

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

FAIRCLOTH AMENDMENT No. 3014

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

On page 321, between lines 16 and 17, insert the following:

SEC. 2603. NATIONAL GUARD MILITARY EDUCATIONAL FACILITY, FORT BRAGG, NORTH CAROLINA.

(a) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(1)(A) is hereby increased by \$8,300,000.

(b) AVAILABILITY OF FUNDS.—Funds available as a result of the increase in the authorization of appropriations made by subsection (a) shall be available for purposes of construction of the National Guard Military Educational Facility at Fort Bragg, North Carolina.

(c) OFFSET.—The amount authorized to be appropriated by section 2404(a)(9) is hereby reduced by \$8,300,000.

THURMOND (AND OTHERS)
AMENDMENT NO. 3015

Mr. THURMOND (for himself, Mr. STEVENS, Mr. LEVIN, Mr. WARNER, Mr. MCCAIN, Mr. COATS, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. INHOFE, Mr. SANTORUM, Ms. SNOWE, Mr. ROBERTS, Mr. KENNEDY, Mr. BINGAMAN, Mr. GLENN, Mr. BYRD, Mr. LIEBERMAN, Mr. CLELAND, and Mr. ROBB) proposed an amendment to the bill, S. 2057, supra; as follows:

On page 110, line 13, strike out “3.1 percent.” and insert in lieu thereof the following:

3.6 percent.

(c) OFFSETTING REDUCTIONS IN AUTHORIZATIONS OF APPROPRIATIONS.—(1) Notwithstanding any other provision of title I, the total amount authorized to be appropriated under title II is hereby reduced by \$150,000,000.

(2) Notwithstanding any other provision of title II, the total amount authorized to be appropriated under title II is hereby reduced by \$275,000,000.

WARNER (AND OTHERS)
AMENDMENT NO. 3016

Mr. WARNER (for himself, Mr. LEVIN, Mr. MCCAIN, Mr. COATS, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. INHOFE, Mr. SANTORUM, Ms. SNOWE, Mr. ROBERTS, Mr. KENNEDY, Mr. BINGAMAN, Mr. GLENN, Mr. BYRD, Mr. ROBB, Mr. LIEBERMAN, Mr. CLELAND, Mr. LOTT, Mr. DASCHLE, and Mr. MURKOWSKI) proposed an amendment to the bill, S. 2057, supra; as follows:

Strike out section 1 and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

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

(1) Senator Strom Thurmond of South Carolina first became a member of the Committee on Armed Services of the United States Senate on January 19, 1959. His continuous service on that committee covers more than 75 percent of the period of the existence of the committee, which was established immediately after World War II, and more than 20 percent of the period of the ex-

istence of military and naval affairs committees of Congress, the original bodies of which were formed in 1816.

(2) Senator Thurmond came to Congress and the committee as a distinguished veteran of service, including combat service, in the Armed Forces of the United States.

(3) Senator Thurmond was commissioned as a reserve second lieutenant of infantry in 1924. He served with great distinction with the First Army in the European Theater of Operations during World War II, landing in Normandy in a glider with the 82nd Airborne Division on D-Day. He was transferred to the Pacific Theater of Operations at the end of the war in Europe and was serving in the Philippines when Japan surrendered.

(4) Having reverted to Reserve status at the end of World War II, Senator Thurmond was promoted to brigadier general in the United States Army Reserve in 1954. He served as President of the Reserve Officers Association beginning that same year and ending in 1955. Senator Thurmond was promoted to major general in the United States Army Reserve in 1959. He transferred to the Retired Reserve on January 1, 1965, after 36 years of commissioned service.

(5) The distinguished character of Senator Thurmond's military service has been recognized by awards of numerous decorations that include the Legion of Merit, the Bronze Star medal with “V” device, the Belgian Cross of the Order of the Crown, and the French Croix de Guerre.

(6) Senator Thurmond has served as Chairman of the Committee on Armed Services of the Senate since 1995 and as the ranking minority member of the committee from 1993 to 1995. Senator Thurmond concludes his service as Chairman at the end of the 105th Congress, but is to continue to serve the committee as a member in successive Congresses.

(7) This Act is the fortieth annual authorization bill for the Department of Defense for which Senator Thurmond has taken a major responsibility as a member of the Committee on Armed Services of the Senate.

(8) Senator Thurmond, as officer and legislator, has made matchless contributions to the national security of the United States that, in duration and in quality, are unique.

(9) It is altogether fitting and proper that this Act, the last annual authorization Act for the national defense that Senator Thurmond manages in and for the United States Senate as Chairman of the Committee on Armed Services of the Senate, be named in his honor.

(b) SHORT TITLE.—This Act shall be cited as the “Strom Thurmond National Defense Authorization Act for Fiscal Year 1999”.

THOMAS (AND ENZI) AMENDMENT
NO. 3017

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

On page 320, line 25, strike out “\$95,395,000” and insert in lieu thereof “\$108,979,000”.

On page 14, line 6, reduce subparagraph (5) by \$13,584,000

HARKIN AMENDMENT NO. 3018

Mr. LEVIN (for Mr. HARKIN) 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. PERSIAN GULF ILLNESSES.

(a) ADDITIONAL AMOUNT FOR PERSIAN GULF ILLNESSES.—The total amount authorized to

be appropriated under this title for research and development relating to Persian Gulf illnesses is the total amount authorized to be appropriated for such purpose under the other provisions of this title plus \$10,000,000.

(b) REDUCED AMOUNT FOR ARMY COMMERCIAL OPERATIONS AND SUPPORT SAVINGS PROGRAM.—Of the amount authorized to be appropriated under section 201(1), \$23,600,000 shall be available for the Army Commercial Operations and Support Savings Program.

DEWINE AMENDMENT NO. 3019

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

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

SEC. 2827. REAUTHORIZATION OF LAND CONVEYANCE, ARMY RESERVE CENTER, YOUNGSTOWN, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Youngstown, Ohio (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, that is located at 399 Miller Street in Youngstown, Ohio, and contains the Kefurt Army Reserve Center.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City retain the conveyed property for purposes of activities relating to public schools in Youngstown, Ohio.

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

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

(e) REPEAL OF SUPERSEDED AUTHORITY.—Section 2861 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 573) is repealed.

