

106TH CONGRESS
1ST SESSION

S. 1059

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 1999

Ordered to be printed with the amendment of the House

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of engrossed Senate bill, see copy of bill as passed on May 27, 1999]

AN ACT

To authorize appropriations for fiscal year 2000 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.

1 *Be it enacted by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “National Defense Authoriza-*
5 *tion Act for Fiscal Year 2000”.*

6 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE**
7 **OF CONTENTS.**

8 (a) *DIVISIONS.—This Act is organized into three divisions*
9 *as follows:*

- 10 (1) *Division A—Department of Defense Authorizations.*
11 (2) *Division B—Military Construction Authorizations.*

1 (3) *Division C—Department of Energy National*
 2 *Security Authorizations and Other Authorizations.*

3 (b) *TABLE OF CONTENTS.—The table of contents for*
 4 *this Act is as follows:*

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Sec. 3. Congressional defense committees defined.

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Subtitle E—Other Matters

- Sec. 3161. Procedures for meeting tritium production requirements.*
- Sec. 3162. Extension of authority of Department of Energy to pay voluntary separation incentive payments.*
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Subtitle F—Protection of National Security Information

- Sec. 3181. short title.*
- Sec. 3182. Semi-annual report by the president on espionage by the People's Republic of China.*
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- Sec. 3184. Department of Energy office of foreign intelligence and Office of Counterintelligence.*
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- Sec. 3186. Counterintelligence activities at other Department of Energy facilities.*
- Sec. 3187. Department of Energy polygraph examinations.*
- Sec. 3188. Civil monetary penalties for violations of Department of Energy regulations relating to the safeguarding and security of restricted data.*
- Sec. 3189. Increased penalties for misuse of restricted data.*
- Sec. 3190. restrictions on access to national laboratories by foreign visitors from sensitive countries.*

- Sec. 3191. Requirements relating to access by foreign visitors and employees to Department of Energy facilities engaged in defense activities.*
- Sec. 3192. Annual report on security and counterintelligence standards at national laboratories and other defense facilities of the Department of Energy.*
- Sec. 3193. Report on security vulnerabilities of national laboratory computers.*
- Sec. 3194. Government access to classified information on Department of Energy defense-related computers.*
- Sec. 3195. Definition of national laboratory.*

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.*

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

- Sec. 3301. Definitions.*
- Sec. 3302. Authorized uses of stockpile funds.*
- Sec. 3303. Elimination of congressionally imposed disposal restrictions on specific stockpile materials.*

TITLE XXXIV—MARITIME ADMINISTRATION

- Sec. 3401. Short title.*
- Sec. 3402. Authorization of appropriations for fiscal year 2000.*
- Sec. 3403. Amendments to title XI of the Merchant Marine Act, 1936.*
- Sec. 3404. Extension of war risk insurance authority.*
- Sec. 3405. Ownership of the JEREMIAH O'BRIEN.*

TITLE XXXV—PANAMA CANAL COMMISSION

- Sec. 3501. Short title.*
- Sec. 3502. Authorization of expenditures.*
- Sec. 3503. Purchase of vehicles.*
- Sec. 3504. Office of Transition Administration.*

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

2 *For purposes of this Act, the term “congressional de-*
3 *fense committees” means—*

4 *(1) the Committee on Armed Services and the*
5 *Committee on Appropriations of the Senate; and*

6 *(2) the Committee on Armed Services and the*
7 *Committee on Appropriations of the House of Rep-*
8 *resentatives.*

1 **DIVISION A—DEPARTMENT OF**
2 **DEFENSE AUTHORIZATIONS**
3 **TITLE I—PROCUREMENT**
4 **Subtitle A—Authorization of**
5 **Appropriations**

6 **SEC. 101. ARMY.**

7 *Funds are hereby authorized to be appropriated for fis-*
8 *cal year 2000 for procurement for the Army as follows:*

9 (1) *For aircraft, \$1,415,211,000.*

10 (2) *For missiles, \$1,415,959,000.*

11 (3) *For weapons and tracked combat vehicles,*
12 *\$1,575,096,000.*

13 (4) *For ammunition, \$1,196,216,000.*

14 (5) *For other procurement, \$3,799,895,000.*

15 **SEC. 102. NAVY AND MARINE CORPS.**

16 (a) *NAVY.—Funds are hereby authorized to be appro-*
17 *priated for fiscal year 2000 for procurement for the Navy*
18 *as follows:*

19 (1) *For aircraft, \$8,804,051,000.*

20 (2) *For weapons, including missiles and tor-*
21 *pedoes, \$1,764,655,000.*

22 (3) *For shipbuilding and conversion,*
23 *\$6,687,172,000.*

24 (4) *For other procurement, \$4,260,444,000.*

1 (b) *MARINE CORPS.*—*Funds are hereby authorized to*
2 *be appropriated for fiscal year 2000 for procurement for*
3 *the Marine Corps in the amount of 1,297,463,000.*

4 (c) *NAVY AND MARINE CORPS AMMUNITION.*—*Funds*
5 *are hereby authorized to be appropriated for procurement*
6 *of ammunition for the Navy and the Marine Corps in the*
7 *amount of \$612,900,000.*

8 **SEC. 103. AIR FORCE.**

9 *Funds are hereby authorized to be appropriated for fis-*
10 *cal year 2000 for procurement for the Air Force as follows:*

11 (1) *For aircraft, \$9,647,651,000.*

12 (2) *For missiles, \$2,303,661,000.*

13 (3) *For ammunition, \$560,537,000.*

14 (4) *For other procurement, \$7,077,762,000.*

15 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

16 *Funds are hereby authorized to be appropriated for fis-*
17 *cal year 2000 for Defense-wide procurement in the amount*
18 *of \$2,107,839,000.*

19 **SEC. 105. RESERVE COMPONENTS.**

20 *Funds are hereby authorized to be appropriated for fis-*
21 *cal year 2000 for procurement of aircraft, vehicles, commu-*
22 *nications equipment, and other equipment for the reserve*
23 *components of the Armed Forces as follows:*

24 (1) *For the Army National Guard, \$10,000,000.*

25 (2) *For the Air National Guard, \$10,000,000.*

1 (3) *For the Army Reserve, \$10,000,000.*

2 (4) *For the Naval Reserve, \$10,000,000.*

3 (5) *For the Air Force Reserve, \$10,000,00.*

4 (6) *For the Marine Corps Reserve, \$10,000,000.*

5 **SEC. 106. DEFENSE INSPECTOR GENERAL.**

6 *Funds are hereby authorized to be appropriated for fis-*
7 *cal year 2000 for procurement for the Inspector General of*
8 *the Department of Defense in the amount of \$2,100,000.*

9 **SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

10 *There is hereby authorized to be appropriated for fiscal*
11 *year 2000 the amount of \$1,012,000,000 for—*

12 (1) *the destruction of lethal chemical agents and*
13 *munitions in accordance with section 1412 of the De-*
14 *partment of Defense Authorization Act, 1986 (50*
15 *U.S.C. 1521); and*

16 (2) *the destruction of chemical warfare materiel*
17 *of the United States that is not covered by section*
18 *1412 of such Act.*

19 **SEC. 108. DEFENSE HEALTH PROGRAMS.**

20 *Funds are hereby authorized to be appropriated for fis-*
21 *cal year 2000 for the Department of Defense for procure-*
22 *ment for carrying out health care programs, projects, and*
23 *activities of the Department of Defense in the total amount*
24 *of \$356,970,000.*

1 **SEC. 109. DEFENSE EXPORT LOAN GUARANTEE PROGRAM.**

2 *Funds are hereby authorized to be appropriated for fis-*
 3 *cal year 2000 for the Department of Defense for carrying*
 4 *out the Defense Export Loan Guarantee Program under sec-*
 5 *tion 2540 of title 10, United States Code, in the total*
 6 *amount of \$1,250,000.*

7 ***Subtitle B—Army Programs***

8 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR**
 9 **ARMY PROGRAMS.**

10 *(a) MULTIYEAR PROCUREMENT AUTHORITY.—Subject*
 11 *to subsection (b), the Secretary of the Army may, in accord-*
 12 *ance with section 2306b of title 10, United States Code,*
 13 *enter into a multiyear procurement contract beginning with*
 14 *the fiscal year 2000 program year for procurement for each*
 15 *of the following programs.*

16 *(1) The Javelin missile system.*

17 *(2) M2A3 Bradley fighting vehicles.*

18 *(3) AH-64D Longbow Apache attack helicopters.*

19 *(4) The M1A2 Abrams main battle tank upgrade*
 20 *program combined with the Heavy Assault Bridge*
 21 *program.*

22 *(b) REQUIRED REPORT.—The Secretary of the Army*
 23 *may not enter into a multiyear contract under subsection*
 24 *(a) for a program named in one of the paragraphs of that*
 25 *subsection until the Secretary of Defense submits to the con-*
 26 *gressional defense committees a report with respect to that*

1 *contract that provides the following information, shown for*
2 *each year in the current future-years defense program and*
3 *in the aggregate over the period of the current future-years*
4 *defense program:*

5 (1) *The amount of total obligational authority*
6 *under the contract and the percentage that such*
7 *amount represents of (A) the applicable procurement*
8 *account, and (B) the service procurement total.*

9 (2) *The amount of total obligational authority*
10 *under all Army multiyear procurements (determined*
11 *without regard to the amount of the multiyear con-*
12 *tract) under multiyear contracts in effect immediately*
13 *before the contract under subsection (a) is entered into*
14 *and the percentage that such amount represents of (A)*
15 *the applicable procurement account, and (B) the serv-*
16 *ice procurement total.*

17 (3) *The amount equal to the sum of the amounts*
18 *under paragraphs (1) and (2) and the percentage that*
19 *such amount represents of (A) the applicable procure-*
20 *ment account, and (B) the service procurement total.*

21 (4) *The amount of total obligational authority*
22 *under all Department of Defense multiyear procure-*
23 *ments (determined without regard to the amount of*
24 *the multiyear contract), including the contract under*
25 *subsection (a) and each additional multiyear contract*

1 *authorized by this Act, and the percentage that such*
2 *amount represents of the procurement accounts of the*
3 *Department of Defense treated in the aggregate.*

4 *(5) For purposes of this subsection:*

5 *(A) The term “applicable procurement account”*
6 *means, with respect to the multiyear contract under*
7 *subsection (a), the Department of the Army procure-*
8 *ment account from which funds to discharge obliga-*
9 *tions under the contract will be provided.*

10 *(B) The term “service procurement total” means,*
11 *with respect to the multiyear contract under sub-*
12 *section (a), the procurement accounts of the Army*
13 *treated in the aggregate.*

14 **SEC. 112. EXTENSION OF PILOT PROGRAM ON SALES OF**
15 **MANUFACTURED ARTICLES AND SERVICES OF**
16 **CERTAIN ARMY INDUSTRIAL FACILITIES**
17 **WITHOUT REGARD TO AVAILABILITY FROM**
18 **DOMESTIC SOURCES.**

19 *Section 141 of the National Defense Authorization Act*
20 *for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 4543*
21 *note) is amended—*

22 *(1) in subsection (a), by striking “fiscal years*
23 *1998 and 1999” and inserting “fiscal years 1998*
24 *through 2001”;*

1 (2) *in subsection (b), by striking “fiscal year*
 2 *1998 or 1999” and inserting “the period during*
 3 *which the pilot program is being conducted”;* and

4 (3) *by adding at the end the following new sub-*
 5 *section:*

6 “(d) *UPDATE OF REPORT.—Not later March 1, 2001,*
 7 *the Inspector General of the Department of Defense shall*
 8 *submit to Congress an update of the report required to be*
 9 *submitted under subsection (c) and an assessment of the*
 10 *success of the pilot program.”.*

11 **SEC. 113. REVISION TO CONDITIONS FOR AWARD OF A SEC-**
 12 **OND-SOURCE PROCUREMENT CONTRACT FOR**
 13 **THE FAMILY OF MEDIUM TACTICAL VEHI-**
 14 **CLES.**

15 *The text of section 112 of the Strom Thurmond Na-*
 16 *tional Defense Authorization Act for Fiscal Year 1999 (Pub-*
 17 *lic Law 105–261; 112 Stat. 1973) is amended to read as*
 18 *follows:*

19 “(a) *LIMITATION ON SECOND-SOURCE AWARD.—The*
 20 *Secretary of the Army may award a full-rate production*
 21 *contract (known as a Phase III contract) for production*
 22 *of the Family of Medium Tactical Vehicles to a second*
 23 *source only after the Secretary submits to the congressional*
 24 *defense committees a certification in writing of the fol-*
 25 *lowing:*

1 “(1) That the total quantity of trucks within the
2 *Family of Medium Tactical Vehicles* program that the
3 Secretary will require to be delivered (under all con-
4 tracts) in any 12-month period will be sufficient to
5 enable the prime contractor to maintain a minimum
6 production level of 150 trucks per month.

7 “(2) That the total cost to the Army of the pro-
8 curements under the prime and second-source con-
9 tracts over the period of those contracts will be the
10 same as or lower than the amount that would be the
11 total cost of the procurements if such a second-source
12 contract were not awarded.

13 “(3) That the trucks to be produced under those
14 contracts will be produced with common components
15 that will be interchangeable among similarly config-
16 ured models.

17 “(b) *DEFINITIONS.*—In this section:

18 “(1) The term ‘prime contractor’ means the con-
19 tractor under the production contract for the *Family*
20 of *Medium Tactical Vehicles* program as of the date
21 of the enactment of this Act.

22 “(2) The term ‘second source’ means a firm other
23 than the prime contractor.”.

1 **Subtitle C—Navy Programs**

2 **SEC. 121. F/A–18E/F SUPER HORNET AIRCRAFT PROGRAM.**

3 (a) *MULTIYEAR PROCUREMENT AUTHORITY.*—Subject
4 to subsection (b) and (c), the Secretary of the Navy may,
5 in accordance with section 2306b of title 10, United States
6 Code, enter into a multiyear procurement contract begin-
7 ning with the fiscal year 2000 program year for procure-
8 ment for the F/A–18E/F aircraft program.

9 (b) *REQUIRED REPORT.*—The Secretary of the Navy
10 may not enter into a multiyear contract under subsection
11 (a) until the Secretary of Defense submits to the congress-
12 sional defense committees a report with respect to that con-
13 tract that provides the following information, shown for
14 each year in the current future-years defense program and
15 in the aggregate over the period of the current future-years
16 defense program:

17 (1) *The amount of total obligational authority*
18 *under the contract and the percentage that such*
19 *amount represents of (A) the applicable procurement*
20 *account, and (B) the service procurement total.*

21 (2) *The amount of total obligational authority*
22 *under all Navy multiyear procurements (determined*
23 *without regard to the amount of the multiyear con-*
24 *tract) under multiyear contracts in effect immediately*
25 *before the contract under subsection (a) is entered into*

1 *and the percentage that such amount represents of (A)*
2 *the applicable procurement account, and (B) the serv-*
3 *ice procurement total.*

4 (3) *The amount equal to the sum of the amounts*
5 *under paragraphs (1) and (2) and the percentage that*
6 *such amount represents of (A) the applicable procure-*
7 *ment account, and (B) the service procurement total.*

8 (4) *The amount of total obligational authority*
9 *under all Department of Defense multiyear procure-*
10 *ments (determined without regard to the amount of*
11 *the multiyear contract), including the contract under*
12 *subsection (a) and each additional multiyear contract*
13 *authorized by this Act, and the percentage that such*
14 *amount represents of the procurement accounts of the*
15 *Department of Defense treated in the aggregate.*

16 (5) *For purposes of this subsection:*

17 (A) *The term “applicable procurement account”*
18 *means, with respect to the multiyear contract under*
19 *subsection (a), the Aircraft Procurement, Navy ac-*
20 *count.*

21 (B) *The term “service procurement total” means,*
22 *with respect to the multiyear contract under sub-*
23 *section (a), the procurement accounts of the Navy*
24 *treated in the aggregate.*

1 (c) *LIMITATION WITH RESPECT TO OPERATIONAL*
2 *TEST AND EVALUATION.*—*The Secretary of the Navy may*
3 *not enter into a multiyear procurement contract authorized*
4 *by subsection (a) until—*

5 (1) *the Secretary of Defense submits to the con-*
6 *gressional defense committees a certification described*
7 *in subsection (c); and*

8 (2) *a period of 30 continuous days of a Congress*
9 *(as determined under subsection (d)) elapses after the*
10 *submission of that certification.*

11 (d) *REQUIRED CERTIFICATION.*—*A certification re-*
12 *ferred to in subsection (c)(1) is a certification by the Sec-*
13 *retary of Defense of each of the following:*

14 (1) *That the results of the Operational Test and*
15 *Evaluation program for the F/A-18E/F aircraft*
16 *indicate—*

17 (A) *that the aircraft meets the requirements*
18 *for operational effectiveness and suitability es-*
19 *tablished by the Secretary of the Navy; and*

20 (B) *that the aircraft meets key performance*
21 *specifications established by the Secretary of the*
22 *Navy.*

23 (2) *That the cost of procurement of that aircraft*
24 *using a multiyear procurement contract as authorized*
25 *by subsection (a), assuming procurement of 222 air-*

1 craft, is at least 7.4 percent less than the cost of pro-
 2 curement of the same number of aircraft through an-
 3 nual contracts.

