATIVE”.**

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to Congress a report on the costs and benefits of implementing the initiative to build single occupancy barracks rooms with a shared bath, the so-called “1 plus 1 barracks initiative”.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A justification for the initiative referred to in subsection (a), including a description of the manner in which the initiative is designed to assure the retention of first-term enlisted members of the Armed Forces in adequate numbers.

(2) A description of the experiences of the military departments with the retention of first-term enlisted members of the Armed Forces, including—

(A) a comparison of such experiences before implementation of the initiative with such experiences after implementation of the initiative; and

(B) an analysis of the basis for any change in retention rates of such members that has arisen since implementation of the initiative.

(3) Any information indicating that the lack of single occupancy barracks rooms with a shared bath has been or is the basis of the decision of first-term members of the Armed Forces not to reenlist in the Armed Forces.

(4) Any information indicating that the lack of such barracks rooms has hampered recruitment for the Armed Forces or that the construction of such barracks rooms would substantially improve recruitment.

(5) The cost for each Armed Force of implementing the initiative, including the amount of funds obligated or expended on the initiative before the date of enactment of this Act and the amount of funds required to be expended after that date to complete the initiative.

(6) The views of each of the Chiefs of Staff of the Armed Forces regarding the initiative and regarding any alternatives to the initiative having the potential of assuring the retention of first-term enlisted members of the Armed Forces in adequate numbers.

(7) A cost-benefit analysis of the initiative.

(c) LIMITATION ON FY 2000 FUNDING REQUEST.—The Secretary of Defense may not

submit to Congress any request for funding for the so-called "1 plus 1 barracks initiative" in fiscal year 2000 unless the Secretary certifies to Congress that further implementation of the initiative is necessary in order to assure the retention of first-term enlisted members of the Armed Forces in adequate numbers.

GRAHAM (AND OTHERS)  
AMENDMENT NO. 2761

Mr. LEVIN (for Mr. GRAHAM, for himself, Mr. DEWINE, and Mr. GRASSLEY) proposed an amendment to the bill, S. 2057, *supra*; as follows:

At the end of subtitle D of title III, add the following:

**SEC. 334. SENSE OF CONGRESS REGARDING PRIORITY OF DRUG INTERDICTION AND COUNTERDRUG ACTIVITIES.**

It is the sense of Congress that the Secretary of Defense should revise the Global Military Force Policy of the Department of Defense—

(1) to treat the international drug interdiction and counter-drug activities of the department as a military operation other than war, thereby elevating the priority given such activities under the policy to the next priority below the priority given to war under the policy and to the same priority as is given to peacekeeping operations under the policy; and

(2) to allocate the assets of the department to drug interdiction and counter-drug activities in accordance with the priority given those activities.

SANTORUM AMENDMENT NO. 2762

Mr. THURMOND (for Mr. SANTORUM) proposed an amendment to the bill, S. 2057, *supra*; as follows:

At the end of title VIII, add the following:  
**SEC. 812. FIVE-YEAR AUTHORITY FOR SECRETARY OF THE NAVY TO EXCHANGE CERTAIN ITEMS.**

(a) **BARTER AUTHORITY.**—The Secretary of the Navy may enter into a barter agreement to exchange trucks and other tactical vehicles for the repair and remanufacture of ribbon bridges for the Marine Corps in accordance with section 201(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(c)), except that the requirement for items exchanged under that section to be similar items shall not apply to the authority under this subsection.

(b) **PERIOD OF AUTHORITY.**—The authority to enter into agreements under subsection (a) and to make exchanges under any such agreement is effective during the 5-year period beginning on October 1, 1998, and ending at the end of September 30, 2003.

GRAHAM AMENDMENT NO. 2763

Mr. LEVIN (for Mr. GRAHAM) proposed an amendment to the bill, S. 2057, *supra*; as follows:

At the end of title IX, add the following:  
**SEC. 908. CENTER FOR HEMISPHERIC DEFENSE STUDIES.**

(a) **FUNDING FOR CENTER FOR HEMISPHERIC DEFENSE STUDIES.**—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following:

**"§ 2166. National Defense University: funding of component institution**

"Funds available for the payment of personnel expenses under the Latin American cooperation authority set forth in section 1050 of this title are also available for the costs of the operation of the Center for Hemispheric Defense Studies."

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

"2166. National Defense University: funding of component institution."

(b) **CONFORMING AMENDMENT.**—Section 1050 of title 10, United States Code, is amended by inserting "Secretary of Defense or the" before "Secretary of a military department".

GORTON (AND MURRAY)  
AMENDMENT NO. 2764

Mr. THURMOND (for Mr. GORTON for himself, and Mrs. MURRAY) proposed an amendment to the bill, S. 2057, *supra*; as follows:

At the end of subtitle C of title XXXI, insert the following:

**SEC. 3137. COST-SHARING FOR OPERATION OF THE HAZARDOUS MATERIALS MANAGEMENT AND EMERGENCY RESPONSE TRAINING FACILITY, RICHLAND, WASHINGTON.**

(a) **AUTHORITY.**—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 Emergency Response training facility authorized under section 3140 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.