DODD AMENDMENT NO. 3020

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

On page 157, between lines 13 and 14, insert the following:

SEC. 708. LYME DISEASE.

Of the amounts authorized to be appropriated by this Act for Defense Health Programs, \$3,000,000 shall be available for research and surveillance activities relating to Lyme disease and other tick-borne diseases.

ROCKFELLER (AND OTHERS)
AMENDMENT NO. 3021

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

On page 41, below line 23, add the following:

SEC. 219. DOD/VA COOPERATIVE RESEARCH PROGRAM.

(a) AVAILABILITY OF FUNDS.—(1) The amount authorized to be appropriated by section 201(4) is hereby increased by \$10,000,000.

(2) Of the amount authorized to be appropriated by section 201(4), as increased by paragraph (1), \$10,000,000 shall be available for the DoD/VA Cooperative Research Program.

(b) OFFSET.—(1) The amount authorized to be appropriated by section 201(2) is hereby decreased by \$10,000,000.

(2) Of the amount authorized to be appropriated by section 201(2), as decreased by paragraph (1), not more than \$18,500,000 shall be available for the Commercial Operations and Support Savings Program.

(c) EXECUTIVE AGENT.—The Secretary of Defense, acting through the Army Medical Research and Materiel Command and the Naval Operational Medicine Institute, shall be the executive agent for the utilization of the funds made available by subsection (a).

**DOMENICI (AND BINGAMAN)
AMENDMENT NO. 3022**

Mr. WARNER (for Mr. DOMENICI for himself and Mr. BINGAMAN) proposed an amendment to the bill, S. 2057, *supra*; as follows:

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

SEC. 3137. ACTIVITIES OF THE CONTRACTOR-OPERATED FACILITIES OF THE DEPARTMENT OF ENERGY.

(a) RESEARCH AND ACTIVITIES ON BEHALF OF NON-DEPARTMENT PERSONS AND ENTITIES.—

(1) The Secretary of Energy may conduct research and other activities referred to in paragraph (2) through contractor-operated facilities of the Department of Energy on behalf of other departments and agencies of the Government, agencies of State and local governments, and private persons and entities.

(2) The research and other activities that may be conducted under paragraph (1) are those which the Secretary is authorized to conduct by law, and include, but are not limited to, research and activities authorized under the following:

(A) Section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2053).

(B) Section 107 of the Energy Reorganization Act of 1974 (42 U.S.C. 5817).

(C) The Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.).

(b) CHARGES.—(1) The Secretary shall impose on the department, agency, or person or entity for whom research and other activities are carried out under subsection (a) a charge for such research and activities equal to not more than the full cost incurred by the contractor concerned in carrying out such research and activities, which cost shall include—

(A) the direct cost incurred by the contractor in carrying out such research and activities; and

(B) the overhead cost including site-wide indirect costs associated with such research and activities.

(2)(A) Subject to subparagraph (B), the Secretary shall also impose on the department, agency, or person or entity concerned a Federal administrative charge (which includes any depreciation and imputed interest charges) in an amount not to exceed 3 percent of the full cost incurred by the contractor concerned in carrying out the research and activities concerned.

(B) The Secretary may waive the imposition of the Federal administrative charge required by subparagraph (A) in the case of research and other activities conducted on behalf of small business concerns, institutions of higher education, non-profit entities, and State and local governments.

(3) Not later than 2 years after the date of enactment of this Act, the Secretary shall

terminate any waiver of charges under section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2053) that were made before such date, unless the Secretary determines that such waiver should be continued.

(c) PILOT PROGRAM OF REDUCED FACILITY OVERHEAD CHARGES.—(1) The Secretary may, with the cooperation of participating contractors of the contractor-operated facilities of the Department, carry out a pilot program under which the Secretary and such contractors reduce the facility overhead charges imposed under this section for research and other activities conducted under this section.

(2) The Secretary shall carry out the pilot program at contractor-operated facilities selected by the Secretary in consultation with the contractors concerned.

(3) The Secretary shall determine the facility overhead charges to be imposed under the pilot program based on their joint review of all items included in the overhead costs of the facility concerned in order to determine which items are appropriately incurred as facility overhead charges by the contractor in carrying out research and other activities at such facility under this section.

(4) The Secretary shall commence carrying out the pilot program not later than October 1, 1999, and shall terminate the pilot program on September 30, 2003.

(5) Not later than January 31, 2003, the Secretary shall submit to the congressional defense committees, the Committee on Energy and Natural Resources of the Senate, and other appropriate committees of the House of Representatives an interim report on the results of the pilot program under this subsection. The report shall include any recommendations for the extension or expansion of the pilot program, including the establishment of multiple rates of overhead charges for various categories of persons and entities seeking research and other activities in contractor-operated facilities of the Department.

(d) PARTNERSHIPS AND INTERACTIONS.—(1) The Secretary of Energy may encourage partnerships and interactions between each contractor-operated facility of the Department of Energy and universities and private businesses.

(2) The Secretary may take into account the progress of each contractor-operated facility of the Department in developing and expanding partnerships and interactions under paragraph (1) in evaluating the annual performance of such contractor-operated facility.

(e) SMALL BUSINESS TECHNOLOGY PARTNERSHIP PROGRAM.—(1) The Secretary may require that each contractor operating a facility of the Department establish a program at such facility under which the contractor may enter into partnerships with small businesses at such facility relating to technology.

(2) The amount of funds expended by a contractor under a program under paragraph (1) at a particular facility may not exceed an amount equal to 0.25 percent of the total operating budget of the facility.

(3) Amounts expended by a contractor under a program—

(A) shall be used to cover the costs (including research and development costs and technical assistance costs) incurred by the contractor in connection with activities under the program; and

(B) may not be used for direct grants to small businesses.

(4) The Secretary shall submit to the congressional defense committees, the Committee on Energy and Natural Resources of the Senate, and the appropriate committee of the House of Representatives, together with the budget of the President for each fiscal

year that is submitted to Congress under section 1105 of title 31, United States Code, an assessment of the program under this subsection during the preceding year, including the effectiveness of the program in providing opportunities for small businesses to interact with and use the resources of the contractor-operated facilities of the Department, the cost of the program to the Federal government and any impact on the execution of the Department's mission.