4 (e) *CONTINUITY OF CONGRESS.*—For purposes of sub-
 5 section (c)(2)—

6 (1) *the continuity of a Congress is broken only*
 7 *by an adjournment of the Congress sine die at the end*
 8 *of the final session of the Congress; and*

9 (2) *any day on which either House of Congress*
 10 *is not in session because of an adjournment of more*
 11 *than three days to a day certain, or because of an ad-*
 12 *jourment sine die at the end of the first session of*
 13 *a Congress, shall be excluded in the computation of*
 14 *such 30-day period.*

15 ***Subtitle D—Chemical Stockpile***
 16 ***Destruction Program***

17 ***SEC. 141. DESTRUCTION OF EXISTING STOCKPILE OF LE-***
 18 ***THAL CHEMICAL AGENTS AND MUNITIONS.***

19 (a) *PROGRAM ASSESSMENT.*—(1) *The Secretary of De-*
 20 *fense shall conduct an assessment of the current program*
 21 *for destruction of the United States' stockpile of chemical*
 22 *agents and munitions, including the Assembled Chemical*
 23 *Weapons Assessment, for the purpose of reducing signifi-*
 24 *cantly the cost of such program and ensuring completion*
 25 *of such program in accordance with the obligations of the*

1 *United States under the Chemical Weapons Convention*
2 *while maintaining maximum protection of the general pub-*
3 *lic, the personnel involved in the demilitarization program,*
4 *and the environment.*

5 (2) *Based on the results of the assessment conducted*
6 *under paragraph (1), the Secretary may take those actions*
7 *identified in the assessment that may be accomplished*
8 *under existing law to achieve the purposes of such assess-*
9 *ment and the chemical agents and munitions stockpile de-*
10 *struction program.*

11 (3) *Not later than March 1, 2000, the Secretary shall*
12 *submit to Congress a report on—*

13 (A) *those actions taken, or planned to be taken,*
14 *under paragraph (2); and*

15 (B) *any recommendations for additional legisla-*
16 *tion that may be required to achieve the purposes of*
17 *the assessment conducted under paragraph (1) and of*
18 *the chemical agents and munitions stockpile destruc-*
19 *tion program.*

20 (b) *CHANGES AND CLARIFICATIONS REGARDING PRO-*
21 *GRAM.—Section 1412 of the Department of Defense Author-*
22 *ization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521) is*
23 *amended—*

24 (1) *in subsection (c)—*

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

3 “(2) Facilities constructed to carry out this section
4 shall, when no longer needed for the purposes for which they
5 were constructed, be disposed of in accordance with applica-
6 ble laws and regulations and mutual agreements between
7 the Secretary of the Army and the Governor of the State
8 in which the facility is located.”;

9 (B) by redesignating paragraphs (3) and
10 (4) as paragraphs (4) and (5), respectively; and

11 (C) by inserting after paragraph (2) (as
12 amended by subparagraph (A)) the following
13 new paragraph:

14 “(3)(A) Facilities constructed to carry out this section
15 may not be used for a purpose other than the destruction
16 of the stockpile of lethal chemical agents and munitions that
17 exists on November 8, 1985.

18 “(B) The prohibition in subparagraph (A) shall not
19 apply with respect to items designated by the Secretary of
20 Defense as lethal chemical agents, munitions, or related ma-
21 terials after November 8, 1985, if the State in which a de-
22 struction facility is located issues the appropriate permit
23 or permits for the destruction of such items at the facility.”;

24 (2) in subsection (f)(2), by striking “(c)(4)” and
25 inserting “(c)(5)”; and

1 (3) in subsection (g)(2)(B), by striking “(c)(3)”
2 and inserting “(c)(4)”.

3 (c) *DEFINITIONS.*—As used in this section:

4 (1) The term “Assembled Chemical Weapons As-
5 sessment” means the pilot program carried out under
6 section 8065 of the Department of Defense Appropria-
7 tions Act, 1997 (section 101(b) of Public Law 104-
8 208; 110 Stat. 3009–101; 50 U.S.C. 1521 note).

9 (2) The term “Chemical Weapons Convention”
10 means the Convention on the Prohibition of the Devel-
11 opment, Production, Stockpiling and Use of Chemical
12 Weapons and Their Destruction, ratified by the
13 United States on April 25, 1997, and entered into
14 force on April 29, 1997.

15 **SEC. 142. ALTERNATIVE TECHNOLOGIES FOR DESTRUC-**
16 **TION OF ASSEMBLED CHEMICAL WEAPONS.**

17 Section 142(a) of the Strom Thurmond National De-
18 fense Authorization Act for Fiscal Year 1999 (Public Law
19 105–261; 50 U.S.C. 1521 note) is amended to read as fol-
20 lows:

21 “(a) *PROGRAM MANAGEMENT.*—(1) The program
22 manager for the Assembled Chemical Weapons Assessment
23 program shall manage the development and testing of tech-
24 nologies for the destruction of lethal chemical munitions

1 *that are potential or demonstrated alternatives to the base-*
2 *line incineration program.*

3 “(2) *The Under Secretary of Defense for Acquisition*
4 *and Technology and the Secretary of the Army shall jointly*
5 *submit to Congress, not later than December 1, 1999, a plan*
6 *for the transfer of oversight of the Assembled Chemical*
7 *Weapons Assessment program from the Under Secretary to*
8 *the Secretary.*

9 “(3) *Oversight of the Assembled Chemical Weapons As-*
10 *essment program shall be transferred from the Under Sec-*
11 *retary of Defense for Acquisition and Technology to the Sec-*
12 *retary of the Army pursuant to the plan submitted under*
13 *paragraph (2) not later than 90 days after the date of the*
14 *submission of the notice required under section 152(f)(2)*
15 *of the National Defense Authorization Act for Fiscal Year*
16 *1996 (Public Law 104–106; 50 U.S.C. 1521).*

17 “(4) *The Under Secretary of Defense for Acquisition*
18 *and Technology and the Secretary of the Army shall ensure*
19 *coordination of the activities and plans of the program*
20 *manager for the Assembled Chemical Weapons Assessment*
21 *program and the program manager for Chemical Demili-*
22 *tarization during the demonstration and pilot plant facility*
23 *phase for an alternative technology.*

24 “(5) *For those baseline demilitarization facilities for*
25 *which the Secretary decides that implementation of an al-*

1 *ternative technology may be recommended, the Secretary*
 2 *may take those measures necessary to facilitate the integra-*
 3 *tion of the alternative technology.”.*

4 ***Subtitle E—Other Matters***

5 **SEC. 151. LIMITATION ON EXPENDITURES FOR SATELLITE** 6 **COMMUNICATIONS.**

7 *(a) IN GENERAL.—Chapter 136 of title 10, United*
 8 *States Code, is amended by adding at the end the following*
 9 *new section:*

10 **“§2282. Purchase or lease of communications services:** 11 ***limitation***

12 *“The Secretary of Defense may not obligate any funds*
 13 *after September 30, 2000, to buy a commercial satellite*
 14 *communications system or to lease a communications serv-*
 15 *ice, including mobile satellite communications, unless the*
 16 *Secretary determines that the system or service to be pur-*
 17 *chased or leased has been proven through independent*
 18 *testing—*

19 *“(1) not to cause harmful interference to, or to*
 20 *disrupt the use of, colocated commercial or military*
 21 *Global Positioning System receivers used by the De-*
 22 *partment of Defense; and*

23 *“(2) to be safe for use with such receivers in all*
 24 *other respects.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
2 *the beginning of such chapter is amended by adding at the*
3 *end the following new item:*

 “2282. *Purchase or lease of communications services: limitation.*”.

4 **SEC. 152. PROCUREMENT OF FIREFIGHTING EQUIPMENT**
5 **FOR THE AIR NATIONAL GUARD AND THE AIR**
6 **FORCE RESERVE.**

7 *The Secretary of the Air Force may carry out a pro-*
8 *curement program, in a total amount not to exceed*
9 *\$16,000,000, to modernize the airborne firefighting capa-*
10 *bility of the Air National Guard and Air Force Reserve*
11 *by procurement of equipment for the modular airborne fire-*
12 *fighting system. Amounts may be obligated for the program*
13 *from funds appropriated for that purpose for fiscal year*
14 *1999 and subsequent fiscal years.*

15 **SEC. 153. COOPERATIVE ENGAGEMENT CAPABILITY PRO-**
16 **GRAM.**

17 (a) *AUTHORITY TO PROCEED.*—*Cooperative engage-*
18 *ment equipment procured under the Cooperative Engage-*
19 *ment Capability program of the Navy shall be procured and*
20 *installed into commissioned vessels, shore facilities, and air-*
21 *craft of the Navy before completion of the operational test*
22 *and evaluation of shipboard cooperative engagement capa-*
23 *bility in order to ensure fielding of a battle group with fully*
24 *functional cooperative engagement capability by fiscal year*
25 *2003.*

1 (b) *FUNDING.*—*The amount authorized to be appro-*
 2 *priated in section 102(a)(1) for E-2C aircraft modification*
 3 *is hereby increased by \$22,000,000 to provide for the acqui-*
 4 *sition of additional cooperative engagement capability*
 5 *equipment. The amount authorized to be appropriated in*
 6 *section 102(a)(4) for Shipboard Information Warfare Ex-*
 7 *plot Systems is hereby reduced by \$22,000,000.*

8 **TITLE II—RESEARCH, DEVELOP-**
 9 **MENT, TEST, AND EVALUA-**
 10 **TION**

11 **Subtitle A—Authorization of**
 12 **Appropriations**

13 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

14 *Funds are hereby authorized to be appropriated for fis-*
 15 *cal year 2000 for the use of the Department of Defense for*
 16 *research, development, test, and evaluation as follows:*

17 (1) *For the Army, \$4,708,194,000.*

18 (2) *For the Navy, \$8,358,529,000.*

19 (3) *For the Air Force, \$13,212,671,000.*

20 (4) *For Defense-wide activities, \$9,556,285,000,*

21 *of which—*

22 (A) *\$253,457,000 is authorized for the ac-*
 23 *tivities of the Director, Test and Evaluation; and*

24 (B) *\$24,434,000 is authorized for the Direc-*
 25 *tor of Operational Test and Evaluation.*

1 **SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.**

2 (a) *FISCAL YEAR 2000.*—*Of the amounts authorized*
 3 *to be appropriated by section 201, \$4,248,465,000 shall be*
 4 *available for basic research and applied research projects.*

5 (b) *BASIC RESEARCH AND APPLIED RESEARCH DE-*
 6 *FINED.*—*For purposes of this section, the term “basic re-*
 7 *search and applied research” means work funded in pro-*
 8 *gram elements for defense research and development under*
 9 *Department of Defense category 6.1 or 6.2.*

10 ***Subtitle B—Program Requirements,***
 11 ***Restrictions, and Limitations***

12 **SEC. 211. COLLABORATIVE PROGRAM TO EVALUATE AND**
 13 **DEMONSTRATE ADVANCED TECHNOLOGIES**
 14 **FOR ADVANCED CAPABILITY COMBAT VEHI-**
 15 **CLES.**

16 (a) *ESTABLISHMENT OF PROGRAM.*—*The Secretary of*
 17 *Defense shall establish and carry out a program to provide*
 18 *for the evaluation and competitive demonstration of con-*
 19 *cepts for advanced capability combat vehicles for the Army.*

20 (b) *COVERED PROGRAM.*—*The program under sub-*
 21 *section (a) shall be carried out collaboratively pursuant to*
 22 *a memorandum of agreement to be entered into between the*
 23 *Secretary of the Army and the Director of the Defense Ad-*
 24 *vanced Research Projects Agency. The program shall in-*
 25 *clude the following activities:*

1 (1) *Consideration and evaluation of technologies*
2 *having the potential to enable the development of ad-*
3 *vanced capability combat vehicles that are signifi-*
4 *cantly superior to the existing M1 series of tanks in*
5 *terms of capability for combat, survival, support, and*
6 *deployment, including but not limited to the following*
7 *technologies:*

8 (A) *Weapon systems using electromagnetic*
9 *power, directed energy, and kinetic energy.*

10 (B) *Propulsion systems using hybrid elec-*
11 *tric drive.*

12 (C) *Mobility systems using active and semi-*
13 *active suspension and wheeled vehicle suspension.*

14 (D) *Protection systems using signature*
15 *management, lightweight materials, and full-*
16 *spectrum active protection.*

17 (E) *Advanced robotics, displays, man-ma-*
18 *chine interfaces, and embedded training.*

19 (F) *Advanced sensory systems and advanced*
20 *systems for combat identification, tactical navi-*
21 *gation, communication, systems status moni-*
22 *toring, and reconnaissance.*

23 (G) *Revolutionary methods of manufac-*
24 *turing combat vehicles.*

1 (2) *Incorporation of the most promising such*
2 *technologies into demonstration models.*

3 (3) *Competitive testing and evaluation of such*
4 *demonstration models.*

5 (4) *Identification of the most promising such*
6 *demonstration models within a period of time to en-*
7 *able preparation of a full development program capa-*
8 *ble of beginning by fiscal year 2007.*

9 (c) *REPORT.*—*Not later than January 31, 2000, the*
10 *Secretary of the Army and the Director of the Defense Ad-*
11 *vanced Research Projects Agency shall submit to the con-*
12 *gressional defense committees a joint report on the imple-*
13 *mentation of the program under subsection (a). The report*
14 *shall include the following:*

15 (1) *A description of the memorandum of agree-*
16 *ment referred to in subsection (b).*

17 (2) *A schedule for the program.*

18 (3) *An identification of the funding required for*
19 *fiscal year 2001 and for the future-years defense pro-*
20 *gram to carry out the program.*

21 (4) *A description and assessment of the acquisi-*
22 *tion strategy for combat vehicles planned by the Sec-*
23 *retary of the Army that would sustain the existing*
24 *force of M1-series tanks, together with a complete*
25 *identification of all operation, support, ownership,*

1 *rate of inflation as determined by the Office of Management*
 2 *and Budget.*

3 (c) *CERTIFICATION.*—*If a proposed budget fails to*
 4 *comply with the objective set forth in subsection (b), the*
 5 *President shall certify to Congress that the budget does not*
 6 *jeopardize the stability of the defense technology base or in-*
 7 *crease the risk of failure to maintain technological superi-*
 8 *ority in future weapons systems.*

9 ***Subtitle C—Ballistic Missile***
 10 ***Defense***

11 ***SEC. 231. ADDITIONAL PROGRAM ELEMENTS FOR BAL-***
 12 ***LISTIC MISSILE DEFENSE PROGRAMS.***

13 *Section 223(a) of title 10, United States Code, is*
 14 *amended—*

15 (1) *by redesignating paragraphs (5) through (12)*
 16 *as paragraphs (6) through (13), respectively;*

17 (2) *by inserting after paragraph (4) the fol-*
 18 *lowing new paragraph (5):*

19 “(5) *Upper Tier.*”; and

20 (3) *by adding at the end the following new para-*
 21 *graphs:*

22 “(14) *Space Based Infrared System Low.*

23 “(15) *Space Based Infrared System High.*”.