COVERDELL AMENDMENT NO. 2765

Mr. THURMOND (for Mr. COVERDELL) proposed an amendment to the bill, S. 2057, *supra*; as follows:

Strike out section 529, and insert in lieu thereof the following:

**SEC. 529. PILOT PROGRAM FOR TREATING GED AND HOME SCHOOL DIPLOMA RECIPIENTS AS HIGH SCHOOL GRADUATES FOR DETERMINATIONS OF ELIGIBILITY FOR ENLISTING IN THE ARMED FORCES.**

(a) **PROGRAM REQUIRED.**—The Secretary of Defense shall establish a pilot program to assess whether the Armed Forces could better meet recruiting requirements by treating GED recipients and home school diploma recipients as having graduated from high school with a high school diploma for the purpose of determining the eligibility of those persons to enlist in the Armed Forces. The Secretary of each military department shall administer the pilot program for the armed force or armed forces under the jurisdiction of the Secretary.

(b) **ELIGIBLE RECIPIENTS.**—(1) Under the pilot program, a person shall be treated as having graduated from high school with a high school diploma for the purpose described in subsection (a) if the person—

(A) has completed a general education development program while participating in the National Guard Challenge Program and is a GED recipient; or

(B) is a home school diploma recipient and provides a transcript demonstrating completion of high school to the military department involved under the pilot program.

(2) For the purposes of this section, a person is a GED recipient if the person, after completing a general education development program, has obtained certification of high school equivalency by meeting State requirements and passing a State approved exam that is administered for the purpose of providing an appraisal of the person's achievement or performance in the broad subject matter areas usually required for high school graduates.

(3) For the purposes of this section, a person is a home school diploma recipient if the

person has received a diploma for completing a program of education through the high school level at a home school, without regard to whether the home school is treated as a private school under the law of the State in which located.

(c) **ANNUAL LIMIT ON NUMBER.**—Not more than 1,250 GED recipients, and not more than 1,250 home school diploma recipients, enlisted by an armed force in any fiscal year may be treated under the pilot program as having graduated from high school with a high school diploma.

(d) **PERIOD FOR PILOT PROGRAM.**—The pilot program shall be in effect for five fiscal years beginning on October 1, 1998.

(e) **REPORT.**—(1) Not later than February 1, 2004, the Secretary of Defense shall submit a report on the pilot program to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(2)(A) The report shall include the assessment of the Secretary of Defense, and any assessment of any of the Secretaries of the military departments, regarding the value of, and any necessity for, authority to treat GED recipients and home school diploma recipients as having graduated from high school with a high school diploma for the purpose of determining the eligibility of those persons to enlist in the Armed Forces.

(B) The Secretary shall also set forth in the report, by armed force for each fiscal year of the pilot program, a comparison of the performance of the persons who enlisted in that armed force during the fiscal year as GED or home school diploma recipients treated under the pilot program as having graduated from high school with a high school diploma with the performance of the persons who enlisted in that armed force during the same fiscal year after having graduated from high school with a high school diploma, with respect to the following:

(i) Attrition.  
(ii) Discipline.  
(iii) Adaptability to military life.  
(iv) Aptitude for mastering the skills necessary for technical specialties.

(v) Reenlistment rates.  
(f) **REFERENCE TO NATIONAL GUARD CHALLENGE PROGRAM.**—The National Guard Challenge Program referred to in this section is a program conducted under section 509 of title 32, United States Code.

(g) **STATE DEFINED.**—In this section, the term "State" has the meaning given that term in section 509(d)(1) of title 32, United States Code.

GORTON AMENDMENT NO. 2766

Mr. THURMOND (for Mr. GORTON) proposed an amendment to the bill, S. 2957, *supra*; as follows

On page 59, below line 20, add the following:

**SEC. 328. SENSE OF SENATE REGARDING OIL SPILL PREVENTION TRAINING FOR PERSONNEL ON BOARD NAVY VESSELS.**

(a) **FINDINGS.**—The Senate makes the following findings:

(1) There have been six significant oil spills in Puget Sound, Washington, in 1998, five at Puget Sound Naval Shipyard (including three from the U.S.S. Kitty Hawk, one from the U.S.S. Carl Vinson, and one from the U.S.S. Sacramento) and one at Naval Station Everett from the U.S.S. Paul F. Foster.

(2) Navy personnel on board vessels, and not shipyard employees, were primarily responsible for a majority of these oil spills at Puget Sound Naval Shipyard.

(3) Oil spills have the potential to damage the local environment, killing microscopic

organisms, contributing to air pollution, harming plants and marine animals, and increasing overall pollution levels in Puget Sound.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Navy should take immediate action to significantly reduce the risk of vessel oil spills, including the minimization of fuel oil transfers, the assurance of proper training and qualifications of all Naval personnel in occupations that may contribute to or minimize the risk of shipboard oil spills, and the improvement of liaison with local authorities concerning oil spill prevention and response activities.