**WYDEN (AND SMITH) AMENDMENT
NO. 3023**

Mr. LEVIN (for Mr. WYDEN for himself, and Mr. SMITH of Oregon) proposed an amendment to the bill, S. 2057, *supra*; as follows:

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

SEC. 908. MILITARY AVIATION ACCIDENT INVESTIGATIONS.

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

(1) In February 1996, the GAO released a report highlighting a 75% reduction in aviation Class A mishaps, a 70% reduction in aviation mishap fatalities and a 65% reduction in Class A mishap rates from 1975-1995 (Military Aircraft Safety—Significant Improvements since 1975).

(2) In February 1998, the GAO completed a follow-up review of military aircraft safety, noting that the military experienced fewer serious aviation mishaps in fiscal years 1996 and 1997 than in previous fiscal years (Military Aircraft Safety; Serious Accidents Remain at Historically Low Levels).

(3) The report required by section 1046 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1888) concluded, "DoD found no evidence that changing existing investigation processes to more closely resemble those of the NTSB would help DoD to find more answers more quickly, or accurately."

(4) The Department of Defense must further improve its aviation safety by fully examining all options for improving or replacing its current aviation accident investigation processes.

(5) The inter-service working group formed as a result of that report has contributed to progress in military aviation accident investigations by identifying ways to improve family assistance, as has the formal policy direction coordinated by the Office of the Secretary of Defense.

(6) Such progress includes the issuance of Air Force Instruction 90-701 entitled "Assistance to Families of Persons Involved in Air Force Aviation Mishaps," that attempts to meet the need for a more timely flow of relevant information to families, a family liaison officer, and the establishment of the Air Force Office of Family Assistance. However, formal policy directions and instructions have not adequately addressed the failure to provide primary next of kin of members of the Armed Forces involved in military aviation accidents with interim reports regarding the course of investigations into such accidents, and the Department of Defense must improve its procedures for informing the families of the persons involved in military aviation mishaps.

(7) The report referred to in paragraph (3) concluded that the Department would "benefit from the disappearance of the misperception that the privileged portion of the safety investigation exists to hide unfavorable information".

(8) That report further specified that "[e]ach Military Department has procedures in place to provide redacted copies of the

final [privileged] safety report to the families. However, families must formally request a copy of the final safety investigation report."

(9) Current efforts to improve family notification would be enhanced by the issuance by the Secretary of Defense of uniform regulations to improve the timeliness and reliability of information provided to the primary next of kin of persons involved in military aviation accidents during and following both the legal investigation and safety investigation phases of such investigations.

(b) EVALUATION OF DEPARTMENT OF DEFENSE AVIATION ACCIDENT INVESTIGATION PROCEDURES.—(1) The Secretary of Defense shall establish a task force to—

(A) review the procedures employed by the Department of Defense to conduct military aviation accident investigations; and

(B) identify mechanisms for improving such investigations and the military aviation accident investigation process.

(2) The Secretary shall appoint to the task force the following:

(A) An appropriate number of members of the Armed Forces, including both members of the regular components and the reserve components, who have experience relating to military aviation or investigations into military aviation accidents.

(B) An appropriate number of former members of the Armed Forces who have such experience.

(C) With the concurrence of the member concerned, a member of the National Transportation Safety Board.

(3)(A) The task force shall submit to Congress an interim report and a final report on its activities under this subsection. The interim report shall be submitted on December 1, 1998, and the final report shall be submitted on March 31, 1999.

(B) Each report under subparagraph (A) shall include the following:

(i) An assessment of the advisability of conducting all military aviation accident investigations through an entity that is independent of the military departments.

(ii) An assessment of the effectiveness of the current military aviation accident investigation process in identifying the cause of military aviation accidents and correcting problems so identified in a timely manner.

(iii) An assessment whether or not the procedures for sharing the results of military aviation accident investigations among the military departments should be improved.

(iv) An assessment of the advisability of centralized training and instruction for military aircraft investigators.

(v) An assessment of any costs or cost avoidances that would result from the elimination of any overlap in military aviation accident investigation activities conducted under the current so-called "two-track" investigation process.

(vi) Any improvements or modifications in the current military aviation accident investigation process that the task force considers appropriate to reduce the potential for aviation accidents and increase public confidence in the process.

(c) UNIFORM REGULATIONS FOR RELEASE OF INTERIM SAFETY INVESTIGATION REPORTS.—(1)(A) Not later than May 1, 1999, the Secretary of Defense shall prescribe regulations that provide for the release to the family members of persons involved in military aviation accidents, and to members of the public, of reports referred to in paragraph (2).

(B) The regulations shall apply uniformly to each military department.

(2) A report under paragraph (1) is a report on the findings of any ongoing privileged safety investigation into an accident referred to in that paragraph. Such report

shall be in a redacted form or other form appropriate to preserve witness confidentiality and to minimize the effects of the release of information in such report on national security.

(3) Reports under paragraph (1) shall be made available—

(A) in the case of family members, at least once every 30 days or upon the development of a new or significantly changed finding during the course of the investigation concerned; and

(B) in the case of members of the public, on request.

THURMOND (AND OTHERS) AMENDMENT NO. 3024

Mr. WARNER (for Mr. THURMOND for himself, Mr. DOMENICI, Mr. THOMPSON, Mr. BINGAMAN, and Mr. FRIST) proposed an amendment to the bill, S. 2057, supra; as follows:

At the appropriate place add the following: Section 3307 of Title 5, United States Code, is amended as follows:

(1) by striking in subsection (a) "and (d)" and inserting in its place "(d), (e), and (f)"; and

(2) by adding the following new subsection (f) after subsection (e):

"(f) The Secretary of Energy may determine and fix the maximum age limit for an original appointment to a position as a Department of Energy nuclear materials courier, so defined by section 8331(27) of this title."

SEC. 2. Section 8331 of Title 5, United States Code, is amended as follows: By adding the following new paragraph (26) after paragraph (25):

"(26) Department of Energy nuclear materials courier means an employee of the Department of Energy or its predecessor agencies, the duties of whose position are primarily to transport, and provide armed escort and protection during transit of, nuclear weapons, nuclear weapon components, strategic quantities of special nuclear materials or other materials related to national security, including and employee who remains fully certified to engage in this activity who is transferred to a supervisory, training, or administrative position."