1 ***Subtitle D—Other Matters***

2 ***SEC. 241. DESIGNATION OF SECRETARY OF THE ARMY AS***
3 ***EXECUTIVE AGENT FOR HIGH ENERGY LASER***
4 ***TECHNOLOGIES.***

5 (a) *DESIGNATION.*—*The Secretary of Defense shall des-*
6 *ignate the Secretary of the Army as the Department of De-*
7 *fense executive agent for oversight of research, development,*
8 *test, and evaluation of specified high energy laser tech-*
9 *nologies.*

10 (b) *LOCATION FOR CARRYING OUT OVERSIGHT FUNC-*
11 *TIONS.*—*The functions of the Secretary of the Army as such*
12 *executive agent shall be carried out through the Army Space*
13 *and Missile Defense Command at the High Energy Laser*
14 *Systems Test Facility at White Sands Missile Range, New*
15 *Mexico.*

16 (c) *FUNCTIONS.*—*The responsibilities of the Secretary*
17 *of the Army as such executive agent shall include the fol-*
18 *lowing:*

19 (1) *Developing policy and overseeing the estab-*
20 *lishment of, and adherence to, procedures for ensuring*
21 *that projects of the Department of Defense involving*
22 *specified high energy laser technologies are initiated*
23 *and administered effectively.*

24 (2) *Assessing and making recommendations to*
25 *the Secretary of Defense regarding the capabilities*

1 *demonstrated by specified high energy laser tech-*
 2 *nologies and the potential of such technologies to meet*
 3 *operational military requirements.*

4 *(d) SPECIFIED HIGH ENERGY LASER TECH-*
 5 *NOLOGIES.—For purposes of this section, the term “speci-*
 6 *fied high energy laser technologies” means technologies*
 7 *that—*

- 8 *(1) use lasers of one or more kilowatts; and*
 9 *(2) have potential weapons applications.*

10 **TITLE III—OPERATION AND**
 11 **MAINTENANCE**

12 **Subtitle A—Authorization of**
 13 **Appropriations**

14 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

15 *Funds are hereby authorized to be appropriated for fis-*
 16 *cal year 2000 for the use of the Armed Forces and other*
 17 *activities and agencies of the Department of Defense for ex-*
 18 *penses, not otherwise provided for, for operation and main-*
 19 *tenance, in amounts as follows:*

- 20 *(1) For the Army, \$19,476,694,000.*
 21 *(2) For the Navy, \$22,785,215,000.*
 22 *(3) For the Marine Corps, \$2,777,429,000.*
 23 *(4) For the Air Force, \$21,514,958,000.*
 24 *(5) For Defense-wide activities, \$10,968,614,000.*
 25 *(6) For the Army Reserve, \$1,512,513,000.*

1 (7) *For the Naval Reserve, \$965,847,000.*

2 (8) *For the Marine Corps Reserve, \$137,266,000.*

3 (9) *For the Air Force Reserve, \$1,730,937,000.*

4 (10) *For the Army National Guard,*
5 *\$3,141,049,000.*

6 (11) *For the Air National Guard,*
7 *\$3,185,918,000.*

8 (12) *For the Defense Inspector General,*
9 *\$130,744,000.*

10 (13) *For the United States Court of Appeals for*
11 *the Armed Forces, \$7,621,000.*

12 (14) *For Environmental Restoration, Army,*
13 *\$378,170,000.*

14 (15) *For Environmental Restoration, Navy,*
15 *\$284,000,000.*

16 (16) *For Environmental Restoration, Air Force,*
17 *\$376,800,000.*

18 (17) *For Environmental Restoration, Defense-*
19 *wide, \$25,370,000.*

20 (18) *For Environmental Restoration, Formerly*
21 *Used Defense Sites, \$199,214,000.*

22 (19) *For Overseas Humanitarian, Disaster, and*
23 *Civic Aid programs, \$50,000,000.*

24 (20) *For Drug Interdiction and Counter-drug*
25 *Activities, Defense-wide, \$811,700,000.*

1 (21) *For the Kaho'olawe Island Conveyance, Re-*
2 *mediation, and Environmental Restoration Trust*
3 *Fund, \$15,000,000.*

4 (22) *For Defense Health Program,*
5 *\$10,496,687,000.*

6 (23) *For Cooperative Threat Reduction pro-*
7 *grams, \$444,100,000.*

8 (24) *For Overseas Contingency Operations*
9 *Transfer Fund, \$2,387,600,000.*

10 (25) *For Quality of Life Enhancements,*
11 *\$1,845,370,000.*

12 **SEC. 302. WORKING CAPITAL FUNDS.**

13 *Funds are hereby authorized to be appropriated for fis-*
14 *cal year 2000 for the use of the Armed Forces and other*
15 *activities and agencies of the Department of Defense for*
16 *providing capital for working capital and revolving funds*
17 *in amounts as follows:*

18 (1) *For the Defense Working Capital Funds,*
19 *\$90,344,000.*

20 (2) *For the National Defense Sealift Fund,*
21 *\$434,700,000.*

22 **SEC. 303. ARMED FORCES RETIREMENT HOME.**

23 *There is hereby authorized to be appropriated for fiscal*
24 *year 2000 from the Armed Forces Retirement Home Trust*
25 *Fund the sum of \$68,295,000 for the operation of the Armed*

1 *Forces Retirement Home, including the United States Sol-*
2 *diers' and Airmen's Home and the Naval Home.*

3 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE**
4 **TRANSACTION FUND.**

5 (a) *TRANSFER AUTHORITY.*—*To the extent provided in*
6 *appropriations Acts, not more than \$150,000,000 is author-*
7 *ized to be transferred from the National Defense Stockpile*
8 *Transaction Fund to operation and maintenance accounts*
9 *for fiscal year 2000 in amounts as follows:*

10 (1) *For the Army, \$50,000,000.*

11 (2) *For the Navy, \$50,000,000.*

12 (3) *For the Air Force, \$50,000,000.*

13 (b) *TREATMENT OF TRANSFERS.*—*Amounts trans-*
14 *ferred under this section—*

15 (1) *shall be merged with, and be available for the*
16 *same purposes and the same period as, the amounts*
17 *in the accounts to which transferred; and*

18 (2) *may not be expended for an item that has*
19 *been denied authorization of appropriations by Con-*
20 *gress.*

21 (c) *RELATIONSHIP TO OTHER TRANSFER AUTHOR-*
22 *ITY.*—*The transfer authority provided in this section is in*
23 *addition to the transfer authority provided in section 1001.*

1 **SEC. 305. TRANSFER TO DEFENSE WORKING CAPITAL**
2 **FUNDS TO SUPPORT DEFENSE COMMISSARY**
3 **AGENCY.**

4 (a) *ARMY OPERATION AND MAINTENANCE FUNDS.—*
5 *The Secretary of the Army shall transfer \$346,154,000 of*
6 *the amount authorized to be appropriated by section 301(1)*
7 *for operation and maintenance for the Army to the Defense*
8 *Working Capital Funds for the purpose of funding oper-*
9 *ations of the Defense Commissary Agency.*

10 (b) *NAVY OPERATION AND MAINTENANCE FUNDS.—*
11 *The Secretary of the Navy shall transfer \$263,070,000 of*
12 *the amount authorized to be appropriated by section 301(2)*
13 *for operation and maintenance for the Navy to the Defense*
14 *Working Capital Funds for the purpose of funding oper-*
15 *ations of the Defense Commissary Agency.*

16 (c) *MARINE CORPS OPERATION AND MAINTENANCE*
17 *FUNDS.—The Secretary of the Navy shall transfer*
18 *\$90,834,000 of the amount authorized to be appropriated*
19 *by section 301(3) for operation and maintenance for the*
20 *Marine Corps to the Defense Working Capital Funds for*
21 *the purpose of funding operations of the Defense Com-*
22 *missary Agency.*

23 (d) *AIR FORCE OPERATION AND MAINTENANCE*
24 *FUNDS.—The Secretary of the Air Force shall transfer*
25 *\$309,061,000 of the amount authorized to be appropriated*
26 *by section 301(4) for operation and maintenance for the*

1 *Air Force to the Defense Working Capital Funds for the*
2 *purpose of funding operations of the Defense Commissary*
3 *Agency.*

4 (e) *TREATMENT OF TRANSFERS.—Amounts trans-*
5 *ferred under this section—*

6 (1) *shall be merged with, and be available for the*
7 *same purposes and the same period as, other amounts*
8 *in the Defense Working Capital Funds available for*
9 *the purpose of funding operations of the Defense Com-*
10 *missary Agency; and*

11 (2) *may not be expended for an item that has*
12 *been denied authorization of appropriations by Con-*
13 *gress.*

14 (f) *RELATIONSHIP TO OTHER TRANSFER AUTHOR-*
15 *ITY.—The transfers required by this section are in addition*
16 *to the transfer authority provided in section 1001.*

17 ***Subtitle B—Program Requirements,***
18 ***Restrictions, and Limitations***

19 ***SEC. 311. REIMBURSEMENT OF NAVY EXCHANGE SERVICE***
20 ***COMMAND FOR RELOCATION EXPENSES.***

21 *Of the amount authorized to be appropriated by sec-*
22 *tion 301(5) for operation and maintenance for Defense-wide*
23 *activities, \$8,700,000 shall be available to the Secretary of*
24 *Defense for the purpose of reimbursing the Navy Exchange*
25 *Service Command for costs incurred by the Navy Exchange*

1 *Service Command, and ultimately paid by the Navy Ex-*
2 *change Service Command using nonappropriated funds, to*
3 *relocate to Virginia Beach, Virginia, and to lease head-*
4 *quarters space in Virginia Beach.*

5 **SEC. 312. REPLACEMENT OF NONSECURE TACTICAL RADIOS**
6 **OF THE 82ND AIRBORNE DIVISION.**

7 *Of the amount authorized to be appropriated by sec-*
8 *tion 301(1) for operation and maintenance for the Army,*
9 *\$5,500,000 shall be available to the Secretary of the Army*
10 *for the purpose of replacing nonsecure tactical radios used*
11 *by the 82nd Airborne Division with radios, such as models*
12 *AN/PRC-138 and AN/PRC-148, identified as being capa-*
13 *ble of fulfilling mission requirements.*

14 **SEC. 313. OPERATION AND MAINTENANCE OF AIR FORCE**
15 **SPACE LAUNCH FACILITIES.**

16 *(a) ADDITIONAL AUTHORIZATION.—In addition to the*
17 *funds otherwise authorized in this Act for the operation and*
18 *maintenance of the space launch facilities of the Depart-*
19 *ment of the Air Force, there is hereby authorized to be ap-*
20 *propriated \$7,300,000 for space launch operations at such*
21 *launch facilities.*

22 *(b) CORRESPONDING REDUCTION.—The amount au-*
23 *thorized to be appropriated in section 301(4) for operation*
24 *and maintenance for the Air Force is hereby reduced by*
25 *\$7,300,000, to be derived from other service-wide activities.*

1 (c) *STUDY OF SPACE LAUNCH RANGES AND REQUIRE-*
 2 *MENTS.—(1) The Secretary of Defense shall conduct a*
 3 *study—*

4 (A) *to access anticipated military, civil, and*
 5 *commercial space launch requirements;*

6 (B) *to examine the technical shortcomings at the*
 7 *space launch ranges;*

8 (C) *to evaluate oversight arrangements at the*
 9 *space launch ranges; and*

10 (D) *to estimate future funding requirements for*
 11 *space launch ranges capable of meeting both national*
 12 *security space launch needs and civil and commercial*
 13 *space launch needs.*

14 (2) *The Secretary shall conduct the study using the*
 15 *Defense Science Board of the Department of Defense.*

16 (3) *Not later than February 15, 2000, the Secretary*
 17 *shall submit to the congressional defense committees a re-*
 18 *port containing the results of the study.*

19 ***Subtitle C—Environmental***
 20 ***Provisions***

21 ***SEC. 321. REMEDIATION OF ASBESTOS AND LEAD-BASED***

22 ***PAINT.***

23 (a) *USE OF CERTAIN CONTRACTS.—The Secretary of*
 24 *Defense shall use Army Corps of Engineers indefinite deliv-*
 25 *ery, indefinite quantity contracts for the remediation of as-*

1 *bestos and lead-based paint at military installations within*
 2 *the United States in accordance with all applicable Federal*
 3 *and State laws and Department of Defense regulations.*

4 (b) *WAIVER AUTHORITY.—The Secretary of Defense*
 5 *may waive subsection (a) with regard to a military instal-*
 6 *lation that requires asbestos or lead-based paint remedi-*
 7 *ation if the military installation is not included in an*
 8 *Army Corps of Engineers indefinite delivery, indefinite*
 9 *quantity contract. The Secretary shall grant any such waiv-*
 10 *er on a case-by-case basis.*

11 ***Subtitle D—Performance of***
 12 ***Functions by Private-Sector Sources***

13 ***SEC. 331. EXPANSION OF ANNUAL REPORT ON CON-***
 14 ***TRACTING FOR COMMERCIAL AND INDUS-***
 15 ***TRIAL TYPE FUNCTIONS.***

16 *Section 2461(g) of title 10, United States Code, is*
 17 *amended—*

18 (1) *by inserting “(1)” before the first sentence;*

19 (2) *in the second sentence, by striking “The Sec-*
 20 *retary shall” and inserting the following:*

21 *“(3) The Secretary shall also”; and*

22 (3) *by inserting after the first sentence the fol-*
 23 *lowing new paragraph:*

24 *“(2) The Secretary shall include in each such report*
 25 *a summary of the number of work year equivalents per-*

1 *formed by employees of private contractors in providing*
 2 *services to the Department (including both direct and indi-*
 3 *rect labor attributable to the provision of the services) and*
 4 *the total value of the contracted services. The work year*
 5 *equivalents and total value of the services shall be cat-*
 6 *egorized by Federal supply class or service code (using the*
 7 *first character of the code), the appropriation from which*
 8 *the services were funded, and the major organizational ele-*
 9 *ment of the Department procuring the services.”.*

10 **SEC. 332. CONGRESSIONAL NOTIFICATION OF A-76 COST**
 11 **COMPARISON WAIVERS.**

12 *(a) NOTIFICATION REQUIRED.—Section 2467 of title*
 13 *10, United States Code, is amended by adding at the end*
 14 *the following new subsection:*

15 *“(c) CONGRESSIONAL NOTIFICATION OF COST COM-*
 16 *PARISON WAIVER.—(1) Not later than 10 days after a deci-*
 17 *sion is made to waive the cost comparison study otherwise*
 18 *required under Office of Management and Budget Circular*
 19 *A-76 as part of the process to convert to contractor perform-*
 20 *ance any commercial activity of the Department of Defense,*
 21 *the Secretary of Defense shall submit to Congress a report*
 22 *describing the commercial activity subject to the waiver and*
 23 *the rationale for the waiver.*

24 *“(2) The report shall also include the following:*

1 “(A) *The total number of civilian employees or*
 2 *military personnel adversely affected by the decision*
 3 *to waive the cost comparison study and convert the*
 4 *commercial activity to contractor performance.*

5 “(B) *An explanation of whether the contractor*
 6 *was selected, or will be selected, on a competitive basis*
 7 *or sole source basis.*

8 “(C) *The anticipated savings to result from the*
 9 *waiver and resulting conversion to contractor per-*
 10 *formance.”.*

11 (b) *CLERICAL AMENDMENTS.—(1) The heading of such*
 12 *section is amended to read as follows:*

13 “**§2467. Cost comparisons: inclusion of retirement**
 14 **costs; consultation with employees; waiver**
 15 **of comparison”.**

16 (2) *The table of sections at the beginning of chapter*
 17 *146 of such title is amended by striking the item relating*
 18 *to section 2467 and inserting the following new item:*

“2467. Cost comparisons: inclusion of retirement costs; consultation with employ-
ees; waiver of comparison.”.