#### REID AMENDMENT NO. 2767

Mr. LEVIN (for Mr. REID) proposed an amendment to the bill, S. 2957, supra; as follows

In section 201(2), strike out "\$8,199,102,000" and insert in lieu thereof "\$8,204,102,000".

In section 102(b), strike out "\$915,558,000" and insert in lieu thereof "\$910,558,000".

#### MACK AMENDMENT NO. 2768

Mr. THURMOND (for Mr. MACK) proposed an amendment to the bill, S. 2957, supra; as follows

On page 342, below line 22, add the following:

#### SEC. 2827. EXPANSION OF LAND CONVEYANCE AUTHORITY, EGLIN AIR FORCE BASE, FLORIDA.

Section 809(c) of the Military Construction Authorization Act, 1979 (Public Law 95-356; 92 Stat. 587), as amended by section 2826 of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2123), is further amended by striking out "and a third parcel containing forty-two acres" and inserting in lieu thereof "a third parcel containing forty-two acres, a fourth parcel containing approximately 3.43 acres, and a fifth parcel containing approximately 0.56 acres".

#### ALLARD (AND CAMPBELL) AMENDMENT NO. 2769

Mr. THURMOND (for Mr. ALLARD, for himself and Mr. CAMPBELL) proposed an amendment to the bill, S. 2957, supra; as follows

On page 342, below line 22, add the following:

#### SEC. 2827. CONVEYANCE OF WATER RIGHTS AND RELATED INTERESTS, ROCKY MOUNTAIN ARSENAL, COLORADO, FOR PURPOSES OF ACQUISITION OF PERPETUAL CONTRACTS FOR WATER.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (c), the Secretary of the Army may convey any and all interest of the United States in the water rights and related rights at Rocky Mountain Arsenal, Colorado, described in subsection (b) to the City and County of Denver, Colorado, acting through its Board of Water Commissioners.

(b) COVERED WATER RIGHTS AND RELATED RIGHTS.—The water rights and related rights authorized to be conveyed under subsection (a) are the following:

(1) Any and all interest in 300 acre rights to water from Antero Reservoir as set forth in Antero Reservoir Contract No. 382 dated August 22, 1923, for 160 acre rights; Antero Reservoir Contract No. 383 dated August 22, 1923, for 50 acre rights; Antero Reservoir Contract No. 384 dated October 30, 1923, for 40 acre rights; Antero Reservoir Contract No. 387 dated March 3, 1923, for 50 acre rights; and Supplemental Contract No. 382-383-384-387

dated July 24, 1932, defining the amount of water to be delivered under the 300 acre rights in the prior contracts as 220 acre feet.

(2) Any and all interest in the 305 acre rights of water from the High Line Canal, diverted at its headgate on the South Platte River and delivered to the Fitzsimons Army Medical Center and currently subject to cost assessments pursuant to Denver Water Department contract #001990.

(3) Any and all interest in the 2,603.55 acre rights of water from the High Line Canal, diverted at its headgate on the South Platte River and delivered to the Rocky Mountain Arsenal in Adams County, Colorado, and currently subject to cost assessments by the Denver Water Department, including 680 acre rights transferred from Lowry Field to the Rocky Mountain Arsenal by the October 5, 1943, agreement between the City and County of Denver, acting by and through its Board of Water Commissioners, and the United States of America.

(4) Any and all interest in 4,058.34 acre rights of water not currently subject to cost assessments by the Denver Water Department.

(5) A new easement for the placement of water lines approximately 50 feet wide inside the Southern boundary of Rocky Mountain Arsenal and across the Reserve Center along the northern side of 56th Avenue.

(6) A permanent easement for utilities where Denver has an existing temporary easement near the southern and western boundaries of Rocky Mountain Arsenal.

(c) CONSIDERATION.—(1) The Secretary of the Army may make the conveyance under subsection (a) only if the Board of Water Commissioners, on behalf of the City and County of Denver, Colorado—

(A) enters into a permanent contract with the Secretary of the Army for purposes of ensuring the delivery of nonpotable water and potable water to Rocky Mountain Arsenal; and

(B) enters into a permanent contract with the Secretary of the Interior for purposes of ensuring the delivery of nonpotable water and potable water to Rocky Mountain Arsenal National Wildlife Refuge, Colorado.

(2) Section 2809(e) of title 10, United States Code, shall not operate to limit the term of the contract entered into under paragraph (1)(A).

(d) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary of the Army may not make the conveyance authorized by subsection (a) until the execution of the proposed agreement provided for under subsection (c) between the City and County of Denver, Colorado, acting through its Board of Water Commissioners, the South Adams County Water and Sanitation District, the United States Fish and Wildlife Service, and the Army.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army 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.