SEC. 3(a) The first sentence of Section 8334(a)(1) of Title 5, United States Code, is amended by striking "and a firefighter," and inserting in its place "a firefighter, and a Department of Energy nuclear materials courier."

(b) Section 8334(c) of Title 5, United States Code, is amended by adding the following new schedule after the schedule for a Member of the Capitol Police:

"Department of Energy nuclear materials courier for courier service (while employed by DOE and its predecessor agencies).	5	.....	July 1, 1942 to June 30, 1948.
	6	.....	July 1, 1948 to October 31, 1956.
	6½	.....	November 1, 1956 to December 31, 1969.
	7	.....	January 1, 1970 to December 31, 1974.
	7½	.....	After December 31, 1974."

SEC. 4. Section 8336(c)(1) of Title 5, United States Code, is amended by striking "or firefighter" and inserting in its place, "a firefighter, or a Department of Energy nuclear materials courier,".

SEC. 5. Section 8401 of Title 5, United States Code, is amended as follows: By add-

ing the following new paragraph (33) after paragraph (32):

"(33) Department of Energy nuclear materials courier means an employee of the Department of Energy or its predecessor agencies, the duties of whose position are primarily to transport, and provide armed escort and protection during transit of, nuclear weapons, nuclear weapons components, strategic quantities of special nuclear materials, or other materials related to national security, including an employee who remains fully certified to engaged in this activity who is transferred to a supervisory, training, or administrative position."

SEC. 6. Section 8412(d) of Title 5, United States Code, is amended by striking "or firefighter" in paragraphs (1) and (2) and inserting in its place, "a firefighter, or a Department of Energy nuclear materials courier,".

SEC. 7. Section 8415(g) of Title 5, United States Code, is amended by striking "firefighter" and inserting in its place "firefighter, Department of Energy nuclear materials courier,".

SEC. 8. Section 8422(a)(3) of Title 5, United States Code, is amended by striking "firefighter" in the schedule and inserting in its place "firefighter, Department of Energy nuclear materials courier,".

SEC. 9. Sections 8423(a)(1)(B)(i) and 9423(a)(3)(A) of Title 5, United States Code, are amended by striking "Firefighters" and inserting in its place "firefighters, Department of Energy nuclear materials couriers,".

SEC. 10. Section 8335(b) of Title 5, United States Code, is amended by adding the words "or Department of Energy Nuclear Materials Couriers" after the word "officer" in the second sentence.

SEC. 11. These amendments are effective at the beginning of the first pay period in fiscal year 2000, and applies only to those employees who retire after fiscal year 1999.

SEC. 12. Any payments made by the Department of Energy to the Civil Service Retirement or Disability Fund pursuant to this Act shall be made from the Weapons Activities account.

JEFFORDS (AND LEAHY) AMENDMENT NO. 3025

Mr. WARNER (for Mr. JEFFORDS for himself and Mr. LEAHY) 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. REVIEW AND REPORT REGARDING THE DISTRIBUTION OF NATIONAL GUARD RESOURCES AMONG STATES.

(a) REQUIREMENT FOR REVIEW.—The Chief of the National Guard Bureau shall review the process used for allocating and distributing resources, including all categories of full-time manning, among the States for the National Guard of the States.

(b) PURPOSE OF REVIEW.—The purpose of the review is to determine whether the process provides for adequately funding the National Guard of the States that have within the National Guard no unit or few (15 or less) units categorized in readiness tiers I, II, and III.

(c) MATTERS REVIEWED.—The matters reviewed shall include the following:

(1) The factors considered for the process of determining the distribution of resources, including the weights assigned to the factors.

(2) The extent to which the process results in funding for the units of the States described in subsection (b) at the levels necessary to optimize the preparedness of the units to meet the mission requirements applicable to the units.

(3) The effects that funding at levels determined under the process will have on the National Guard of those States in the future,

including the effects on all categories of full-time manning, and unit readiness, recruitment, and continued use of existing National Guard armories and other facilities.

(d) REPORT.—Not later than March 15, 1999, the Chief of the National Guard Bureau shall submit a report on the results of the review to the congressional defense committees.

WELLSTONE AMENDMENT NO. 3026

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

At the appropriate place, add the following:

Paragraph (1) of section 1076(e) of Title 10, United States Code, is amended to read as follows:

(1) The administering Secretary shall furnish an abused dependent of a former member of a uniformed service described in paragraph (4), during that period that the abused dependent is in receipt of transitional compensation under section 1059 of this title, with medical and dental care, including mental health services, in facilities of the uniformed services in accordance with the same eligibility and benefits as were applicable for that abused dependent during the period of active service of the former member.

WYDEN (AND GRASSLEY) AMENDMENT NO. 3027

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

At the appropriate place, insert the following:

SEC. ____ ELIMINATING SECRET SENATE HOLDS.

(a) STANDING ORDER.—It is a standing order of the Senate that a Senator who provides notice to leadership of his or her intention to object to proceeding to a motion or matter shall disclose the objection or hold in the Congressional Record not later than 2 session days after the date of the notice.

(b) RULEMAKING.—This section is adopted—
(1) as an exercise of the rulemaking power of the Senate and as such it is deemed a part of the rules of the Senate and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of the Senate to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

DOMENICI (AND BINGAMAN) AMENDMENT NO. 3028

Mr. THURMOND (for Mr. DOMENICI for himself and Mr. BINGAMAN) 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 LOW COST LAUNCH DEVELOPMENT PROGRAM.

(a) AMOUNT FROM AIR FORCE FUNDING.—Of the total amount authorized to be appropriated under section 201(3), \$5,000,000 is available for the Low Cost Launch Development Program.

DURBIN AMENDMENT NO. 3029

Mr. LEVIN (for Mr. DURBIN) 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. DEFENSE BURDENSARING.

(a) REVISED GOALS FOR EFFORTS TO INCREASE ALLIED BURDENSARING.—Subsection (a) of section 1221 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1935; 22 U.S.C. 1928 note) is amended to read as follows:

“(a) EFFORTS TO INCREASE ALLIED BURDENSARING.—The President shall seek to have each nation that has cooperative military relations with the United States (including security agreements, basing arrangements, or mutual participation in multinational military organizations or operations) take one or more of the following actions:

“(1) For any nation in which United States military personnel are assigned to permanent duty ashore, increase its financial contributions to the payment of the nonpersonnel costs incurred by the United States Government for stationing United States military personnel in that nation, with a goal of achieving by September 30, 2000, 75 percent of such costs. An increase in financial contributions by any nation under this paragraph may include the elimination of taxes, fees, or other charges levied on United States military personnel, equipment, or facilities stationed in that nation.