19 **SEC. 333. IMPROVED EVALUATION OF LOCAL ECONOMIC EF-**
 20 **FECT OF CHANGING DEFENSE FUNCTIONS TO**
 21 **PRIVATE SECTOR PERFORMANCE.**

22 *Section 2461(b)(3)(B) of title 10, United States Code,*
 23 *is amended by striking clause (ii) and inserting the fol-*
 24 *lowing new clause (ii):*

1 “(i) *The local community and the local*
 2 *economy, identifying and taking into consider-*
 3 *ation any unique circumstances affecting the*
 4 *local community or the local economy, if more*
 5 *than 50 employees of the Department of Defense*
 6 *perform the function.”.*

7 **SEC. 334. ANNUAL REPORTS ON EXPENDITURES FOR PER-**
 8 **FORMANCE OF DEPOT-LEVEL MAINTENANCE**
 9 **AND REPAIR WORKLOADS BY PUBLIC AND**
 10 **PRIVATE SECTORS.**

11 *Subsection (e) of section 2466 of title 10, United States*
 12 *Code, is amended to read as follows:*

13 “(e) *ANNUAL REPORTS.—(1) Not later than February*
 14 *1 of each year, the Secretary of Defense shall submit to Con-*
 15 *gress a report identifying, for each of the armed forces (other*
 16 *than the Coast Guard) and each Defense Agency, the per-*
 17 *centage of the funds referred to in subsection (a) that were*
 18 *expended during the preceding two fiscal years for perform-*
 19 *ance of depot-level maintenance and repair workloads by*
 20 *the public and private sectors, as required by this section.*

21 “(2) *Not later than April 1 of each year, the Secretary*
 22 *of Defense shall submit to Congress a report identifying,*
 23 *for each of the armed forces (other than the Coast Guard)*
 24 *and each Defense Agency, the percentage of the funds re-*
 25 *ferred to in subsection (a) that are projected to be expended*

1 *during each of the next five fiscal years for performance*
 2 *of depot-level maintenance and repair workloads by the*
 3 *public and private sectors, as required by this section.*

4 “(3) *Not later than 60 days after the date on which*
 5 *the Secretary submits a report under this subsection, the*
 6 *Comptroller General shall submit to Congress the Comp-*
 7 *troller General’s views on whether—*

8 “(A) *in the case of a report under paragraph*
 9 *(1), the Department of Defense has complied with the*
 10 *requirements of subsection (a) for the fiscal years cov-*
 11 *ered by the report; and*

12 “(B) *in the case of a report under paragraph*
 13 *(2), the expenditure projections for future fiscal years*
 14 *are reasonable.”.*

15 **SEC. 335. APPLICABILITY OF COMPETITION REQUIREMENT**
 16 **IN CONTRACTING OUT WORKLOADS PER-**
 17 **FORMED BY DEPOT-LEVEL ACTIVITIES OF DE-**
 18 **PARTMENT OF DEFENSE.**

19 *Section 2469(b) of title 10, United States Code, is*
 20 *amended by inserting “(including the cost of labor and ma-*
 21 *terials)” after “\$3,000,000”.*

1 **SEC. 336. TREATMENT OF PUBLIC SECTOR WINNING BID-**
 2 **DERS FOR CONTRACTS FOR PERFORMANCE**
 3 **OF DEPOT-LEVEL MAINTENANCE AND REPAIR**
 4 **WORKLOADS FORMERLY PERFORMED AT CER-**
 5 **TAIN MILITARY INSTALLATIONS.**

6 *Section 2469a of title 10, United States Code, is*
 7 *amended by adding at the end the following new subsection:*

8 *“(i) OVERSIGHT OF CONTRACTS AWARDED PUBLIC*
 9 *ENTITIES.—The Secretary of Defense or the Secretary con-*
 10 *cerned may not impose on a public sector entity awarded*
 11 *a contract for the performance of any depot-level mainte-*
 12 *nance and repair workload described in subsection (b) any*
 13 *requirements regarding management systems, reviews, over-*
 14 *sight, or reporting different from the requirements used in*
 15 *the performance and management of other depot-level main-*
 16 *tenance and repair workloads by the entity, unless specifi-*
 17 *cally provided in the solicitation for the contract.”.*

18 **SEC. 337. PROCESS FOR MODERNIZATION OF COMPUTER**
 19 **SYSTEMS AT ARMY COMPUTER CENTERS.**

20 *(a) COVERED ARMY COMPUTER CENTERS.—This sec-*
 21 *tion applies with respect to the following computer centers*
 22 *of the of the Army Communications Electronics Command*
 23 *of the Army Material Command:*

24 *(1) Logistics Systems Support Center in St.*
 25 *Louis, Missouri.*

1 (2) *Industrial Logistics System Center in Cham-*
2 *bersburg, Pennsylvania.*

3 (b) *DEVELOPMENT OF MOST EFFICIENT ORGANIZA-*
4 *TION.—Before selecting any entity to develop and imple-*
5 *ment a new computer system for the Army Material Com-*
6 *mand to perform the functions currently performed by the*
7 *Army computer centers specified in subsection (a), the Sec-*
8 *retary of the Army shall provide the computer centers with*
9 *an opportunity to establish their most efficient organiza-*
10 *tion. The most efficient organization shall be in place not*
11 *later than May 31, 2001.*

12 (c) *MODERNIZATION PROCESS.—After the most effi-*
13 *cient organization is in place at the Army computer centers*
14 *specified in subsection (a), civilian employees of the Depart-*
15 *ment of Defense at these centers shall work in partnership*
16 *with the entity selected to develop and implement a new*
17 *computer system to perform the functions currently per-*
18 *formed by these centers to—*

19 (1) *ensure that the current computer system re-*
20 *mains operational to meet the needs of the Army Ma-*
21 *terial Command until the replacement computer sys-*
22 *tem is fully operational and successfully evaluated;*
23 *and*

1 *long-term viability of core Government logistics man-*
2 *agement skills.*

3 (3) *The process and criteria used by the Air*
4 *Force to determine whether or not Government em-*
5 *ployees can perform sustainment management func-*
6 *tions more cost effectively than the private sector.*

7 (c) *COMPTROLLER GENERAL REVIEW.—Not later than*
8 *30 days after the date on which the report required by sub-*
9 *section (a) is submitted to Congress, the Comptroller Gen-*
10 *eral shall review the report and submit to Congress a brief-*
11 *ing evaluating the report.*

12 **SEC. 339. IDENTIFICATION OF CORE LOGISTICS CAPABILITY**
13 **REQUIREMENTS FOR MAINTENANCE AND RE-**
14 **PAIR OF C-17 AIRCRAFT.**

15 (a) *IDENTIFICATION REPORT REQUIRED.—Building*
16 *upon the plan required by section 351 of the Strom Thur-*
17 *mond National Defense Authorization Act for Fiscal Year*
18 *1999 (Public Law 105–261), the Secretary of the Air Force*
19 *shall submit to Congress a report identifying the core logis-*
20 *tics capability requirements for depot-level maintenance*
21 *and repair for the C-17 aircraft. To identify such require-*
22 *ments, the Secretary shall comply with section 2464 of title*
23 *10, United States Code. The Secretary shall submit the re-*
24 *port to Congress not later than February 1, 2000.*

1 **(b) EFFECT ON EXISTING CONTRACT.**—After February
2 1, 2000, the Secretary of the Air Force may not extend the
3 Interim Contract for the C-17 Flexible Sustainment Pro-
4 gram before the end of the 60-day period beginning on the
5 date on which the report required by subsection (a) is re-
6 ceived by Congress.

7 **(c) COMPTROLLER GENERAL REVIEW.**—During the pe-
8 riod specified in subsection (b), the Comptroller General
9 shall review the report submitted under subsection (a) and
10 submit to Congress a report evaluating the following:

11 (1) The merits of the report submitted under sub-
12 section (a).

13 (2) The extent to which the Air Force is relying
14 on systems for core logistics capability where the
15 workload of Government-owned and Government-oper-
16 ated depots is phasing down because the systems are
17 phasing out of the inventory.

18 (3) The cost effectiveness of the C-17 Flexible
19 Sustainment Program—

20 (A) by identifying depot maintenance and
21 materiel costs for contractor support; and

22 (B) by comparing those costs to the costs
23 originally estimated by the Air Force and to the
24 cost of similar work in an Air Force Logistics
25 Center.

1 ***Subtitle E—Defense Dependents***
2 ***Education***

3 ***SEC. 341. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES***
4 ***THAT BENEFIT DEPENDENTS OF MEMBERS***
5 ***OF THE ARMED FORCES AND DEPARTMENT***
6 ***OF DEFENSE CIVILIAN EMPLOYEES.***

7 (a) *MODIFIED DEPARTMENT OF DEFENSE PROGRAM*
8 *FOR FISCAL YEAR 2000.*—Of the amount authorized to be
9 appropriated by section 301(5) for operation and mainte-
10 nance for Defense-wide activities, \$35,000,000 shall be
11 available only for the purpose of providing educational
12 agencies assistance (as defined in subsection (d)(1)) to local
13 educational agencies.

14 (b) *NOTIFICATION.*—Not later than June 30, 2000, the
15 Secretary of Defense shall notify each local educational
16 agency that is eligible for educational agencies assistance
17 for fiscal year 2000 of—

18 (1) *that agency's eligibility for educational agen-*
19 *cies assistance; and*

20 (2) *the amount of the educational agencies assist-*
21 *ance for which that agency is eligible.*

22 (c) *DISBURSEMENT OF FUNDS.*—The Secretary of De-
23 fense shall disburse funds made available under subsection
24 (a) not later than 30 days after the date on which notifica-

1 *tion to the eligible local educational agencies is provided*
 2 *pursuant to subsection (b).*

3 *(d) DEFINITIONS.—In this section:*

4 *(1) The term “educational agencies assistance”*
 5 *means assistance authorized under section 386(b) of*
 6 *the National Defense Authorization Act for Fiscal*
 7 *Year 1993 (Public Law 102–484; 20 U.S.C. 7703*
 8 *note).*

9 *(2) The term “local educational agency” has the*
 10 *meaning given that term in section 8013(9) of the El-*
 11 *ementary and Secondary Education Act of 1965 (20*
 12 *U.S.C. 7713(9)).*

13 *(e) DETERMINATION OF ELIGIBLE LOCAL EDU-*
 14 *CATIONAL AGENCIES.—Section 386(c)(1) of the National*
 15 *Defense Authorization Act for Fiscal Year 1993 (Public*
 16 *Law 102–484; 20 U.S.C. 7703 note) is amended by striking*
 17 *“in that fiscal year are” and inserting “during the pre-*
 18 *ceding school year were”.*

19 **SEC. 342. CONTINUATION OF ENROLLMENT AT DEPART-**
 20 **MENT OF DEFENSE DOMESTIC DEPENDENT**
 21 **ELEMENTARY AND SECONDARY SCHOOLS.**

22 *Section 2164 of title 10, United States Code, is*
 23 *amended—*

24 *(1) in subsection (c), by striking paragraph (3);*
 25 *and*

1 (2) *by adding at the end the following new sub-*
2 *section:*

3 “(h) *CONTINUATION OF ENROLLMENT DESPITE*
4 *CHANGE IN STATUS.—(1) A dependent of a member of the*
5 *armed forces or a dependent of a Federal employee may*
6 *continue enrollment in an educational program provided*
7 *by the Secretary of Defense pursuant to subsection (a) for*
8 *the remainder of a school year notwithstanding a change*
9 *during such school year in the status of the member or Fed-*
10 *eral employee that, except for this paragraph, would other-*
11 *wise terminate the eligibility of the dependent to be enrolled*
12 *in the program.*

13 “(2) *A dependent of a member of the armed forces, or*
14 *a dependent of a Federal employee, who was enrolled in*
15 *an educational program provided by the Secretary pursu-*
16 *ant to subsection (a) while a junior in that program may*
17 *be enrolled as a senior in that program in the next school*
18 *year, notwithstanding a change in the enrollment eligibility*
19 *status of the dependent that, except for this paragraph,*
20 *would otherwise terminate the eligibility of the dependent*
21 *to be enrolled in the program.*

22 “(3) *Paragraphs (1) and (2) do not limit the authority*
23 *of the Secretary to remove a dependent from enrollment in*
24 *an educational program provided by the Secretary pursu-*

1 *ant to subsection (a) at any time for good cause determined*
 2 *by the Secretary.”.*

3 **SEC. 343. TECHNICAL AMENDMENTS TO DEFENSE DEPEND-**
 4 **ENTS’ EDUCATION ACT OF 1978.**

5 *The Defense Dependents’ Education Act of 1978 (title*
 6 *XIV of Public Law 95–561) is amended as follows:*

7 (1) *Section 1402(b)(1) (20 U.S.C. 921(b)(1)) is*
 8 *amended by striking “recieve” and inserting “re-*
 9 *ceive”.*

10 (2) *Section 1403 (20 U.S.C. 922) is amended—*

11 (A) *by striking the matter in that section*
 12 *preceding subsection (b) and inserting the fol-*
 13 *lowing:*

14 *“ADMINISTRATION OF DEFENSE DEPENDENTS’ EDUCATION*
 15 *SYSTEM*

16 *“SEC. 1403. (a) The defense dependents’ education sys-*
 17 *tem is operated through the field activity of the Department*
 18 *of Defense known as the Department of Defense Education*
 19 *Activity. That activity is headed by a Director, who is a*
 20 *civilian and is selected by the Secretary of Defense. The Di-*
 21 *rector reports to an Assistant Secretary of Defense des-*
 22 *ignated by the Secretary of Defense for purposes of this*
 23 *title.”;*

24 (B) *in subsection (b), by striking “this Act”*
 25 *and inserting “this title”;*

1 (C) in subsection (c)(1), by inserting “(20
2 U.S.C. 901 et seq.)” after “Personnel Practices
3 Act”;

4 (D) in subsection (c)(2), by striking the pe-
5 riod at the end and inserting a comma;

6 (E) in subsection (c)(6), by striking “Assist-
7 ant Secretary of Defense for Manpower, Reserve
8 Affairs, and Logistics” and inserting “the Assist-
9 ant Secretary of Defense designated under sub-
10 section (a)”;

11 (F) in subsection (d)(1), by striking “for the
12 Office of Dependents’ Education”;

13 (G) in subsection (d)(2)—

14 (i) by striking the first sentence;

15 (ii) by striking “Whenever the Office of
16 Dependents’ Education” and inserting
17 “Whenever the Department of Defense Edu-
18 cation Activity”;

19 (iii) by striking “after the submission
20 of the report required under the preceding
21 sentence” and inserting “in a manner that
22 affects the defense dependents’ education
23 system”; and

24 (iv) by striking “an additional report”
25 and inserting “a report”; and

1 (H) in subsection (d)(3), by striking “the
2 Office of Dependents’ Education” and inserting
3 “the Department of Defense Education Activity”.

4 (3) Section 1409 (20 U.S.C. 927) is amended—

5 (A) in subsection (b), by striking “Depart-
6 ment of Health, Education, and Welfare in ac-
7 cordance with section 431 of the General Edu-
8 cation Provisions Act” and inserting “Secretary
9 of Education in accordance with section 437 of
10 the General Education Provisions Act (20 U.S.C.
11 1232)”;

12 (B) in subsection (c)(1), by striking “by
13 academic year 1993–1994”; and

14 (C) in subsection (c)(3)—

15 (i) by striking “IMPLEMENTATION
16 TIMELINES.—In carrying out” and all that
17 follows through “a comprehensive” and in-
18 serting “IMPLEMENTATION.—In carrying
19 out paragraph (2), the Secretary shall have
20 in effect a comprehensive”;

21 (ii) by striking the semicolon after
22 “such individuals” and inserting a period;
23 and

24 (iii) by striking subparagraphs (B)
25 and (C).