#### MURRAY (AND OTHERS) AMENDMENT NO. 2770

Mr. LEVIN (for Mrs. MURRAY for herself, Mr. KEMPTHORNE, Mr. WYDEN, and Mr. SMITH or Oregon) proposed an amendment to the bill, S. 2957, supra; as follows

On page 397, between lines 6 and 7, insert the following:

#### SEC. 3137. HANFORD HEALTH INFORMATION NETWORK.

Of the funds authorized to be appropriated or otherwise made available to the Depart-

ment of Energy by section 3102, \$2,500,000 shall be available for activities relating to the Hanford Health Information Network established pursuant to the authority in section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1834), as amended by section 3138(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 3087).

#### THURMOND (AND BINGAMAN) AMENDMENTS NOS. 2771-2772

Mr. THURMOND (for himself and Mr. BINGAMAN) proposed two amendments to the bill, S. 2057, supra; as follows:

#### AMENDMENT NO. 2771

On page 398, between lines 9 and 10, insert the following:

#### SEC. 3144. EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 3161(c)(1) of the National Defense Authorization Act for Fiscal Year 1995 (42 U.S.C. 7231 note) is amended by striking out "September 30, 1999" and inserting in lieu thereof "September 30, 2000".

#### AMENDMENT NO. 2772

On page 398, between lines 9 and 10, insert the following:

#### SEC. 3144. EXTENSION OF AUTHORITY OF DEPARTMENT OF ENERGY TO PAY VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) EXTENSION.—Notwithstanding subsection (c)(2)(D) of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-383; 5 U.S.C. 5597 note), the Department of Energy may pay voluntary separation incentive payments to qualifying employees who voluntarily separate (whether by retirement or resignation) before January 1, 2001.

(b) EXERCISE OF AUTHORITY.—The Department shall pay voluntary separation incentive payments under subsection (a) in accordance with the provisions of such section 663.

#### GRAMS (AND D'AMATO) AMENDMENT NO. 2773

Mr. THURMOND (for Mr. GRAMS, for himself and Mr. D'AMATO) proposed an amendment to the bill, S. 2057, supra; as follows:

At the appropriate place, insert:

#### SECTION 1. EXTENSION AND REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.

(a) EXTENSION OF TERMINATION DATE.—Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking "September 30, 1998" and inserting "September 30, 1999".

(b) EXTENSION OF AUTHORIZATION.—Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking "and 1998" and inserting "1998, and 1999".

#### THURMOND AMENDMENT NO. 2774

Mr. THURMOND proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

#### SEC. 1064. BUDGETING FOR CONTINUED PARTICIPATION OF UNITED STATES FORCES IN NATO OPERATIONS IN BOSNIA AND HERZEGOVINA.

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

(1) Funding levels in the Department of Defense budget have not been sufficient to pay for the deployment of United States ground combat forces in Bosnia and Herzegovina that began in fiscal year 1996.

(2) The Department of Defense has used funds from the operation and maintenance accounts of the Armed Forces to pay for the operations because the funding levels included in the defense budgets for fiscal years 1996 and 1997 have not been adequate to maintain operations in Bosnia and Herzegovina.

(3) Funds necessary to continue United States participation in the NATO operations in Bosnia and Herzegovina, and to replace operation and maintenance funds used for the operations, have been requested by the President as supplemental appropriations in fiscal years 1996 and 1997. The Department of Defense has also proposed to reprogram previously appropriated funds to make up the shortfall for continued United States operations in Bosnia and Herzegovina.

(4) In February 1998, the President certified to Congress that the continued presence of United States forces in Bosnia and Herzegovina after June 30, 1998, was necessary in order to meet national security interests of the United States.

(5) The discretionary spending limit established for the defense category for fiscal year 1998 in the Balanced Budget and Emergency Deficit Control Act of 1985 does not take into account the continued deployment of United States forces in Bosnia and Herzegovina after June 30, 1998. Therefore, the President requested emergency supplemental appropriations for the Bosnia and Herzegovina mission through September 30, 1998.

(6) Amounts for operations in Bosnia and Herzegovina were not included in the original budget proposed by the President for the Department of Defense for fiscal year 1999.

(7) The President requested \$1,858,600,000 in emergency appropriations in his March 4, 1998 amendment to the fiscal year 1999 budget to cover the shortfall in funding in the fiscal year 1999 for the costs of extending the mission in Bosnia.

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

(1) The President should include in the budget for the Department of Defense that the President submits to Congress under section 1105(a) of title 31, United States Code, for each fiscal year sufficient amounts to pay for any proposed continuation of the participation of United States forces in NATO operations in Bosnia and Herzegovina for that fiscal year; and

(2) amounts included in the budget for that purpose should not be transferred from amounts that would otherwise be proposed in the budget of any of the Armed Forces in accordance with the future-years defense program related to that budget, or any other agency of the Executive Branch, but, instead, should be an overall increase in the budget for the Department of Defense.