“(2) Increase its annual budgetary outlays for national defense as a percentage of its gross domestic product by 10 percent or at least to a percentage level commensurate to that of the United States by September 30, 1999.

“(3) Increase the military assets (including personnel, equipment, logistics, support and other resources) that it contributes or has pledged to contribute to multinational military activities worldwide by 10 percent by September 30, 1999.

“(4) Increase its annual budgetary outlays for foreign assistance (funds to promote democratization, governmental accountability and transparency, economic stabilization and development, defense economic conversion, respect for the rule of law and internationally recognized human rights, or humanitarian relief efforts) by 10 percent, or to provide such foreign assistance at a minimum annual rate equal to one percent of its gross domestic product, by September 30, 1999.”

(b) REVISED REQUIREMENT FOR REPORT ON PROGRESS IN INCREASING ALLIED BURDENSARING.—Subsection (c) of such section is amended to read as follows:

“(c) REPORT ON PROGRESS IN INCREASING ALLIED BURDENSARING.—Not later than March 1, 1999, the Secretary of Defense shall submit to Congress a report on—

“(1) steps taken by other nations toward completing the actions described in subsection (a);

“(2) all measures taken by the President, including those authorized in subsection (b), to achieve the actions described in subsection (a);

“(3) the difference between the amount allocated by other nations for each of the actions described in subsection (a) during the period beginning on October 1, 1996, and ending on September 30, 1997, and during the period beginning on October 1, 1997, and ending on September 30, 1998, or, in the case of any nation for which the data for such periods is inadequate, the difference between the amounts for the latest periods for which adequate data is available; and

“(4) the budgetary savings to the United States that are expected to accrue as a result of the steps described under paragraph (1).”

(c) EXTENSION OF DEADLINE FOR REPORT REGARDING NATIONAL SECURITY BASES FOR FORWARD DEPLOYMENT AND BURDENSARING RELATIONSHIPS.—Subsection (d)(2) of such sec-

tion is amended by striking out “March 1, 1998” and inserting in lieu thereof “March 1, 1999”.

GRAHAM (AND BENNETT) AMENDMENT NO. 3030

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

On page 213, between lines 21 and 22, insert the following:

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

(1) Because of the way computers store and process dates, most computers will not function properly, or at all, after January 1, 2000, a problem that is commonly referred to as the year 2000 problem.

(2) The United States Government is currently conducting a massive program to identify and correct computer systems that suffer from the year 2000 problem.

(3) The cost to the Department of Defense of correcting this problem in its computer systems has been estimated to be more than \$1,000,000,000.

(4) Other nations have failed to initiate aggressive action to identify and correct the year 2000 problem within their own computers.

(5) Unless other nations initiate aggressive actions to ensure the reliability and stability of certain communications and strategic systems, United States national security may be jeopardized.

On page 213, line 22, strike out “(a)” and insert in lieu thereof “(b)”.

On page 214, line 7, strike out “(b)” and insert in lieu thereof “(c)”.

On page 215, between lines 20 and 21, insert the following:

(9) The countries that have critical computer-based systems any disruption of which, due to not being year 2000 compliant, would cause a significant potential national security risk to the United States.

(10) A discussion of the cooperative arrangements between the United States and other nations to assist those nations in identifying and correcting (to the extent necessary to meet national security interests of the United States) any problems in their communications and strategic systems, or other systems identified by the Secretary of Defense, that make the systems not year 2000 compliant.

(11) A discussion of the threat posed to the national security interests of the United States from any potential failure of strategic systems of foreign countries that are not year 2000 compliant.

On page 215, line 21, strike out “(c)” and insert in lieu thereof “(d)”.

On page 215, between lines 23 and 24, insert the following:

(e) INTERNATIONAL COOPERATIVE ARRANGEMENTS.—The Secretary of Defense, with the concurrence of the Secretary of State may enter into a cooperative arrangement with a representative of any foreign government to provide for the United States to assist the foreign government in identifying and correcting (to the extent necessary to meet national security interests of the United States) any problems in communications, strategic, or other systems of that foreign government that make the systems not year 2000 compliant.

On page 215, line 24, strike out “(d)” and insert in lieu thereof “(f)”.

WARNER (AND SANTORUM)
AMENDMENT NO. 3031

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

Strike out the matter proposed to be inserted, and insert in lieu thereof the following:

SEC. 1064. REVIEW OF DEFENSE AUTOMATED PRINTING SERVICE FUNCTIONS.

(a) REVIEW REQUIRED.—The Secretary of Defense shall provide for a review of the functions of the Defense Automated Printing Service in accordance with this section and submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives the matters required under subsection (d) not later than March 31, 1999.

(b) PERFORMANCE BY INDEPENDENT ENTITY.—The Secretary of Defense shall select the General Accounting Office, an experienced entity in the private sector, or any other entity outside the Department of Defense to perform the review. The Comptroller General shall perform the review if the Secretary selects the Comptroller General to do so.

(c) REPORT.—The entity performing the review under this section shall submit to the Secretary of Defense a report that sets forth the findings and recommendations of that entity resulting from the review. The report shall contain the following:

(1) The functions that are inherently national security functions and, as such, need to be performed within the Department of Defense, together with a detailed justification for the determination for each such function.

(2) The functions that are appropriate for transfer to another appropriate entity to perform, including private sector entity.

(3) Any recommended legislation and any administrative action that is necessary for transferring or outsourcing the functions.

(4) A discussion of the costs or savings associated with the transfers or outsourcing.

(5) A description of the management structure of the Defense Automated Printing Service.

(6) A list of all sites where functions of the Defense Automated Printing Service are performed by the Defense Automated Printing Service.

(7) The total number of the personnel employed by the Defense Automated Printing Service and the locations where the personnel perform the duties as employees.

(8) A description of the functions performed by the Defense Automated Printing Service and, for each such function, the number of employees of the Defense Automated Printing Service that perform the function.

(9) For each site identified under paragraph (6), an assessment of each type of equipment at the site.

(10) The type and explanation of the networking and technology integration linking all of the sites referred to in paragraph (6).