1 (4) *Section 1411(d) (20 U.S.C. 929(d)) is*
2 *amended by striking “grade GS–18 in section 5332 of*
3 *title 5, United States Code” and inserting “level IV*
4 *of the Executive Schedule under section 5315 of title*
5 *5, United States Code”.*

6 (5) *Section 1412 (20 U.S.C. 930) is amended—*

7 (A) *in subsection (a)(1)—*

8 (i) *by striking “As soon as” and all*
9 *that follows through “shall provide for” and*
10 *inserting “The Director may from time to*
11 *time, but not more frequently than once a*
12 *year, provide for”;* and

13 (ii) *by striking “system, which” and*
14 *inserting “system. Any such study”;*

15 (B) *in subsection (a)(2)—*

16 (i) *by striking “The study required by*
17 *this subsection” and inserting “Any study*
18 *under paragraph (1)”;* and

19 (ii) *by striking “not later than two*
20 *years after the effective date of this title”;*

21 (C) *in subsection (b), by striking “the*
22 *study” and inserting “any study”;*

23 (D) *in subsection (c)—*

1 (i) by striking “not later than one year
2 after the effective date of this title the re-
3 port” and inserting “any report”; and

4 (ii) by striking “the study” and insert-
5 ing “a study”; and

6 (E) by striking subsection (d).

7 (6) Section 1413 (20 U.S.C. 931) is amended by
8 striking “Not later than 180 days after the effective
9 date of this title, the” and inserting “The”.

10 (7) Section 1414 (20 U.S.C. 932) is amended by
11 adding at the end the following new paragraph:

12 “(6) The term ‘Director’ means the Director of
13 the Department of Defense Education Activity.”.

14 ***Subtitle F—Military Readiness***
15 ***Issues***

16 ***SEC. 351. INDEPENDENT STUDY OF DEPARTMENT OF DE-***
17 ***FENSE SECONDARY INVENTORY AND PARTS***
18 ***SHORTAGES.***

19 (a) *INDEPENDENT STUDY REQUIRED.*—In accordance
20 with this section, the Secretary of Defense shall provide for
21 an independent study of—

22 (1) *current levels of Department of Defense in-*
23 *ventories of spare parts and other supplies, known as*
24 *secondary inventory items, including wholesale and*
25 *retail inventories; and*

1 (2) *reports and evidence of Department of De-*
2 *fense inventory shortages adversely affecting readi-*
3 *ness.*

4 (b) *PERFORMANCE BY INDEPENDENT ENTITY.—To*
5 *conduct the study under this section, the Secretary of De-*
6 *fense shall select a private sector entity or other entity out-*
7 *side the Department of Defense that has experience in parts*
8 *and secondary inventory management.*

9 (c) *MATTERS TO BE INCLUDED IN STUDY.—The Sec-*
10 *retary of Defense shall require the entity conducting the*
11 *study under this section to specifically evaluate the fol-*
12 *lowing:*

13 (1) *How much of the secondary inventory re-*
14 *tained by the Department of Defense for economic,*
15 *contingency, and potential reutilization during the*
16 *five-year period ending December 31, 1998, was actu-*
17 *ally used during each year of the period.*

18 (2) *How much of the retained secondary inven-*
19 *tory currently held by the Department could be de-*
20 *clared to be excess.*

21 (3) *Alternative methods for the disposal or other*
22 *disposition of excess inventory and the cost to the De-*
23 *partment to dispose of excess inventory under each al-*
24 *ternative.*

1 (4) *The total cost per year of storing secondary*
2 *inventory, to be determined using traditional private*
3 *sector cost calculation models.*

4 (d) *TIMETABLE FOR ELIMINATION OF EXCESS INVEN-*
5 *TORY.—As part of the consideration of alternative methods*
6 *to dispose of excess secondary inventory, as required by sub-*
7 *section (c)(3), the entity conducting the study under this*
8 *section shall prepare a timetable for disposal of the excess*
9 *inventory over a period of time not to exceed three years.*

10 (e) *REPORT ON RESULTS OF STUDY.—The Secretary*
11 *of Defense shall require the entity conducting the study*
12 *under this section to submit to the Secretary and to the*
13 *Comptroller General a report containing the results of the*
14 *study, including the entity's findings and conclusions con-*
15 *cerning each of the matters specified in subsection (c), and*
16 *the disposal timetable required by subsection (d). The entity*
17 *shall submit the report at such time as to permit the Sec-*
18 *retary to comply with subsection (f).*

19 (f) *REVIEW AND COMMENTS OF THE SECRETARY OF*
20 *DEFENSE.—Not later than September 1, 2000, the Sec-*
21 *retary of Defense shall submit to Congress a report con-*
22 *taining the following:*

23 (1) *The report submitted under subsection (d),*
24 *together with the Secretary's comments and rec-*
25 *ommendations regarding the report.*

1 (2) *A plan to address the issues of excess and ex-*
2 *cessive inactive inventory and part shortages and a*
3 *timetable to implement the plan throughout the De-*
4 *partment.*

5 (g) *GAO EVALUATION.*—*Not later than 180 days after*
6 *the Secretary of Defense submits to Congress the report*
7 *under subsection (f), the Comptroller General shall submit*
8 *to Congress an evaluation of the report submitted by the*
9 *independent entity under subsection (e) and the report sub-*
10 *mitted by the Secretary under subsection (f).*

11 **SEC. 352. INDEPENDENT STUDY OF ADEQUACY OF DEPART-**
12 **MENT RESTRUCTURED SUSTAINMENT AND**
13 **REENGINEERED LOGISTICS PRODUCT SUP-**
14 **PORT PRACTICES.**

15 (a) *INDEPENDENT STUDY REQUIRED.*—*In accordance*
16 *with this section, the Secretary of Defense shall provide for*
17 *an independent study of restructured sustainment and re-*
18 *engineered logistics product support practices within the*
19 *Department of Defense, which are designed to provide spare*
20 *parts and other supplies to military units and installations*
21 *as needed during a transition to war fighting rather than*
22 *relying on large stockpiles of such spare parts and supplies.*
23 *The purpose of the study is to determine whether restruc-*
24 *tured sustainment and reengineered logistics product sup-*
25 *port practices would be able to provide adequate*

1 *sustainment supplies to military units and installations*
2 *should it ever be necessary to execute the National Military*
3 *Strategy prescribed by the Chairman of the Joint Chiefs*
4 *of Staff.*

5 (b) *PERFORMANCE BY INDEPENDENT ENTITY.*—*The*
6 *Secretary of Defense shall select an experienced private sec-*
7 *tor entity or other entity outside the Department of Defense*
8 *to conduct the study under this section.*

9 (c) *MATTERS TO BE INCLUDED IN STUDY.*—*The Sec-*
10 *retary of Defense shall require the entity conducting the*
11 *study under this section to specifically evaluate (and rec-*
12 *ommend improvements in) the following:*

13 (1) *The assumptions that are used to determine*
14 *required levels of war reserve and prepositioned*
15 *stocks.*

16 (2) *The adequacy of supplies projected to be*
17 *available to support the fighting of two, nearly simul-*
18 *taneous, major theater wars, as required by the Na-*
19 *tional Military Strategy.*

20 (3) *The expected availability through the na-*
21 *tional technology and industrial base of spare parts*
22 *and supplies not readily available in the Department*
23 *inventories, such as parts for aging equipment that*
24 *no longer have active vendor support.*

1 (d) *REPORT ON RESULTS OF STUDY.*—The Secretary
2 of Defense shall require the entity conducting the study
3 under this section to submit to the Secretary and to the
4 Comptroller General a report containing the results of the
5 study, including the entity’s findings, conclusions, and rec-
6 ommendations concerning each of the matters specified in
7 subsection (c). The entity shall submit the report at such
8 time as to permit the Secretary to comply with subsection
9 (e).

10 (e) *REVIEW AND COMMENTS OF THE SECRETARY OF*
11 *DEFENSE.*—Not later than March 1, 2000, the Secretary
12 of Defense shall submit to Congress a report containing the
13 report submitted under subsection (d), together with the
14 Secretary’s comments and recommendations regarding the
15 report.

16 (f) *GAO EVALUATION.*—Not later than 180 days after
17 the Secretary of Defense submits to Congress the report
18 under subsection (e), the Comptroller General shall submit
19 to Congress an evaluation of the report submitted by the
20 independent entity under subsection (d) and the report sub-
21 mitted by the Secretary under subsection (e).

22 **SEC. 353. INDEPENDENT STUDY OF MILITARY READINESS**
23 **REPORTING SYSTEM.**

24 (a) *INDEPENDENT STUDY REQUIRED.*—(1) The Sec-
25 retary of Defense shall provide for an independent study

1 of requirements for a comprehensive readiness reporting
2 system for the Department of Defense as provided in section
3 117 of title 10, United States Code (as added by section
4 373 of the Strom Thurmond National Defense Authoriza-
5 tion Act for Fiscal Year 1999 (Public Law 105–261; 112
6 Stat. 1990).

7 (2) The Secretary shall provide for the study to be con-
8 ducted by the Rand Corporation. The amount of a contract
9 for the study may not exceed \$1,000,000.

10 (3) The Secretary shall require that all components of
11 the Department of Defense cooperate fully with the organi-
12 zation carrying out the study.

13 (b) *MATTERS TO BE INCLUDED IN STUDY.*—The Sec-
14 retary shall require that the organization conducting the
15 study under this section specifically consider the require-
16 ments for providing an objective, accurate, and timely read-
17 iness reporting system for the Department of Defense meet-
18 ing the characteristics and having the capabilities estab-
19 lished in section 373 of the Strom Thurmond National De-
20 fense Authorization Act for Fiscal Year 1999.

21 (c) *REPORT.*—(1) The Secretary of Defense shall re-
22 quire the organization conducting the study under this sec-
23 tion to submit to the Secretary a report on the study not
24 later than March 1, 2000. The organization shall include

1 *in the report its findings and conclusions concerning each*
2 *of the matters specified in subsection (b).*

3 (2) *The Secretary shall submit the report under para-*
4 *graph (1), together with the Secretary's comments on the*
5 *report, to Congress not later than April 1, 2000.*

6 **SEC. 354. REVIEW OF REAL PROPERTY MAINTENANCE AND**
7 **ITS EFFECT ON READINESS.**

8 (a) *REVIEW REQUIRED.*—*The Secretary of Defense*
9 *shall conduct a review of the impact that the consistent lack*
10 *of adequate funding for real property maintenance of mili-*
11 *tary installations during the five-year period ending De-*
12 *cember 31, 1998, has had on readiness, the quality of life*
13 *of members of the Armed Forces and their dependents, and*
14 *the infrastructure on military installations.*

15 (b) *MATTERS TO BE INCLUDED IN REVIEW.*—*In con-*
16 *ducting the review under this section, the Secretary of De-*
17 *fense shall specifically consider the following for the Army,*
18 *Navy, Marine Corps, and Air Force:*

19 (1) *For each year of the covered five-year period,*
20 *the extent to which unit training and operating funds*
21 *were diverted to meet basic base operations and real*
22 *property maintenance needs.*

23 (2) *The types of training delayed, canceled, or*
24 *curtailed as a result of the diversion of such funds.*

1 (3) *The level of funding required to eliminate the*
2 *real property maintenance backlog at military instal-*
3 *lations so that facilities meet the standards necessary*
4 *for optimum utilization during times of mobilization.*

5 (c) *PARTICIPATION OF INDEPENDENT ENTITY.—(1) As*
6 *part of the review conducted under this section, Secretary*
7 *of Defense shall select an independent entity—*

8 (A) *to review the method of command and man-*
9 *agement of military installations for the Army, Navy,*
10 *Marine Corps, and Air Force;*

11 (B) *to develop, based on such review, a service-*
12 *specific plan for the optimum command structure for*
13 *military installations, to have major command status,*
14 *which is designed to enhance the development of in-*
15 *stallations doctrine, privatization and outsourcing,*
16 *commercial activities, environmental compliance pro-*
17 *grams, installation restoration, and military con-*
18 *struction; and*

19 (C) *to recommend a timetable for the implemen-*
20 *tation of the plan for each service.*

21 (2) *The Secretary of Defense shall select an experienced*
22 *private sector entity or other entity outside the Department*
23 *of Defense to carry out this subsection.*

24 (d) *REPORT REQUIRED.—Not later than March 1,*
25 *2000, the Secretary of Defense shall submit to Congress a*

1 *report containing the results of the review required under*
2 *this section and the plan for an optimum command struc-*
3 *ture required by subsection (c), together with the Secretary's*
4 *comments and recommendations regarding the plan.*

5 **SEC. 355. ESTABLISHMENT OF LOGISTICS STANDARDS FOR**
6 **SUSTAINED MILITARY OPERATIONS.**

7 (a) *ESTABLISHMENT OF STANDARDS.*—*The Secretary*
8 *of Defense, in consultation with senior military com-*
9 *manders and the Secretaries of the military departments,*
10 *shall establish standards for deployable units of the Armed*
11 *Forces regarding—*

12 (1) *the level of spare parts that the units must*
13 *have on hand; and*

14 (2) *similar logistics and sustainment needs of the*
15 *units.*

16 (b) *BASIS FOR STANDARDS.*—*The standards to be es-*
17 *tablished under subsection (a) shall be based upon the fol-*
18 *lowing:*

19 (1) *The unit's wartime mission, as reflected in*
20 *the war-fighting plans of the relevant combatant com-*
21 *manders.*

22 (2) *An assessment of the likely requirement for*
23 *sustained operations under each such war-fighting*
24 *plan.*

1 (3) *An assessment of the likely requirement for*
2 *that unit to conduct sustained operations in an aus-*
3 *tere environment, while drawing exclusively on its*
4 *own internal logistics capabilities.*

5 (c) *SUFFICIENCY CAPABILITIES.—The standards to be*
6 *established under subsection (a) shall reflect those spare*
7 *parts and similar logistics capabilities that the Secretary*
8 *of Defense considers sufficient for units of the Armed Forces*
9 *to successfully execute their missions under the conditions*
10 *described in subsection (b).*

11 (d) *RELATION TO READINESS REPORTING SYSTEM.—*
12 *The standards established under subsection (a) shall be*
13 *taken into account in designing the comprehensive readi-*
14 *ness reporting system for the Department of Defense re-*
15 *quired by section 117 of title 10, United States Code, and*
16 *shall be an element in determining a unit's readiness status.*

17 (e) *RELATION TO ANNUAL FUNDING NEEDS.—The Sec-*
18 *retary of Defense shall consider the standards established*
19 *under subsection (a) in establishing the annual funding re-*
20 *quirements for the Department of Defense.*

21 (f) *REPORTING REQUIREMENT.—The Secretary of De-*
22 *fense shall include in the annual report required by section*
23 *113(c) of title 10, United States Code, an analysis of the*
24 *then current spare parts, logistics, and sustainment stand-*
25 *ards of the Armed Forces, as described in subsection (a),*

1 *including any shortfalls and the cost of addressing these*
 2 *shortfalls.*

3 ***Subtitle G—Other Matters***

4 ***SEC. 361. DISCRETIONARY AUTHORITY TO INSTALL TELE-***
 5 ***COMMUNICATION EQUIPMENT FOR PERSONS***
 6 ***PERFORMING VOLUNTARY SERVICES.***

7 *Section 1588 of title 10, United States Code, is amend-*
 8 *ed by adding at the end the following new subsection:*

9 *“(f) AUTHORITY TO INSTALL EQUIPMENT.—(1) The*
 10 *Secretary concerned may install telephone lines and any*
 11 *necessary telecommunication equipment in the private resi-*
 12 *dences of designated persons providing voluntary services*
 13 *accepted under subsection (a)(3) and pay the charges in-*
 14 *curred for the use of the equipment for authorized purposes.*

15 *“(2) Notwithstanding section 1348 of title 31, the Sec-*
 16 *retary concerned may use appropriated or nonappropriated*
 17 *funds of the military department under the jurisdiction of*
 18 *the Secretary or, with respect to the Coast Guard, the de-*
 19 *partment in which the Coast Guard is operating, to carry*
 20 *out this subsection.*

21 *“(3) The Secretary of Defense and, with respect to the*
 22 *Coast Guard, the Secretary of the department in which the*
 23 *Coast Guard is operating, shall prescribe regulations to*
 24 *carry out this subsection.”.*

1 **SEC. 362. CONTRACTING AUTHORITY FOR DEFENSE WORK-**
2 **ING CAPITAL FUNDED INDUSTRIAL FACILI-**
3 **TIES.**

4 *Section 2208(j) of title 10, United States Code, is*
5 *amended—*

6 *(1) in the matter preceding paragraph (1), by*
7 *striking “or remanufacturing” and inserting “, re-*
8 *manufacturing, and engineering”;*