**SEC. 1065. NATO PARTICIPATION IN THE PERFORMANCE OF PUBLIC SECURITY FUNCTIONS OF CIVILIAN AUTHORITIES IN BOSNIA AND HERZEGOVINA.**

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

(1) The North Atlantic Treaty Organization (NATO) has approved the creation of a multi-national specialized unit of gendarmes- or para-military police composed of European security forces to help promote public security in Bosnia and Herzegovina as a part of the post-June 1998 mission for the Stabilization Force (SFOR) authorized under the United Nations Security Council Resolution 1088 (December 12, 1996).

(2) On at least four occasions, beginning in July 1997, the Stabilization Force (SFOR)

has been involved, pursuant to military annex 1(A) of the Dayton Agreement, in carrying out missions for the specific purpose of detaining war criminals, and on at least one of those occasions United States forces were directly involved in carrying out the mission.

(b) SENSE OF CONGRESS.—It is the sense of Congress that United States forces should not serve as civil police in Bosnia and Herzegovina.

(c) REQUIREMENT FOR REPORT.—The President shall submit to Congress, not later than October 1, 1998, a report on the status of the NATO force of gendarmes or paramilitary police referred to in subsection (a)(1), including the mission of the force, the composition of the force, and the extent, if any, to which members of the Armed Forces of the United States are participating (or are to participate) in the force.

**SNOWE (AND CLELAND)  
AMENDMENT NO. 2775**

Mr. THURMOND (for Ms. SNOWE, for herself and Mr. CLELAND) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle C of title X, add the following:

**SEC. 1031. SUBMISSION OF REPORT ON OBJECTIVES OF A CONTINGENCY OPERATION WITH FIRST REQUEST FOR FUNDING THE OPERATION.**

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

(1) On May 3, 1994, the President issued Presidential Decision Directive 25 declaring that American participation in United Nations and other peace operations would depend in part on whether the role of United States forces is tied to clear objectives and an endpoint for United States participation can be identified.

(2) Between that date and mid-1998, the President and other executive branch officials have obligated or requested appropriations of approximately \$9,400,000,000 for military-related operations throughout Bosnia and Herzegovina without providing to Congress, in conjunction with the budget submission for any fiscal year, a strategic plan for such operations under the criteria set forth in that Presidential Decision Directive.

(3) Between November 27, 1995, and mid-1998 the President has established three deadlines, since elapsed, for the termination of United States military-related operations throughout Bosnia and Herzegovina.

(4) On December 17, 1997, the President announced that United States ground combat forces would remain in Bosnia and Herzegovina for an unknown period of time.

(5) Approximately 47,880 United States military personnel (excluding personnel serving in units assigned to the Republic of Korea) have participated in 14 international contingency operations between fiscal years 1991 and 1998.

(6) The 1998 posture statements of the Navy and Air Force included declarations that the pace of military operations over fiscal year 1997 adversely affected the readiness of non-deployed forces, personnel retention rates, and spare parts inventories of the Navy and Air Force.

(b) INFORMATION TO BE REPORTED WITH FUNDING REQUEST.—Section 113 of title 10, United States Code, is amended by adding at the end the following:

“(1) INFORMATION TO ACCOMPANY INITIAL FUNDING REQUEST FOR CONTINGENCY OPERATION.—Whenever the President submits to Congress a request for appropriations for costs associated with a contingency operation that involves, or likely will involve,

the deployment of more than 500 members of the armed forces, the Secretary of Defense shall submit to Congress a report on the objectives of the operation. The report shall include a discussion of the following:

“(1) What clear and distinct objectives guide the activities of United States forces in the operation.

“(2) What the President has identified on the basis of those objectives as the date, or the set of conditions, that defines the endpoint of the operation.”.

**ROBB (AND SANTORUM)  
AMENDMENT NO. 2776**

Mr. THURMOND (for Mr. ROBB, for himself and Mr. SANTORUM) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1064. PILOT PROGRAM FOR REVITALIZING THE LABORATORIES AND TEST AND EVALUATION CENTERS OF THE DEPARTMENT OF DEFENSE.**

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

(1) Officials of the Department of Defense are critically dependent on the science and technology laboratories and test and evaluation centers, of the department—

(A) to exploit commercial technology for unique military purposes;

(B) to develop advanced technology in precise areas;

(C) to provide the officials with objective advice and counsel on science and technology matters; and

(D) to lead the decisionmaking that identifies the most cost-effective procurements of military equipment and services.

(2) The laboratories and test and evaluation centers are facing a number of challenges that, if not overcome, could limit the productivity and self-sustainability of the laboratories and centers, including—

(A) the declining funding provided for science and technology in the technology base program of the Department of Defense;

(B) difficulties experienced in recruiting, retaining, and motivating high-quality personnel; and

(C) the complex web of policies and regulatory constraints that restrict authority of managers to operate the laboratories and centers in a businesslike fashion.

(3) Congress has provided tools to deal with the changing nature of technological development in the defense sector by encouraging closer cooperation with industry and university research and by authorizing demonstrations of alternative personnel systems.