(11) The current and future requirements of customers of the Defense Automated Printing Service.

(12) An assessment of the effectiveness of the current structure of the Defense Automated Printing Service in supporting current and future customer requirements and plans to address any deficiencies in supporting such requirements.

(13) A description and discussion of the best business practices that are used by the Defense Automated Printing Service and of other best business that could be used by the Defense Automated Printing Service.

(14) Options for maximizing the Defense Automated Printing Service structure and

services to provide the most cost effective service to its customers.

(d) REVIEW AND COMMENTS OF SECRETARY OF DEFENSE.—(1) After reviewing the report, the Secretary of Defense shall submit the report to Congress, together with the Secretary's comments on the report and a plan to transfer or outsource from the Defense Automated Printing Service to another appropriate entity the functions of the Defense Automated Printing Service that—

(1) are not identified in the report as being inherently national security functions; and

(2) the Secretary believes should be transferred or outsourced for performance outside the Department of Defense in accordance with law.

(e) EXTENSION OF REQUIREMENT FOR COMPETITIVE PROCUREMENT OF SERVICES.—Section 351(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 266), as amended by section 351(a) of Public Law 104-201 (110 Stat. 2490) and section 387(a)(1) of Public Law 105-85 (111 Stat. 1713), is further amended by striking out "1998" and inserting in lieu thereof "1999".

SANTORUM AMENDMENT NO. 3032

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

On page 14, line 23, increase the amount by \$17,000,000.

On page 42, line 23, reduce the amount by \$17,000,000.

SANTORUM AMENDMENT NO. 3033

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

On page 157, between lines 13 and 14, insert the following:

The program under this section will allow retail to compete for services in delivery of pharmacy benefits without increasing costs to the government or the beneficiaries.

DORGAN (AND CONRAD)
AMENDMENT NO. 3034

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

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

SEC. 2827. MODIFICATION OF LAND CONVEYANCE AUTHORITY, FINLEY AIR FORCE STATION, FINLEY, NORTH DAKOTA.

Section 2835 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 108 Stat. 3063) is amended—

(1) by striking out subsections (a), (b), and (c) and inserting in lieu thereof the following new subsections (a), (b), and (c):

"(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to the City of Finley, North Dakota (in this section referred to as the 'City'), all right, title, and interest of the United States in and to the parcels of real property, including any improvements thereon, in the vicinity of Finley, North Dakota, described in paragraph (2).

"(2) The real property referred to in paragraph (1) is the following:

"(A) A parcel of approximately 14 acres that served as the support complex of the Finley Air Force Station and Radar Site.

"(B) A parcel of approximately 57 acres known as the Finley Air Force Station Complex.

"(C) A parcel of approximately 6 acres that includes a well site and wastewater treatment system.

"(3) The purpose of the conveyance authorized by paragraph (1) is to encourage and facilitate the economic redevelopment of Finley, North Dakota, following the closure of the Finley Air Force Station and Radar Site.

"(b) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for purposes of the economic development of Finley, North Dakota, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon."; and

(c) ABATEMENT.—The Secretary of the Air Force may, prior to conveyance, abate any hazardous substances, in the improvements to be conveyed.

BIDEN (AND LEVIN) AMENDMENT
NO. 3035

Mr. LEVIN (for Mr. BIDEN for himself and 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. REPORT ON THE PEACEFUL EMPLOYMENT OF FORMER SOVIET EXPERTS ON WEAPONS OF MASS DESTRUCTION.

(a) REPORT REQUIRED.—Not later than January 31, 1999, the Secretary of Defense shall submit to the congressional defense committees a report on the need for and the feasibility of programs, other than those involving the development or promotion of commercially viable proposals, to further United States nonproliferation objectives regarding former Soviet experts in ballistic missiles or weapons of mass destruction. The report shall contain an analysis of the following:

(1) The number of such former Soviet experts who are, or are likely to become within the coming decade, unemployed, underemployed, or unpaid and, therefore, at risk of accepting export orders, contracts, or job offers from countries developing weapons of mass destruction.

(2) The extent to which the development of nonthreatening, commercially viable products and services, with or without United States assistance, can reasonably be expected to employ such former experts.

(3) The extent to which projects that do not involve the development of commercially viable products or services could usefully employ additional such former experts.

(4) The likely cost and benefits of a 10-year program of United States or international assistance to projects of the sort discussed in paragraph (3).

(b) CONSULTATION REQUIREMENT.—The report shall be prepared in consultation with the Secretary of State, the Secretary of Energy, and such other officials as the Secretary of Defense considers appropriate.

KYL (AND MURKOWSKI)
AMENDMENT NO. 3036

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

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. INCREASED MISSILE THREAT IN ASIA-PACIFIC REGION.

(a) STUDY.—The Secretary of Defense shall carry out a study of the architecture requirements for the establishment and operation of a theater ballistic missile defense

system in the Asia-Pacific region that would have the capability to protect key regional allies of the United States.

(b) REPORT.—(1) Not later than January 1, 1999, the Secretary shall submit to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate a report containing—

(A) the results of the study conducted under subsection (a);

(B) the factors used to obtain such results; and

(C) a description of any existing United States missile defense system that could be transferred to key allies of the United States in the Asia-Pacific region to provide for their self-defense against limited ballistic missile attacks.

(2) The report shall be submitted in both classified and unclassified form.

BINGAMAN (AND DOMENICI)
AMENDMENT NO. 3037

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

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

SEC. 3137. RELOCATION OF NATIONAL ATOMIC MUSEUM, ALBUQUERQUE, NEW MEXICO.

The Secretary of Energy shall submit to the Defense Committees of Congress a plan for the design, construction and relocation of the National Atomic Museum in Albuquerque, New Mexico.

MURKOWSKI AMENDMENT NO. 3038

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

At the appropriate place, insert:

The Senate finds that:

(1) Compliance with international obligations to destroy the U.S. chemical stockpile by April 28, 2007, as required under the Chemical Weapons Convention (CWC), is a national priority.

(2) The President should ensure that the Department of Defense and the Department of the Army receive all necessary assistance from federal agencies in expediting and accelerating the destruction of the lethal chemical stockpile.