9 *(2) in paragraph (1), by inserting “or a sub-*
10 *contract under a Department of Defense contract” be-*
11 *fore the semicolon; and*

12 *(3) in paragraph (2), by striking “Department*
13 *of Defense solicitation for such contract” and insert-*
14 *ing “solicitation for the contract or subcontract”.*

15 **SEC. 363. CLARIFICATION OF CONDITION ON SALE OF ARTI-**
16 **CLES AND SERVICES OF INDUSTRIAL FACILI-**
17 **TIES TO PERSONS OUTSIDE DEPARTMENT OF**
18 **DEFENSE.**

19 *Section 2553(g) of title 10, United States Code, is*
20 *amended—*

21 *(1) by redesignating paragraph (2) as para-*
22 *graph (3); and*

23 *(2) by inserting after paragraph (1) the fol-*
24 *lowing new paragraph:*

25 *“(2) The term ‘not available’, with respect to an*
26 *article or service proposed to be sold under this sec-*

1 *tion, means that the article or service is unavailable*
 2 *from a commercial source in the required quantity*
 3 *and quality, within the time required, or at prices*
 4 *less than the price available through an industrial fa-*
 5 *cility of the armed forces.”.*

6 **SEC. 364. SPECIAL AUTHORITY OF DISBURSING OFFICIALS**
 7 **REGARDING AUTOMATED TELLER MACHINES**
 8 **ON NAVAL VESSELS.**

9 *Section 3342 of title 31, United States Code, is amend-*
 10 *ed by adding at the end the following new subsection:*

11 *“(f) With respect to automated teller machines on*
 12 *naval vessels of the Navy, the authority of a disbursing offi-*
 13 *cial of the United States Government under subsection (a)*
 14 *also includes the following:*

15 *“(1) The authority to provide operating funds to*
 16 *the automated teller machines.*

17 *“(2) The authority to accept, for safekeeping, de-*
 18 *posits and transfers of funds made through the auto-*
 19 *mated teller machines.”.*

20 **SEC. 365. PRESERVATION OF HISTORIC BUILDINGS AND**
 21 **GROUPS AT UNITED STATES SOLDIERS’ AND**
 22 **AIRMEN’S HOME, DISTRICT OF COLUMBIA.**

23 *The Armed Forces Retirement Home Act of 1991 (title*
 24 *XV of Public Law 101–510; 24 U.S.C. 401 et seq.) is*

1 *apply for and accept a direct grant from the Secretary of*
2 *the Interior under section 101(e)(3) of the National Historic*
3 *Preservation Act (16 U.S.C. 470a(e)(3)) for the purpose of*
4 *maintaining, repairing, and preserving the historic build-*
5 *ings and grounds of the United States Soldiers' and Air-*
6 *men's Home included on the National Register of Historic*
7 *Places.*

8 “(c) *REQUIREMENTS AND LIMITATIONS.*—Amounts re-
9 *ceived as a grant under subsection (b) shall be deposited*
10 *in the Fund, but shall be kept separate from other amounts*
11 *in the Fund. The amounts received may only be used for*
12 *the purpose specified in subsection (b).”.*

13 **SEC. 366. CLARIFICATION OF LAND CONVEYANCE AUTHOR-**
14 **ITY, UNITED STATES SOLDIERS' AND AIR-**
15 **MEN'S HOME.**

16 (a) *MANNER OF CONVEYANCE.*—Subsection (a)(1) of
17 *section 1053 of the National Defense Authorization Act for*
18 *Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2650)*
19 *is amended by striking “convey by sale” and inserting*
20 *“convey, by sale or lease,”.*

21 (b) *TIME FOR CONVEYANCE.*—Subsection (a)(2) of such
22 *section is amended to read as follows:*

23 “(2) *The Armed Forces Retirement Home Board shall*
24 *sell or lease the property described in subsection (a) within*

1 *12 months after the date of the enactment of the National*
2 *Defense Authorization Act for Fiscal Year 2000.”*

3 *(c) MANNER, TERMS, AND CONDITIONS OF CONVEY-*
4 *ANCE.—Subsection (b) of such section is amended—*

5 *(1) by striking paragraph (1) and inserting the*
6 *following new paragraph: “(1) The Armed Forces Re-*
7 *tirement Home Board shall determine the manner,*
8 *terms, and conditions for the sale or lease of the real*
9 *property under subsection (a), except as follows:*

10 *“(A) Any lease of the real property under sub-*
11 *section (a) shall include an option to purchase.*

12 *“(B) The conveyance may not involve any form*
13 *of public/private partnership, but shall be limited to*
14 *fee-simple sale or long-term lease.*

15 *“(C) Before conveying the property by sale or*
16 *lease to any other person or entity, the Board shall*
17 *provide the Catholic University of America with the*
18 *opportunity to match or exceed the highest bona fide*
19 *offer otherwise received for the purchase or lease of the*
20 *property, as the case may be, and to acquire the prop-*
21 *erty.”; and*

22 *(2) in paragraph (2), by adding at the end the*
23 *following new sentence: “In no event shall the sale or*
24 *lease of the property be for less than the appraised*

1 *value of the property in its existing condition and on*
 2 *the basis of its highest and best use.”.*

3 **SEC. 367. TREATMENT OF ALASKA, HAWAII, AND GUAM IN**
 4 **DEFENSE HOUSEHOLD GOODS MOVING PRO-**
 5 **GRAMS.**

6 *(a) LIMITATION ON INCLUSION IN TEST PROGRAMS.—*
 7 *Alaska, Hawaii, and Guam shall not be included as a point*
 8 *of origin in any test or demonstration program of the De-*
 9 *partment of Defense regarding the moving of household*
 10 *goods of members of the Armed Forces.*

11 *(b) SEPARATE REGIONS; DESTINATIONS.—In any De-*
 12 *partment of Defense household goods moving program that*
 13 *is not subject to the prohibition in subsection (a)—*

14 *(1) Alaska, Hawaii, and Guam shall each con-*
 15 *stitute a separate region; and*

16 *(2) Hawaii and Guam shall be considered inter-*
 17 *national destinations.*

18 **TITLE IV—MILITARY PERSONNEL**
 19 **AUTHORIZATIONS**
 20 **Subtitle A—Active Forces**

21 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

22 *The Armed Forces are authorized strengths for active*
 23 *duty personel as of September 30, 2000, as follows:*

24 *(1) The Army, 480,000.*

25 *(2) The Navy, 372,037.*

1 (3) *The Marine Corps, 172,518.*

2 (4) *The Air Force, 360,877.*

3 **SEC. 402. REVISION IN PERMANENT END STRENGTH MIN-**
4 **IMUM LEVELS.**

5 (a) *REVISED END STRENGTH FLOORS.*—Section
6 *691(b) of title 10, United States Code, is amended—*

7 (1) *in paragraph (2), by striking “372,696” and*
8 *inserting “371,781”;*

9 (2) *in paragraph (3), by striking “172,200” and*
10 *inserting “172,148”; and*

11 (3) *in paragraph (4), by striking “370,802” and*
12 *inserting “360,877”.*

13 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
14 *section (a) shall take effect on October 1, 1999.*

15 **SEC. 403. APPOINTMENTS TO CERTAIN SENIOR JOINT OFFI-**
16 **CER POSITIONS.**

17 (a) *PERMANENT EXEMPTION AUTHORITY.*—*Para-*
18 *graph (5) of section 525(b) of title 10, United States Code,*
19 *is amended by striking subparagraph (C).*

20 (b) *PERMANENT REQUIREMENT FOR MILITARY DE-*
21 *PARTMENT SUBMISSIONS FOR CERTAIN JOINT 4-STAR*
22 *DUTY ASSIGNMENTS.*—*Section 604 of such title is amended*
23 *by striking subsection (c).*

24 (c) *CLARIFICATION OF CERTAIN LIMITATIONS ON NUM-*
25 *BER OF ACTIVE-DUTY GENERALS AND ADMIRALS.*—*Para-*

1 *graph (5) of section 525(b) of such title is further amended*
2 *by adding at the end of subparagraph (A) the following new*
3 *sentence: “Any increase by reason of the preceding sentence*
4 *in the number of officers of an armed force serving on active*
5 *duty in grades above major general or rear admiral may*
6 *only be realized by an increase in the number of lieutenant*
7 *generals or vice admirals, as the case may, serving on active*
8 *duty, and any such increase may not be construed as au-*
9 *thorizing an increase in the limitation on the total number*
10 *of general or flag officers for that armed force under section*
11 *526(a) of this title or in the number of general and flag*
12 *officers that may be designated under section 526(b) of this*
13 *title.”.*

14 ***Subtitle B—Reserve Forces***

15 ***SEC. 411. END STRENGTHS FOR SELECTED RESERVE.***

16 *(a) IN GENERAL.—The Armed Forces are authorized*
17 *strengths for Selected Reserve personnel of the reserve com-*
18 *ponents as of September 30, 2000, as follows:*

19 *(1) The Army National Guard of the United*
20 *States, 350,000.*

21 *(2) The Army Reserve, 205,000.*

22 *(3) The Naval Reserve, 90,288.*

23 *(4) The Marine Corps Reserve, 39,624.*

24 *(5) The Air National Guard of the United*
25 *States, 106,678.*

1 (6) *The Air Force Reserve, 73,708.*

2 (7) *The Coast Guard Reserve, 8,000.*

3 (b) *ADJUSTMENTS.—The end strengths prescribed by*
 4 *subsection (a) for the Selected Reserve of any reserve compo-*
 5 *nent shall be proportionately reduced by—*

6 (1) *the total authorized strength of units orga-*
 7 *nized to serve as units of the Selected Reserve of such*
 8 *component which are on active duty (other than for*
 9 *training) at the end of the fiscal year; and*

10 (2) *the total number of individual members not*
 11 *in units organized to serve as units of the Selected*
 12 *Reserve of such component who are on active duty*
 13 *(other than for training or for unsatisfactory partici-*
 14 *pation in training) without their consent at the end*
 15 *of the fiscal year.*

16 *Whenever such units or such individual members are re-*
 17 *leased from active duty during any fiscal year, the end*
 18 *strength prescribed for such fiscal year for the Selected Re-*
 19 *serve of such reserve component shall be proportionately in-*
 20 *creased by the total authorized strengths of such units and*
 21 *by the total number of such individual members.*

22 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
 23 **DUTY IN SUPPORT OF THE RESERVES.**

24 *Within the end strengths prescribed in section 411(a),*
 25 *the reserve components of the Armed Forces are authorized,*

1 (4) *For the Air National Guard of the United*
 2 *States, 22,247.*

3 **SEC. 414. INCREASE IN NUMBER OF ARMY AND AIR FORCE**
 4 **MEMBERS IN CERTAIN GRADES AUTHORIZED**
 5 **TO SERVE ON ACTIVE DUTY IN SUPPORT OF**
 6 **THE RESERVES.**

7 (a) *OFFICERS.—The table in section 12011(a) of title*
 8 10, *United States Code, is amended to read as follows:*

<i>Grade</i>	<i>Army</i>	<i>Navy</i>	<i>Air Force</i>	<i>Marine Corps</i>
<i>Major or Lieutenant Commander</i>	3,219	1,071	843	140
<i>Lieutenant Colonel or Commander</i>	1,595	520	746	90
<i>Colonel or Navy Captain</i>	471	188	297	30”.

9 (b) *SENIOR ENLISTED MEMBERS.—The table in sec-*
 10 *tion 12012(a) of such title is amended to read as follows:*

<i>Grade</i>	<i>Army</i>	<i>Navy</i>	<i>Air Force</i>	<i>Marine Corps</i>
<i>E-9</i>	645	202	403	20
<i>E-8</i>	2,585	429	1,029	94”.

11 (c) *EFFECTIVE DATE.—The amendments made by this*
 12 *section shall take effect on October 1, 1999.*

13 **SEC. 415. SELECTED RESERVE END STRENGTH FLEXI-**
 14 **BILITY.**

15 Section 115(c) of title 10, *United States Code, is*
 16 *amended—*

17 (1) *by striking “and” at the end of paragraph*
 18 (1);

19 (2) *by striking the period at the end of para-*
 20 *graph (2) and inserting “; and”; and*

1 (3) by adding at the end the following new para-
2 graph:

3 “(3) vary the end strength authorized pursuant
4 to subsection (a)(2) for a fiscal year for the Selected
5 Reserve of any of the reserve components by a number
6 equal to not more than 2 percent of that end
7 strength.”.

8 **Subtitle C—Authorization of**
9 **Appropriations**

10 **SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**
11 **TARY PERSONNEL.**

12 There is hereby authorized to be appropriated to the
13 Department of Defense for military personnel for fiscal year
14 2000 a total of \$72,115,367,000. The authorization in the
15 preceding sentence supersedes any other authorization of
16 appropriations (definite or indefinite) for such purpose for
17 fiscal year 2000.

18 **TITLE V—MILITARY PERSONNEL**
19 **POLICY**

20 **Subtitle A—Officer Personnel Policy**

21 **SEC. 501. RECOMMENDATIONS FOR PROMOTION BY SELEC-**
22 **TION BOARDS.**

23 Section 575(b)(2) of title 10, United States Code, is
24 amended by adding at the end the following new sentence:
25 “If the number determined under this subsection within a

1 *grade (or grade and competitive category) is less than one,*
 2 *the board may recommend one such officer from within that*
 3 *grade (or grade and competitive category).”.*

4 **SEC. 502. TECHNICAL AMENDMENTS RELATING TO JOINT**
 5 **DUTY ASSIGNMENTS.**

6 (a) *JOINT DUTY ASSIGNMENTS FOR GENERAL AND*
 7 *FLAG OFFICERS.*—*Subsection (g) of section 619a of title 10,*
 8 *United States Code, is amended to read as follows:*

9 “(g) *LIMITATION FOR GENERAL AND FLAG OFFICERS*
 10 *PREVIOUSLY RECEIVING JOINT DUTY ASSIGNMENT WAIV-*
 11 *ER.*—*A general officer or flag officer who before January*
 12 *1, 1999, received a waiver of subsection (a) under the au-*
 13 *thority of this subsection (as in effect before that date) may*
 14 *not be appointed to the grade of lieutenant general of vice*
 15 *admiral until the officer completes a full tour of duty in*
 16 *a joint duty assignment.”.*

17 (b) *NUCLEAR PROPULSION OFFICERS.*—*Subsection (h)*
 18 *of that section is amended—*

19 (1) *by striking “(1) Until January 1, 1997, an”*
 20 *inserting “An”;*

21 (2) *by striking “may be” and inserting “who be-*
 22 *fore January 1, 1997, is”;*

23 (3) *by striking “. An officer so appointed”;* and

24 (4) *by striking paragraph (2).*

1 **Subtitle B—Matters Relating to**
 2 **Reserve Components**

3 **SEC. 511. CONTINUATION ON RESERVE ACTIVE STATUS**

4 **LIST TO COMPLETE DISCIPLINARY ACTION.**

5 (a) *IN GENERAL.*—Chapter 1407 of title 10, United
 6 States Code, is amended by adding at the end the following
 7 new section:

8 **“§14518. Continuation on reserve active status list to**
 9 **complete disciplinary action**

10 “When an action is commenced against a Reserve offi-
 11 cer with a view to trying the officer by court-martial, as
 12 authorized by section 802(d) of this title, the Secretary con-
 13 cerned may delay the separation or retirement of the officer
 14 under this chapter until the completion of the disciplinary
 15 action under chapter 47 of this title.”.

16 (b) *CLERICAL AMENDMENT.*—The table of sections at
 17 the beginning of such chapter 1407 is amended by adding
 18 at the end the following new item:

 “14518. Continuation on reserve active status list to complete disciplinary ac-
 tion.”.