(4) A number of laboratories and test and evaluation centers have addressed the challenges and are employing a variety of innovative methods, such as the so-called “Federated Lab Concept” undertaken at the Army Research Laboratory, to maintain the high quality of the technical program, to provide a challenging work environment for researchers, and to meet the high cost demands of maintaining facilities that are equal or superior in quality to comparable facilities anywhere in the world.

(b) COMMENDATION.—Congress commends the Secretary of Defense for the progress made by the science and technology laboratories and test and evaluation centers to achieve the results described in subsection (a)(4) and encourages the Secretary to take the actions necessary to ensure continued progress for the laboratories and test and evaluation centers in developing cooperative relationships with universities and other private sector entities for the performance of research and development functions.

(c) PILOT PROGRAM.—(1) In conjunction with the plan for restructuring and revitalizing the science and technology laboratories and test and evaluation centers of the Department of Defense that is required by section 906 of this Act, the Secretary of Defense may carry out a pilot program to demonstrate improved cooperative relationships with universities and other private sector entities for the performance of research and development functions.

(2) Under the pilot program, the Secretary of Defense shall provide the director of one science and technology laboratory, and the director of one test and evaluation center, of each military department with authority for the following:

(A) To explore innovative methods for quickly, efficiently, and fairly entering into cooperative relationships with universities and other private sector entities with respect to the performance of research and development functions.

(B) To waive any restrictions on the demonstration and implementation of such methods that are not required by law.

(C) To develop or expand innovative methods of operation that provide more defense research for each dollar of cost, including to carry out such initiatives as focusing on the performance of core functions and adopting more business-like practices.

(3) In selecting the laboratories and centers for participation in the pilot program, the Secretary shall consider laboratories and centers where innovative management techniques have been demonstrated, particularly as documented under sections 1115 through 1119 of title 31, United States Code, relating to Government agency performance and results.

(4) The Secretary may carry out the pilot program at each selected laboratory and center for a period of three years beginning not later than March 1, 1999.

(d) REPORTS.—(1) Not later than March 1, 1999, the Secretary of Defense shall submit a report on the implementation of the pilot program to Congress. The report shall include the following:

(A) Each laboratory and center selected for the pilot program.

(B) To the extent possible, a description of the innovative concepts that are to be tested at each laboratory or center.

(C) The criteria to be used for measuring the success of each concept to be tested.

(2) Promptly after the expiration of the period for participation of a laboratory or center in the pilot program, the Secretary of Defense shall submit to Congress a final report on the participation of the laboratory or center in the pilot program. The report shall contain the following:

(A) A description of the concepts tested.

(B) The results of the testing.

(C) The lessons learned.

(D) Any proposal for legislation that the Secretary recommends on the basis of the experience at the laboratory or center under the pilot program.

#### GRAMM (AND McCAIN) AMENDMENT NO. 2777

Mr. THURMOND (for Mr. GRAMM, for himself and Mr. McCAIN) proposed an amendment to the bill, S 2057, supra; as follows:

On page 130, between lines 11 and 12, insert the following:

#### SEC. 644. VOTING RIGHTS OF MILITARY PERSONNEL.

(a) GUARANTEE OF RESIDENCY.—Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

"SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia."

(b) STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.—(1) Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(A) by inserting "(a) ELECTIONS FOR FEDERAL OFFICES.—" before "Each State shall—"; and

(B) by adding at the end the following:

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election."

(2) The heading of title I of such Act is amended by striking out "FOR FEDERAL OFFICE".

#### WARNER AMENDMENT NO. 2778

Mr. THURMOND (for Mr. WARNER) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle C of title II, add the following:

#### SEC. 232. REVIEW OF PHARMACOLOGICAL INTERVENTIONS FOR REVERSING BRAIN INJURY.

(a) REVIEW AND REPORT REQUIRED.—The Assistant Secretary of Defense for Health Affairs shall review research on pharmacological interventions for reversing brain injury and, not later than March 31, 1999, submit a report on the results of the review to Congress.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) The potential for pharmacological interventions for reversing brain injury to reduce mortality and morbidity in cases of head injuries incurred in combat or resulting from exposures to chemical weapons or agents.

(2) The potential utility of such interventions for the Armed Forces.

(3) A conclusion regarding whether funding for research on such interventions should be included in the budget for the Department of Defense for fiscal year 2000.

#### BOND (AND OTHERS) AMENDMENT NO. 2779

Mr. THURMOND (for Mr. BOND for himself, Mr. SHELBY, Mr. COVERDELL, and Mr. FAIRCLOTH) proposed three amendments to the bill, S. 2057, supra; as follows:

On page 157, strike out line 7 and insert the following:

(h) ADDITIONAL REQUIREMENTS RELATING TO FEHBP DEMONSTRATION PROJECT.—(1) Not-

withstanding subsection (a)(2), the Secretary shall commence the demonstration project under subsection (d) on July 1, 1999.