(3) The Environmental Protection Agency, as one of the federal agencies with responsibilities to assist the Department of Defense and the Department of the Army, has asserted that is not adequately funded to provide, or meet its national responsibilities under the Resource Conservation and Recovery Act (RCRA) permitting requirements in order to assist the U.S. government in meeting its international obligations to destroy its lethal chemical stockpile.

(4) The Environmental Protection Agency (EPA) should work in concert with the State and local governments in this process, and that they should properly budget for this process.

REPORT REQUIRED. The Department of Defense, in coordination with the Environmental Protection Agency, shall report to the congressional defense committees by April 1, 1999, on the following:

(1) responsibilities associated with obligations under the Resource Conservation and Recovery Act (RCRA) permitting process related to U.S. international obligations under the CWC to destroy the U.S. chemical stockpile;

(2) technical assistance provided by the EPA to its regional offices and the States

and local governments in the permitting process, and how that assistance facilitates the issuance of the environmental permits at the various sites;

(3) responsibility of the Department of Defense to provide funding to the EPA, for the facilitation of meetings of the National Chemical Agent Demilitarization Workgroup, meetings between the Office of Solid Waste and the affected EPA Regional Offices and States; and meetings between the Office of Solid Waste, the Program Manager for Chemical Demilitarization and the Department of Defense; and,

(4) responsibility of the Department of Defense and the Department of the Army to provide funds to the Environmental Protection Agency to hire full-time equivalents to assist in the formulation of RCRA permits.

BYRD AMENDMENT NO. 3039

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

At the end of title VII, add the following:

SEC. 708. PROCESS FOR WAIVING INFORMED CONSENT REQUIREMENT FOR ADMINISTRATION OF CERTAIN DRUGS TO MEMBERS OF ARMED FORCES.

(a) LIMITATION AND WAIVER.—(1) Section 1107 of title 10, United States Code, is amended—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following new subsection (f):

“(f) LIMITATION AND WAIVER.—(1) An investigational new drug or a drug unapproved for its applied use may not be administered to a member of the armed forces pursuant to a request or requirement referred to in subsection (a) unless—

“(A) the member provides prior consent to receive the drug in accordance with the requirements imposed under the regulations required under paragraph (4) of section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)); or

“(B) the Secretary obtains—

“(i) under such section a waiver of such requirements; and

“(ii) a written statement that the President concurs in the determination of the Secretary required under paragraph (2) and with the Secretary’s request for the waiver.

“(2) The Secretary of Defense may request a waiver referred to in paragraph (1)(B) in the case of any request or requirement to administer a drug under this section if the Secretary determines that obtaining consent is not feasible, is contrary to the best interests of the members involved, or is not in the best interests of national security. Only the Secretary may exercise the authority to make the request for the Department of Defense, and the Secretary may not delegate that authority.

“(3) The Secretary shall submit to the chairman and ranking minority member of each congressional defense committee a notification of each waiver granted pursuant to a request of the Secretary under paragraph (2), together with the concurrence of the President under paragraph (1)(B) that relates to the waiver and the justification for the request or requirement under subsection (a) for a member to receive the drug covered by the waiver.

“(4) In this subsection, the term ‘congressional defense committee’ means each of the following:

“(A) The Committee on Armed Services and the Committee on Appropriations of the Senate.

“(B) The Committee on National Security and the Committee on Appropriations of the House of Representatives.”.

(2) The requirements for a concurrence of the President and a notification of committees of Congress that are set forth in section 1107(f) of title 10, United States Code (as added by paragraph (1)(B)) shall apply with respect to—

(A) each waiver of the requirement for prior consent imposed under the regulations required under paragraph (4) of section 505(i) of the Federal Food, Drug, and Cosmetic Act (or under any antecedent provision of law or regulations) that—

(i) has been granted under that section (or antecedent provision of law or regulations) before the date of the enactment of this Act; and

(ii) is applied after that date; and

(B) each waiver of such requirement that is granted on or after that date.

(b) TIME AND FORM OF NOTICE.—(1) Subsection (b) of such section is amended by striking out “, if practicable” and all that follows through “first administered to the member”.

(2) Subsection (c) of such section is amended by striking out “unless the Secretary of Defense determines” and all that follows through “alternative method”.

HUTCHISON AMENDMENT NO. 3040

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

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

SEC. 2827. CONVEYANCE OF UTILITY SYSTEMS, LONE STAR ARMY AMMUNITION PLANT, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey at fair market value all right, title, and interest of the United States in and to any utility system, or part thereof, including any real property associated with such system, at the Lone Star Army Ammunition Plant, Texas, to the redevelopment authority for the Red River Army Depot, Texas, in conjunction with the disposal of property at the Depot under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(b) CONSTRUCTION.—Nothing in subsection (a) may be construed to prohibit or otherwise limit the Secretary from conveying any utility system referred to in that subsection under any other provision of law, including section 2688 of title 10, United States Code.

(c) UTILITY SYSTEM DEFINED.—In this section, the term “utility system” has the meaning given that term in section 2688(g) of title 10, United States Code.

MURKOWSKI AMENDMENT NO. 3041

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

At the appropriate place in the bill insert the following:

SEC. .

No later than December 1, 1998, the Secretary shall submit to the Congress a report recommending alternative means through which a refiner that qualifies as a small disadvantaged business and that delivers fuel by barge to Defense Energy Supply Point-Anchorage under a contract with the Defense Energy Supply Center can—

(a) fulfill its contractual obligations,

(b) maintain its status as a small disadvantaged business, and

(c) receive the small disadvantaged business premium for the total amount of fuel under the contract, when ice conditions in Cook Inlet threaten physical delivery of such fuel.

Any inability by such refiner to satisfy its contractual obligations to the Defense Energy Supply Center for the delivery of fuel to Defense Energy Supply Point-Anchorage may not be used as a basis for the denial of such refiner's small disadvantaged business status or small disadvantaged business premium for the total amount of fuel under the contract where such inability is a result of ice conditions in Cook Inlet, through February 1999, as determined by the U.S. Coast Guard and if the Secretary of Defense determines that such inability will result in an inequity to the refiner.

HUNA TOTEM CORPORATION LAND EXCHANGE ACT

MURKOWSKI AMENDMENT NO. 3042

Mr. BURNS (for Mr. MURKOWSKI) proposed an amendment to the bill (S. 1158) to amend the Alaska Native Claims Settlement Act, regarding the Huna Totem Corporation public interest land exchange, and for other purposes; as follows:

In lieu of the Committee substitute strike all after Section 1. And insert the following:

SEC. 2. AMENDMENT OF SETTLEMENT ACT.