19 **SEC. 512. AUTHORITY TO ORDER RESERVE COMPONENT**

20 **MEMBERS TO ACTIVE DUTY TO COMPLETE A**
 21 **MEDICAL EVALUATION.**

22 Section 12301 of title 10, United States Code, is
 23 amended by adding at the end the following new subsection:

1 “(h)(1) When authorized by the Secretary of Defense,
2 the Secretary of the military department concerned may
3 order a member of a reserve component to active duty, with
4 the consent of that member, to receive authorized medical
5 care, to be medically evaluated for disability or other pur-
6 poses, or to complete a required Department of Defense
7 health care study, which may include an associated medical
8 evaluation of the member.

9 “(2) A member ordered to active duty under this sub-
10 section may be retained with the member’s consent, when
11 the Secretary concerned considers it appropriate, for med-
12 ical treatment for a condition associated with the study or
13 evaluation, if that treatment of the member otherwise is au-
14 thorized by law.

15 “(3) A member of the Army National Guard of the
16 United States or the Air National Guard of the United
17 States may not be ordered to active duty under this sub-
18 section without the consent of the Governor or other appro-
19 priate authority of the State concerned.”.

20 **SEC. 513. ELIGIBILITY FOR CONSIDERATION FOR PRO-**
21 **MOTION.**

22 (a) *AMENDMENT.*—Section 14301 of title 10, United
23 States Code, is amended by adding at the end the following
24 new subsection:

1 “(h) *OFFICERS ON EDUCATIONAL DELAY.*—A Reserve
 2 *officer who is in an educational delay status for the purpose*
 3 *of attending an approved institution of higher education*
 4 *for advanced training, subsidized by the military depart-*
 5 *ment concerned in the form of a scholarship or stipend, is*
 6 *ineligible for consideration for promotion while in that sta-*
 7 *tus. The officer shall remain on the Reserve active status*
 8 *list while in such an educational delay status.”.*

9 (b) *RETROACTIVE EFFECT.*—The Secretary concerned,
 10 *upon application, shall expunge from the record of any offi-*
 11 *cer a nonselection for promotion if the nonselection occurred*
 12 *during a period the officer was serving in an educational*
 13 *delay status that occurred during the period beginning on*
 14 *October 1, 1996, and ending on the date of the enactment*
 15 *of this Act.*

16 **SEC. 514. RETENTION UNTIL COMPLETION OF 20 YEARS OF**
 17 **SERVICE FOR RESERVE COMPONENT MAJORS**
 18 **AND LIEUTENANT COMMANDERS WHO TWICE**
 19 **FAIL OF SELECTION FOR PROMOTION.**

20 Section 14506 of title 10, United States Code, is
 21 *amended by striking “section 14513” and all that follows*
 22 *and inserting “section 14513 of this title on the later of—*
 23 “(1) *the first day of the month after the month*
 24 *in which the officer completes 20 years of commis-*
 25 *sioned service; or*

1 *duty or initial service in the Ready Reserve in the*
 2 *specialty that results from such a degree.*

3 “(b) *The exclusion under subsection (a)(3) does not*
 4 *apply to service performed by an officer who previously*
 5 *served on active duty or participated as a member of the*
 6 *Ready Reserve in other than a student status for the period*
 7 *of service preceding the member’s service in a student sta-*
 8 *tus.”.*

9 **SEC. 516. AUTHORITY TO RETAIN RESERVE COMPONENT**

10 **CHAPLAINS UNTIL AGE 67.**

11 *Section 14703(b) of title 10, United States Code, is*
 12 *amended by striking “(or, in the case of a Reserve officer*
 13 *of the Army in the Chaplains or a Reserve officer of the*
 14 *Air Force designated as a chaplain, 60 years of age)”.*

15 **SEC. 517. EXPANSION AND CODIFICATION OF AUTHORITY**

16 **FOR SPACE-REQUIRED TRAVEL FOR RE-**
 17 **SERVES.**

18 *(a) CODIFICATION.—(1) Chapter 1209 of title 10,*
 19 *United States Code, is amended by adding at the end the*
 20 *following new section:*

21 **“§ 12323. Space-required travel for Reserves**

22 *“A member of a reserve component is authorized to*
 23 *travel in a space-required status on aircraft of the armed*
 24 *forces between home and place of inactive duty training,*
 25 *or place of duty in lieu of unit training assembly, when*

1 *there is no road or railroad transportation (or combination*
 2 *of road and railroad transportation) between those loca-*
 3 *tions. A member traveling in that status on a military air-*
 4 *craft pursuant to the authority provided in this section is*
 5 *not authorized to receive travel, transportation, or per diem*
 6 *allowances in connection with that travel.”.*

7 (2) *The table of sections at the beginning of such chap-*
 8 *ter is amended by adding at the end the following new item:*

“12323. Space-required travel for Reserves.”.

9 (b) *EFFECTIVE DATE.*—*Section 12323 of title 10,*
 10 *United States Code, as added by subsection (a), shall take*
 11 *effect on October 1, 1999.*

12 **SEC. 518. FINANCIAL ASSISTANCE PROGRAM FOR SPE-**
 13 **CIALLY SELECTED MEMBERS OF THE MARINE**
 14 **CORPS RESERVE.**

15 (a) *IN GENERAL.*—*Chapter 1205 of title 10, United*
 16 *States Code, is amended by adding at the end the following*
 17 *new section:*

18 **“§ 12216. Financial assistance for members of the Ma-**
 19 **rine Corps platoon leader’s class program**

20 *“(a) PROGRAM AUTHORITY.*—*The Secretary of the*
 21 *Navy may provide payment of not more than \$5,200 per*
 22 *year for a period not to exceed three consecutive years of*
 23 *educational expenses (including tuition, fees, books, and*
 24 *laboratory expenses) to an eligible enlisted member of the*
 25 *Marine Corps Reserve for completion of—*

1 “(1) *baccalaureate degree requirements in an ap-*
 2 *proved academic program that requires less than five*
 3 *academic years to complete; or*

4 “(2) *doctor of jurisprudence or bachelor of laws*
 5 *degree requirements in an approved academic pro-*
 6 *gram which requires not more than three years to*
 7 *complete.*

8 “(b) *ELIGIBLE RESERVISTS.—To be eligible for receipt*
 9 *of educational expenses as authorized by subsection (a), an*
 10 *enlisted member of the Marine Corps Reserve must—*

11 “(1) *either—*

12 “(A) *be under 27 years of age on June 30*
 13 *of the calendar year in which the member is eli-*
 14 *gible for appointment as a second lieutenant in*
 15 *the Marine Corps for such persons in a bacca-*
 16 *laureate degree program described in subsection*
 17 *(a)(1), except that any such member who has*
 18 *served on active duty in the armed forces may*
 19 *exceed such age limitation on such date by a pe-*
 20 *riod equal to the period such member served on*
 21 *active duty, but only if such member will be*
 22 *under 30 years of age on such date; or*

23 “(B) *be under 31 years of age on June 30*
 24 *of the calendar year in which the member is eli-*
 25 *gible for appointment as a second lieutenant in*

1 *the Marine Corps for such persons in a doctor of*
2 *jurisprudence or bachelor of laws degree program*
3 *described in subsection (a)(2), except that any*
4 *such member who has served on active duty in*
5 *the armed forces may exceed such age limitation*
6 *on such date by a period equal to the period such*
7 *member served on active duty, but only if such*
8 *member will be under 35 years of age on such*
9 *date;*

10 *“(2) be satisfactorily enrolled at any accredited*
11 *civilian educational institution authorized to grant*
12 *baccalaureate, doctor of jurisprudence or bachelor of*
13 *law degrees;*

14 *“(3) be selected as an officer candidate in the*
15 *Marine Corps Platoon Leader’s Class Program and*
16 *successfully complete one increment of military train-*
17 *ing of not less than six weeks’ duration; and*

18 *“(4) agree in writing—*

19 *“(A) to accept an appointment as a com-*
20 *missioned officer in the Marine Corps, if ten-*
21 *dered by the President;*

22 *“(B) to serve on active duty for a minimum*
23 *of five years; and*

24 *“(C) under such terms and conditions as*
25 *shall be prescribed by the Secretary of the Navy,*

1 *to serve in the Marine Corps Reserve until the*
2 *eighth anniversary of the receipt of such ap-*
3 *pointment.*

4 “(c) *APPOINTMENT.*—*Upon satisfactorily completing*
5 *the academic and military requirements of the Marine*
6 *Corps Platoon Leaders Class Program, an officer candidate*
7 *may be appointed by the President as a Reserve officer in*
8 *the Marine Corps in the grade of second lieutenant.*

9 “(d) *LIMITATION ON NUMBER.*—*Not more than 1,200*
10 *officer candidates may participate in the financial assist-*
11 *ance program authorized by this section at any one time.*

12 “(e) *REMEDIAL AUTHORITY OF SECRETARY.*—*An offi-*
13 *cer candidate may be ordered to active duty in the Marine*
14 *Corps by the Secretary of the Navy to serve in an appro-*
15 *priate enlisted grade for such period of time as the Sec-*
16 *retary prescribes, but not for more than four years, when*
17 *such person—*

18 “(1) *accepted financial assistance under this sec-*
19 *tion; and*

20 “(2) *either—*

21 “(A) *completes the military and academic*
22 *requirements of the Marine Corps Platoon Lead-*
23 *ers Class Program and refuses to accept a com-*
24 *mission when offered;*

1 “(B) fails to complete the military or aca-
 2 demic requirements of the Marine Corps Platoon
 3 Leaders Class Program; or

4 “(C) is disenrolled from the Marine Corps
 5 Platoon Leaders Class Program for failure to
 6 maintain eligibility for an original appointment
 7 as a commissioned officer under section 532 of
 8 this title.

9 “(d) *PERSONS NOT QUALIFIED FOR APPOINTMENT.*—
 10 *Except under regulations prescribed by the Secretary of the*
 11 *Navy, a person who is not physically qualified for appoint-*
 12 *ment under section 532 of this title and subsequently is de-*
 13 *termined by the Secretary of the Navy under section 505*
 14 *of this title to be unqualified for service as an enlisted mem-*
 15 *ber of the Marine Corps due to a physical or medical condi-*
 16 *tion that was not the result of misconduct or grossly neg-*
 17 *ligent conduct may request a waiver of obligated service of*
 18 *such financial assistance.”.*

19 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 20 *the beginning of such chapter is amended by adding at the*
 21 *end the following new item:*

*“12216. Financial assistance for members of the Marine Corps platoon leader’s
 class program.”.*

22 (c) *COMPUTATION OF SERVICE CREDITABLE.*—*Section*
 23 *205 of title 37, United States Code, is amended by adding*
 24 *at the end the following new subsection:*

1 “(f) Notwithstanding subsection (a), a commissioned
2 officer appointed under sections 12209 and 12216 of title
3 10 may not count in computing basic pay a period of serv-
4 ice after January 1, 2000, that the officer performed concur-
5 rently as a member of the Marine Corps Platoon Leaders
6 Class Program and the Marine Corps Reserve, except that
7 service after that date that the officer performed before com-
8 missioning while serving as an enlisted member on active
9 duty or as a member of the Selected Reserve may be so
10 counted.”.

11 (d) *TRANSITION PROVISION.*—An enlisted member of
12 the Marine Corps Reserve selected for training as officer
13 candidates under section 12209 of title 10, United States
14 Code, before October 1, 2000 may, upon submitting an ap-
15 propriate application, participate in the financial assist-
16 ance program established in subsection (a) if—

17 (1) the member is eligible for financial assistance
18 under the qualification requirements of subsection (a);

19 (2) the member submits to the Secretary of the
20 Navy a request for such financial assistance not later
21 than 180 days after the date of the enactment of this
22 Act; and

23 (3) the member agrees in writing to accept an
24 appointment, if offered in the Marine Corps Reserve,
25 and to comply with the length of obligated service

1 provisions in subsection (a)(2)(D) of section 12216 of
2 title 10, United States Code, as added by subsection
3 (a).

4 (e) *LIMITATION ON CREDITING OF PRIOR SERVICE.*—
5 In computing length of service for any purpose, a person
6 who requests financial assistance under subsection (d) may
7 not be credited with service either as an officer candidate
8 or concurrent enlisted service, other than concurrent en-
9 listed service while serving on active duty other than for
10 training while a member of the Marine Corps Reserve.

11 **SEC. 519. OPTIONS TO IMPROVE RECRUITING FOR THE**
12 **ARMY RESERVE.**

13 (a) *REVIEW.*—The Secretary of the Army shall conduct
14 a review of the manner, process, and organization used by
15 the Army to recruit new members for the Army Reserve.
16 The review shall seek to determine the reasons for the con-
17 tinuing inability of the Army to meet recruiting objectives
18 for the Army Reserve and to identify measures the Sec-
19 retary could take to correct that inability.

20 (b) *REORGANIZATION TO BE CONSIDERED.*—Among
21 the possible corrective measures to be examined by the Sec-
22 retary of the Army as part of the review shall be a transfer
23 of the recruiting function for the Army Reserve from the
24 Army Recruiting Command to a new, fully resourced re-

1 *cruting organization under the command and control of*
 2 *the Chief, Army Reserve.*

3 *(c) REPORT.—Not later than July 1, 2000, the Sec-*
 4 *retary shall submit to the Committee on Armed Services*
 5 *of the Senate and the Committee on Armed Service of the*
 6 *House of Representatives a report setting forth the results*
 7 *of the review under this section. The report shall include*
 8 *a description of any corrective measures the Secretary in-*
 9 *tends to implement.*

10 ***Subtitle C—Military Technicians***

11 ***SEC. 521. REVISION TO MILITARY TECHNICIAN (DUAL STA-*** 12 ***TUS) LAW.***

13 *(a) DEFINITION.—Subsection (a)(1) of section 10216*
 14 *of title 10, United States Code, is amended—*

15 *(1) in subparagraph (A), by striking “section*
 16 *709” and inserting “section 709(b)”; and*

17 *(2) in subparagraph (C), by inserting “civilian”*
 18 *after “is assigned to a”.*

19 *(b) DUAL STATUS REQUIREMENT.—Subsection (e) of*
 20 *such section is amended—*

21 *(1) in paragraph (1), by inserting “(dual sta-*
 22 *tus)” after “military technician” the second place it*
 23 *appears; and*

24 *(2) in paragraph (2)—*

1 (A) by striking “The Secretary” and insert-
 2 ing “Except as otherwise provided by law, the
 3 Secretary”; and

4 (B) by striking “six months” and inserting
 5 “up to 12 months”.

6 **SEC. 522. CIVIL SERVICE RETIREMENT OF TECHNICIANS.**

7 (a) *IN GENERAL.*—(1) Chapter 1007 of title 10, United
 8 States Code, is amended by adding at the end the following
 9 new section:

10 **“§10218. Army and Air Force Reserve Technicians:**
 11 **conditions for retention; mandatory re-**
 12 **tirement under civil service laws**

13 “(a) *SEPARATION AND RETIREMENT OF MILITARY*
 14 *TECHNICIANS (DUAL STATUS).*—(1) An individual em-
 15 ployed by the Army Reserve or the Air Force Reserve as
 16 a military technician (dual status) who after the date of
 17 the enactment of this section loses dual status is subject to
 18 paragraph (2) or (3), as the case may be.

19 “(2) If a technician described in paragraph (1) is eli-
 20 gible at the time dual status is lost for an unreduced annu-
 21 ity, the technician shall be separated, subject to subsection
 22 (e), not later than 30 days after the date on which dual
 23 status is lost.