(2) Notwithstanding subsection (c), the Secretary shall carry out the demonstration project under subsection (d) in four separate areas, of which—

(A) two shall meet the requirements of subsection (c)(1)(A); and

(B) two others shall meet the requirements of subsection (c)(1)(B).

(3)(A) Notwithstanding subsection (f), the Secretary shall provide for an annual evaluation of the demonstration project under subsection (d) that meets the requirements of subsection (f)(2).

(B) The Comptroller shall review each evaluation provided for under subparagraph (A).

(C) Not later than September 15 in each of 2000 through 2004, the Secretary shall submit a report on the results of the evaluation under subparagraph (A) during such year, together with the evaluation, to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(D) Not later than December 31 in each of 2000 through 2004, the Comptroller General shall submit a report on the results of the review under subparagraph (B) during such year to the committees referred to in subparagraph (C).

(i) DEFINITIONS.—In this section:

#### LEVIN (AND THURMOND) AMENDMENT NO. 2780

Mr. LEVIN (for himself and Mr. THURMOND) proposed an amendment to the bill, S. 2057, supra; as follows:

At the end of subtitle B of title II, insert the following:

#### SEC. 219. NATO COMMON-FUNDED CIVIL BUDGET.

Of the amount authorized to be appropriated by section 201(1), \$750,000 shall be available for contributions for the common-funded Civil Budget of NATO.

At the end of subtitle B of title III, insert the following:

#### SEC. 314. NATO COMMON-FUNDED MILITARY BUDGET.

Of the amount authorized to be appropriated by section 30(a)(1), \$227,377,000 shall be available for contributions for the common-funded Military Budget of NATO.

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

#### SEC. 1014. AMOUNT AUTHORIZED FOR CONTRIBUTIONS FOR NATO COMMON-FUNDED BUDGETS.

(a) TOTAL AMOUNT.—Contributions are authorized to be made in fiscal year 1999 for the common-funded budgets of NATO, out of funds available for the Department of Defense for that purpose, in the total amount that is equal to the sum of (1) the amounts of the unexpended balances, as of the end of fiscal year 1998, of funds appropriated for fiscal years before fiscal year 1999 for payments for such budgets, (2) the amount authorized to be appropriated under section 301(a)(1) that is available for contributions for the NATO common-funded military budget under section 314, (3) the amount authorized to be appropriated under section 201(1) that is available for contribution for the NATO common-funded civil budget under section 219, and (4) the total amount of the contributions authorized to be made under section 2501.

(b) DEFINITION.—In this section, the term "common-funded budgets of NATO" means the Military Budget, the Security Investment Program, and the Civil Budget of NATO (and any successor or additional account or program of NATO).

## LEVIN AMENDMENT NO. 2781

Mr. LEVIN proposed an amendment to the bill, S. 2057, *supra*; as follows:

At the end of subtitle C of title X, add the following:

**SEC. 1031. REPORTS ON THE DEVELOPMENT OF THE EUROPEAN SECURITY AND DEFENSE IDENTITY.**

(a) **REQUIREMENT FOR REPORTS.**—The Secretary of Defense shall submit to the congressional defense committees in accordance with this section reports on the development of the European Security and Defense Identity (ESDI) within the NATO Alliance that would enable the Western European Union (WEU), with the consent of the NATO Alliance, to assume the political control and strategic direction of NATO assets and capabilities made available by the Alliance.

(b) **REPORTS TO BE SUBMITTED.**—The reports required to be submitted under subsection (a) are as follows:

(1) An initial report, submitted not later than December 15, 1998, that contains a discussion of the actions taken, and the plans for future actions, to build the European Security and Defense Identity, together with the matters required under subsection (c).

(2) A semiannual report on the progress made toward establishing the European Security and Defense Identity, submitted not later than March 15 and December 15 of each year after 1998.

(c) **CONTENT OF REPORTS.**—The Secretary shall include in each report under this section the following:

(1) A discussion of the arrangements between NATO and the Western European Union for the release, transfer, monitoring, return, and recall of NATO assets and capabilities.

(2) A discussion of the development of such planning and other capabilities by the Western European Union that are necessary to provide political control and strategic direction of NATO assets and capabilities.

(3) A discussion of the development of terms of reference for the Deputy Supreme Allied Commander, Europe, with respect to the European Security and Defense Identity.

(4) A discussion of the arrangements for the assignment or appointment of NATO officers to serve in two positions concurrently (commonly referred to as “dual-hatting”).

(5) A discussion of the development of the Combined Joint Task Force (CJTF) concept, including lessons-learning from the NATO-led Stabilization Force in Bosnia.

(6) Identification within the NATO Alliance of the types of separable but not separate capabilities, assets, and support assets for Western European Union-led operations.

(7) Identification of separable but not separate headquarters, headquarters elements, and command positions for command and conduct of Western European Union-led operations.

(8) The conduct by NATO, at the request of and in coordination with the Western European Union, of military planning and exercises for illustrative missions.