The Alaska Native Claims Settlement Act (Public Law 92-203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601, et seq.), as amended, is further amended by adding a new section to read: "SEC. . HUNA TOTEM CORPORATION LAND EXCHANGE.

"(a) GENERAL.—In exchange for lands and interests therein described in subsection (b), the Secretary of Agriculture shall, subject to valid existing rights, convey to the Huna Totem Corporation the surface estate and to Sealaska Corporation the subsurface estate of the Federal lands identified by Huna Totem Corporation pursuant to subsection (c): Provided, That, the exchange of lands described in this section shall be on the basis of equal value.

"(b) The surface estate to be conveyed by Huna Totem Corporation and the subsurface estate to be conveyed by Sealaska Corporation to the Secretary of Agriculture are the municipal watershed lands as shown on the map dated September 1, 1997, and labeled attachment A, and are further described as follows:

Table with 2 columns: Portion of Section, Approximate acres. Lists sections 16 through 34 with corresponding acreage values.

Approximate total 1,999

"(c) Within ninety (90) days of the receipt by the United States of the conveyances of the surface estate and the subsurface estate described in subsection (b), Huna Totem Corporation shall be entitled to identify lands readily accessible to the Village of Hoonah and, where possible, located on the road system to the Village of Hoonah, as depicted on the map dated September 1, 1997, and labeled Attachment B. Huna Totem Corporation shall notify the Secretary of Agriculture in writing which lands Huna Totem Corporation has identified.

"(d) TIMING OF CONVEYANCE AND VALUATION.—The conveyance mandated by sub-

section (a) by the Secretary of Agriculture shall occur within ninety (90) days after the list of identified lands is submitted by Huna Totem Corporation pursuant to subsection (c).

"(e) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Huna Totem Corporation under this section is not available for export as unprocessed logs from Alaska, nor may Huna Totem Corporation sell, trade, exchange, substitute, or otherwise convey that timber to any person for the purpose of exporting that timber from the State of Alaska.

"(f) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Huna Totem Corporation and Sealaska Corporation under this section shall be considered, for all purposes, land conveyed under the Alaska Native Claims Settlement Act.

"(g) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, D.C. The acreage cited in this section is approximate, and if a discrepancy arises between cited acreage and the land depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land."

KAKE TRIBAL CORPORATION LAND EXCHANGE ACT

MURKOWSKI AMENDMENT NO. 3043

Mr. BURNS (for Mr. MURKOWSKI) proposed an amendment to the bill (S. 1159) to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corporation public interest land exchange, and for other purposes; as follows:

In lieu of the Committee substitute strike all after Section 1. And insert the following:

SEC. 2. AMENDMENT OF SETTLEMENT ACT.

The Alaska Native Claims Settlement Act (Public Law 92-203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601 et seq.), as amended, is further amended by adding at the end thereof: "SEC. . KAKE TRIBAL CORPORATION LAND EXCHANGE.

"(a) GENERAL.—In exchange for lands and interests therein described in subsection (b), the Secretary of Agriculture shall, subject to valid existing rights, convey to the Kake Tribal Corporation the surface estate and to Sealaska Corporation the subsurface estate of the Federal land identified by Kake Tribal Corporation pursuant to subsection (c): Provided, That, the exchange of lands described in this section shall be on the basis of equal value.

"(b) The surface estate to be conveyed by Kake Tribal Corporation and the subsurface estate to be conveyed by Sealaska Corporation to the Secretary of Agriculture are the municipal watershed lands as shown on the map dated September 1, 1997, and labeled Attachment A, and are further described as follows:

MUNICIPAL WATERSHED COPPER RIVER MERIDIAN—T56S, R72E

Table with 2 columns: Section, Approximate acres. Lists sections 13 through 35 with corresponding acreage values.

36 248

Approximate total 2,427

"(c) Within ninety (90) days of the receipt by the United States of the conveyances of the surface estate and the subsurface estate described in subsection (b), Kake Tribal Corporation shall be entitled to identify lands in the Hamilton Bay and Saginaw Bay areas, as depicted on the maps dated September 1, 1997, and labeled Attachments B and C. Kake Tribal Corporation shall notify the Secretary of Agriculture in writing which lands Kake Tribal Corporation has identified.

"(d) TIMING OF CONVEYANCE AND VALUATION.—The conveyance mandated by subsection (a) by the Secretary of Agriculture shall occur within ninety (90) days after the list of identified lands is submitted by Kake Tribal Corporation pursuant to subsection (c).

"(e) MANAGEMENT OF WATERSHED.—The Secretary of Agriculture shall enter into a Memorandum of Agreement with the City of Kake, Alaska, to provide for management of the municipal watershed.

"(f) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Kake Tribal Corporation under this section is not available for export as unprocessed logs from Alaska, nor may Kake Tribal Corporation sell, trade, exchange, substitute, or otherwise convey that timber to any person for the purpose of exporting that timber from the State of Alaska.

"(g) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Kake Tribal Corporation and Sealaska Corporation under this section shall be considered, for all purposes, land conveyed under the Alaska Native Claims Settlement Act.

"(h) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, D.C. The acreage cited in this section is approximate, and if a discrepancy arises between cited acreage and the land depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.

MINIDOKA PROJECT ACT OF 1998

CRAIG AMENDMENT NO. 3044

Mr. BURNS (for Mr. CRAIG) proposed an amendment to the bill (S. 538) to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District, and for other purposes; as follows:

Paragraph 1(c)(1) of the Committee amendment is modified to read as follows:

"(1) TRANSFER.—(A) Subject to subparagraphs (B) and (C), the Secretary shall transfer to Burley, through an agreement among Burley, the Minidoka Irrigation district, and the Secretary, in accordance with and subject to the law of the State of Idaho, all natural flow, waste, seepage, return flow, and groundwater rights held in the name of the United States—

(1) for the benefit of the Minidoka Project or specifically for the Burley Irrigation District; and

(2) that are for use on lands within the Burley Irrigation District; and

(3) which are set forth in contracts between the United States and Burley or in the decree of June 20, 1913 of the District Court