(9) A discussion of the arrangements between NATO and the Western European Union for the sharing of information, including intelligence.

(10) Such other information as the Secretary considers useful for a complete understanding of the establishment of the European Security and Defense Identity within the NATO Alliance.

(d) **TERMINATION OF SEMIANNUAL REPORTING REQUIREMENT.**—No report is required under subsection (b)(2) after the Secretary submits under that subsection a report in which the Secretary states that the European Security and Defense Identity has been fully established.

**NAZI WAR CRIMES DISCLOSURE ACT**

**DEWINE (AND LEAHY)  
AMENDMENT NO. 2782**

Mr. WARNER (for DEWINE, for himself and Mr. LEAHY) proposed an amendment to the bill (S. 1379) to amend section 552 of title 5, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information Act regarding certain persons, disclose Nazi war criminal records without impairing any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Nazi War Crimes Disclosure Act”.

**SEC. 2. ESTABLISHMENT OF NAZI WAR CRIMINAL RECORDS INTERAGENCY WORKING GROUP.**

(a) **DEFINITIONS.**—In this section the term—

(1) “agency” has the meaning given such term under section 551 of title 5, United States Code;

(2) “Interagency Group” means the Nazi War Criminal Records Interagency Working Group established under subsection (b);

(3) “Nazi war criminal records” has the meaning given such term under section 3 of this Act; and

(4) “record” means a Nazi war criminal record.

(b) **ESTABLISHMENT OF INTERAGENCY GROUP.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the President shall establish the Nazi War Criminal Records Interagency Working Group, which shall remain in existence for 3 years after the date the Interagency Group is established.

(2) **MEMBERSHIP.**—The President shall appoint to the Interagency Group individuals whom the President determines will most completely and effectively carry out the functions of the Interagency Group within the time limitations provided in this section, including the Director of the Holocaust Museum, the Historian of the Department of State, the Archivist of the United States, the head of any other agency the President considers appropriate, and no more than 3 other persons. The head of an agency appointed by the President may designate an appropriate officer to serve on the Interagency Group in lieu of the head of such agency.

(3) **INITIAL MEETING.**—Not later than 90 days after the date of enactment of this Act, the Interagency Group shall hold an initial meeting and begin the functions required under this section.

(c) **FUNCTIONS.**—Not later than 1 year after the date of enactment of this Act, the Interagency Group shall, to the greatest extent possible consistent with section 3 of this Act—

(1) locate, identify, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration, all classified Nazi war criminal records of the United States;

(2) coordinate with agencies and take such actions as necessary to expedite the release of such records to the public; and

(3) submit a report to Congress, including the Committee on the Judiciary of the Senate and the Committee on Government Re-

form and Oversight of the House of Representatives, describing all such records, the disposition of such records, and the activities of the Interagency Group and agencies under this section.

(d) **FUNDING.**—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

**SEC. 3. REQUIREMENT OF DISCLOSURE OF RECORDS REGARDING PERSONS WHO COMMITTED NAZI WAR CRIMES.**

(a) **NAZI WAR CRIMINAL RECORDS.**—For purposes of this Act, the term “Nazi war criminal records” means classified records or portions of records that—

(1) pertain to any person with respect to whom the United States Government, in its sole discretion, has grounds to believe ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion, during the period beginning on March 23, 1933, and ending on May 8, 1945, under the direction of, or in association with—

(A) the Nazi government of Germany;

(B) any government in any area occupied by the military forces of the Nazi government of Germany;

(C) any government established with the assistance or cooperation of the Nazi government of Germany; or

(D) any government which was an ally of the Nazi government of Germany; or

(2) pertain to any transaction as to which the United States Government, in its sole discretion, has grounds to believe—

(A) involved assets taken from persecuted persons during the period beginning on March 23, 1933, and ending on May 8, 1945, by, under the direction of, on behalf of, or under authority granted by the Nazi government of Germany or any nation then allied with that government; and

(B) such transaction was completed without the assent of the owners of those assets or their heirs or assigns or other legitimate representatives.

(b) **RELEASE OF RECORDS.**—

(1) **IN GENERAL.**—Subject to paragraphs (2), (3), and (4), the Nazi War Criminal Records Interagency Working Group shall release in their entirety Nazi war criminal records that are described in subsection (a).

(2) **EXCEPTION FOR PRIVACY, ETC.**—An agency head may exempt from release under paragraph (1) specific information, that would—

(A) constitute a clearly unwarranted invasion of personal privacy;

(B) reveal the identity of a confidential human source, or reveal information about the application of an intelligence source or method, or reveal the identity of a human intelligence source when the unauthorized disclosure of that source would clearly and demonstrably damage the national security interests of the United States;

(C) reveal information that would assist in the development or use of weapons of mass destruction;

(D) reveal information that would impair United States cryptologic systems or activities;

(E) reveal information that would impair the application of state-of-the-art technology within a United States weapon system;

(F) reveal actual United States military war plans that remain in effect;

(G) reveal information that would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States;