1 “(3)(A) *If a technician described in paragraph (1) is*
2 *not eligible at the time dual status is lost for an unreduced*
3 *annuity, the technician shall be offered the opportunity to—*

4 “(i) *reapply for, and if qualified be appointed*
5 *to, a position as a military technician (dual status);*
6 *or*

7 “(ii) *apply for a civil service position that is not*
8 *a technician position.*

9 “(B) *If such a technician continues employment with*
10 *the Army Reserve or the Air Force Reserve as a non-dual*
11 *status technician, the technician—*

12 “(i) *shall not be permitted, after the end of the*
13 *one-year period beginning on the date of the enact-*
14 *ment of this subsection, to apply for any voluntary*
15 *personnel action; and*

16 “(ii) *shall, subject to subsection (e), be separated*
17 *or retired—*

18 “(I) *in the case of a technician first hired*
19 *as a military technician (dual status) on or be-*
20 *fore February 10, 1996, not later than 30 days*
21 *after becoming eligible for an unreduced annu-*
22 *ity; and*

23 “(II) *in the case of a technician first hired*
24 *as a military technician (dual status) after Feb-*

1 *ruary 10, 1996, not later than one year after the*
 2 *date on which dual status is lost.*

3 *“(4) For purposes of this subsection, a military techni-*
 4 *cian is considered to lose dual status upon—*

5 *“(A) being separated from the Selected Reserve;*
 6 *or*

7 *“(B) ceasing to hold the military grade specified*
 8 *by the Secretary concerned for the position held by the*
 9 *technician.*

10 *“(b) NON-DUAL STATUS TECHNICIANS.—(1) An indi-*
 11 *vidual who on the date of the enactment of this section is*
 12 *employed by the Army Reserve or the Air Force Reserve*
 13 *as a non-dual status technician and who on that date is*
 14 *eligible for an unreduced annuity shall, subject to subsection*
 15 *(e), be separated not later than six months after the date*
 16 *of the enactment of this section.*

17 *“(2)(A) An individual who on the date of the enact-*
 18 *ment of this section is employed by the Army Reserve or*
 19 *the Air Force Reserve as a non-dual status technician and*
 20 *who on that date is not eligible for an unreduced annuity*
 21 *shall be offered the opportunity to—*

22 *“(i) reapply for, and if qualified be appointed*
 23 *to, a position as a military technician (dual status);*
 24 *or*

1 “(ii) apply for a civil service position that is not
2 a technician position.

3 “(B) If such a technician continues employment with
4 the Army Reserve or the Air Force Reserve as a non-dual
5 status technician, the technician—

6 “(i) shall not be permitted, after the end of the
7 one-year period beginning on the date of the enact-
8 ment of this subsection, to apply for any voluntary
9 personnel action; and

10 “(ii) shall, subject to subsection (e), be separated
11 or retired—

12 “(I) in the case of a technician first hired
13 as a technician on or before February 10, 1996,
14 and who on the date of the enactment of this sec-
15 tion is a non-dual status technician, not later
16 than 30 days after becoming eligible for an unre-
17 duced annuity; and

18 “(II) in the case of a technician first hired
19 as a technician after February 10, 1996, and
20 who on the date of the enactment of this section
21 is a non-dual status technician, not later than
22 one year after the date on which dual status is
23 lost.

24 “(3) An individual employed by the Army Reserve or
25 the Air Force Reserve as a non-dual status technician who

1 *is ineligible for appointment to a military technician (dual*
2 *status) position, or who decides not to apply for appoint-*
3 *ment to such a position, or who, within six months of the*
4 *date of the enactment of this section is not appointed to*
5 *such a position, shall for reduction-in-force purposes be in*
6 *a separate competitive category from employees who are*
7 *military technicians (dual status).*

8 “(c) *UNREDUCED ANNUITY DEFINED.*—*For purposes*
9 *of this section, a technician shall be considered to be eligible*
10 *for an unreduced annuity if the technician is eligible for*
11 *an annuity under section 8336, 8412, or 8414 of title 5*
12 *that is not subject to a reduction by reason of the age or*
13 *years of service of the technician.*

14 “(d) *VOLUNTARY PERSONNEL ACTION DEFINED.*—*In*
15 *this section, the term ‘voluntary personnel action’, with re-*
16 *spect to a non-dual status technician, means any of the fol-*
17 *lowing:*

18 “(1) *The hiring, entry, appointment, reassign-*
19 *ment, promotion, or transfer of the technician into a*
20 *position for which the Secretary concerned has estab-*
21 *lished a requirement that the person occupying the*
22 *position be a military technician (dual status).*

23 “(2) *Promotion to a higher grade if the techni-*
24 *cian is in a position for which the Secretary con-*
25 *cerned has established a requirement that the person*

1 *occupying the position be a military technician (dual*
 2 *status).*

3 “(e) *ANNUAL LIMITATION ON MANDATORY RETIRE-*
 4 *MENTS.—Until October 1, 2004, the Secretary of the Army*
 5 *and the Secretary of the Air Force may not during any*
 6 *fiscal year approve a total of more than 25 mandatory re-*
 7 *tirements under this section. A technician who is subject*
 8 *to mandatory separation under this section in any fiscal*
 9 *year and who, but for this subsection, would be eligible to*
 10 *be retired with an unreduced annuity shall, if not sooner*
 11 *separated under some other provision of law, be eligible to*
 12 *be retained in service until mandatorily retired consistent*
 13 *with the limitation in this subsection.”.*

14 (2) *The table of sections at the beginning of such chap-*
 15 *ter is amended by adding at the end the following new item:*

“10218. Army and Air Force Reserve Technicians: conditions for retention; man-
datory retirement under civil service laws.”.

16 (3) *During the six-month period beginning on the date*
 17 *of the enactment of this Act, the provisions of subsections*
 18 *(a)(3)(B)(ii)(I) and (b)(2)(B)(ii)(I) of section 10218 of title*
 19 *10, United States Code, as added by paragraph (1), shall*
 20 *be applied by substituting “six months” for “30 days”.*

21 (b) *EARLY RETIREMENT.—Section 8414(c) of title 5,*
 22 *United States Code, is amended to read as follows:*

23 “(c)(1) *An employee who was hired as a military re-*
 24 *serve technician on or before February 10, 1996 (under the*

1 *provisions of this title in effect before that date), and who*
 2 *is separated from technician service, after becoming 50*
 3 *years of age and completing 25 years of service, by reason*
 4 *of being separated from the Selected Reserve of the employ-*
 5 *ee's reserve component or ceasing to hold the military grade*
 6 *specified by the Secretary concerned for the position held*
 7 *by the employee is entitled to an annuity.*

8 “(2) *An employee who is initially hired as a military*
 9 *technician (dual status) after February 10, 1996, and who*
 10 *is separated from the Selected Reserve or ceases to hold the*
 11 *military grade specified by the Secretary concerned for the*
 12 *position held by the technician—*

13 “(A) *after completing 25 years of service as a*
 14 *military technician (dual status), or*

15 “(B) *after becoming 50 years of age and com-*
 16 *pleting 20 years of service as a military technician*
 17 *(dual status),*
 18 *is entitled to an annuity.”.*

19 (c) *CONFORMING AMENDMENTS.—Chapter 84 of title*
 20 *5, United States Code, is amended as follows:*

21 (1) *Section 8415(g)(2) is amended by striking*
 22 *“military reserve technician” and inserting “military*
 23 *technician (dual status)”.*

24 (2) *Section 8401(30) is amended to read as fol-*
 25 *lows:*

1 “(30) the term ‘military technician (dual sta-
2 tus)’ means an employee described in section 10216 of
3 title 10;”.

4 (d) *DISABILITY RETIREMENT*.—Section 8337(h) of
5 title 5, United States Code, is amended—

6 (1) in paragraph (1)—

7 (A) by inserting “or section 10216 of title
8 10” after “title 32”;

9 (B) by striking “such title” and all that fol-
10 lows through the period and inserting “title 32
11 or section 10216 of title 10, respectively, to be a
12 member of the Selected Reserve.”;

13 (2) in paragraph (2)(A)(i)—

14 (A) by inserting “or section 10216 of title
15 10” after “title 32”; and

16 (B) by striking “National Guard or from
17 holding the military grade required for such em-
18 ployment” and inserting “Selected Reserve”; and

19 (3) in paragraph (3)(C), by inserting “or section
20 10216 of title 10” after “title 32”.

21 **SEC. 523. REVISION TO NON-DUAL STATUS TECHNICIANS**

22 **STATUTE.**

23 (a) *REVISION*.—Section 10217 of title 10, United
24 States Code, is amended—

25 (1) in subsection (a)—

1 (A) by striking “military” after “non-dual
2 status” in the matter preceding paragraph (1);
3 and

4 (B) by striking paragraphs (1) and (2) and
5 inserting the following:

6 “(1) was hired as a technician before November
7 18, 1997, under any of the authorities specified in
8 subsection (b) and as of that date is not a member
9 of the Selected Reserve or after such date has ceased
10 to be a member of the Selected Reserve; or

11 “(2) is employed under section 709 of title 32 in
12 a position designated under subsection (c) of that sec-
13 tion and when hired was not required to maintain
14 membership in the Selected Reserve.”; and

15 (2) by adding at the end the following new sub-
16 section:

17 “(c) *PERMANENT LIMITATIONS ON NUMBER.*—(1) Ef-
18 fective October 1, 2007, the total number of non-dual status
19 technicians employed by the Army Reserve and Air Force
20 Reserve may not exceed 175. If at any time after the pre-
21 ceding sentence takes effect the number of non-dual status
22 technicians employed by the Army Reserve and Air Force
23 Reserve exceeds the number specified in the limitation in
24 the preceding sentence, the Secretary of Defense shall re-
25 quire that the Secretary of the Army or the Secretary of

1 *the Air Force, or both, take immediate steps to reduce the*
 2 *number of such technicians in order to comply with such*
 3 *limitation.*

4 “(2) *Effective October 1, 2001, the total number of non-*
 5 *dual status technicians employed by the National Guard*
 6 *may not exceed 1,950. If at any time after the preceding*
 7 *sentence takes effect the number of non-dual status techni-*
 8 *cians employed by the National Guard exceeds the number*
 9 *specified in the limitation in the preceding sentence, the*
 10 *Secretary of Defense shall require that the Secretary of the*
 11 *Army or the Secretary of the Air Force, or both, take imme-*
 12 *diately steps to reduce the number of such technicians in*
 13 *order to comply with such limitation.”.*

14 (c) *CONFORMING AMENDMENTS.—The heading of such*
 15 *section and the item relating to such section in the table*
 16 *of sections at the beginning of chapter 1007 of such title*
 17 *are each amended by striking the penultimate word.*

18 **SEC. 524. REVISION TO AUTHORITIES RELATING TO NA-**
 19 **TIONAL GUARD TECHNICIANS.**

20 *Section 709 of title 32, United States Code, is amended*
 21 *to read as follows:*

22 **“§ 709. Technicians: employment, use, status**

23 “(a) *Under regulations prescribed by the Secretary of*
 24 *the Army or the Secretary of the Air Force, as the case may*

1 *be, and subject to subsections (b) and (c), persons may be*
2 *employed as technicians in—*

3 “(1) *the administration and training of the Na-*
4 *tional Guard; and*

5 “(2) *the maintenance and repair of supplies*
6 *issued to the National Guard or the armed forces.*

7 “(b) *Except as authorized in subsection (c), a person*
8 *employed under subsection (a) must meet each of the fol-*
9 *lowing requirements:*

10 “(1) *Be a military technician (dual status) as*
11 *defined in section 10216(a) of title 10.*

12 “(2) *Be a member of the National Guard.*

13 “(3) *Hold the military grade specified by the*
14 *Secretary concerned for that position.*

15 “(4) *While performing duties as a military tech-*
16 *nician (dual status), wear the uniform appropriate*
17 *for the member’s grade and component of the armed*
18 *forces .*

19 “(c)(1) *A person may be employed under subsection*
20 *(a) as a non-dual status technician (as defined by section*
21 *10217 of title 10) if the technician position occupied by the*
22 *person has been designated by the Secretary concerned to*
23 *be filled only by a non-dual status technician.*

1 “(2) *The total number of non-dual status technicians*
2 *in the National Guard is specified in section 10217(c)(2)*
3 *of title 10.*

4 “(d) *The Secretary concerned shall designate the adju-*
5 *stants general referred to in section 314 of this title to em-*
6 *ploy and administer the technicians authorized by this sec-*
7 *tion.*

8 “(e) *A technician employed under subsection (a) is an*
9 *employee of the Department of the Army or the Department*
10 *of the Air Force, as the case may be, and an employee of*
11 *the United States. However, a position authorized by this*
12 *section is outside the competitive service if the technician*
13 *employed in that position is required under subsection (b)*
14 *to be a member of the National Guard.*

15 “(f) *Notwithstanding any other provision of law and*
16 *under regulations prescribed by the Secretary concerned—*

17 “(1) *a person employed under subsection (a) who*
18 *is a military technician (dual status) and otherwise*
19 *subject to the requirements of subsection (b) who—*

20 “(A) *is separated from the National Guard*
21 *or ceases to hold the military grade specified by*
22 *the Secretary concerned for that position shall be*
23 *promptly separated from military technician*
24 *(dual status) employment by the adjutant gen-*
25 *eral of the jurisdiction concerned; and*

1 “(B) fails to meet the military security
2 standards established by the Secretary concerned
3 for a member of a reserve component under his
4 jurisdiction may be separated from employment
5 as a military technician (dual status) and con-
6 currently discharged from the National Guard by
7 the adjutant general of the jurisdiction con-
8 cerned;

9 “(2) a technician may, at any time, be separated
10 from his technician employment for cause by the ad-
11 jutant general of the jurisdiction concerned;

12 “(3) a reduction in force, removal, or an adverse
13 action involving discharge from technician employ-
14 ment, suspension, furlough without pay, or reduction
15 in rank or compensation shall be accomplished by the
16 adjutant general of the jurisdiction concerned;

17 “(4) a right of appeal which may exist with re-
18 spect to paragraph (1), (2), or (3) shall not extend be-
19 yond the adjutant general of the jurisdiction con-
20 cerned; and

21 “(5) a technician shall be notified in writing of
22 the termination of his employment as a technician
23 and, unless the technician is serving under a tem-
24 porary appointment, is serving in a trial or proba-
25 tionary period, or has voluntarily ceased to be a

1 *member of the National Guard when such membership*
2 *is a condition of employment, such notification shall*
3 *be given at least 30 days before the termination date*
4 *of such employment.*

5 *“(g) Sections 2108, 3502, 7511, and 7512 of title 5*
6 *do not apply to a person employed under this section.*

7 *“(h) Notwithstanding sections 5544(a) and 6101(a) of*
8 *title 5 or any other provision of law, the Secretary con-*
9 *cerned may prescribe the hours of duty for technicians. Not-*
10 *withstanding sections 5542 and 5543 of title 5 or any other*
11 *provision of law, such technicians shall be granted an*
12 *amount of compensatory time off from their scheduled tour*
13 *of duty equal to the amount of any time spent by them*
14 *in irregular or overtime work, and shall not be entitled to*
15 *compensation for such work.*

16 *“(i) The Secretary concerned may not prescribe for*
17 *purposes of eligibility for Federal recognition under section*
18 *301 of this title a qualification applicable to technicians*
19 *employed under subsection (a) that is not applicable pursu-*
20 *ant to that section to the other members of the National*
21 *Guard in the same grade, branch, position, and type of unit*
22 *or organization involved.”.*

23 **SEC. 525. EFFECTIVE DATE.**

24 *The amendments made by sections 523 and 524 shall*
25 *take effect 180 days after the date of the receipt by Congress*

1 of the plan required by section 523(d) of the National De-
2 fense Authorization Act for Fiscal Year 1998 (Public Law
3 105–85; 111 Stat. 1737) or a report by the Secretary of
4 Defense providing an alternative proposal to the plan re-
5 quired by that section.

6 **SEC. 526. SECRETARY OF DEFENSE REVIEW OF ARMY TECH-**
7 **NICIAN COSTING PROCESS.**

8 (a) *REVIEW.*—The Secretary of Defense shall review
9 the process used by the Army, including use of the Civilian
10 Manpower Obligation Resources (CMOR) model, to develop
11 estimates of the annual authorizations and appropriations
12 required for civilian personnel of the Department of the
13 Army generally and for National Guard and Army Reserve
14 technicians in particular. Based upon the review, the Sec-
15 retary shall direct that any appropriate revisions to that
16 process be implemented.

17 (b) *PURPOSE OF REVIEW.*—The purpose of the review
18 shall be to ensure that the process referred to in subsection

19 (a) does the following:

20 (1) Accurately and fully incorporates all the ac-
21 tual cost factors for such personnel, including particu-
22 larly those factors necessary to recruit, train, and sus-
23 tain a qualified technician workforce.

24 (2) Provides estimates of required annual appro-
25 priations required to fully fund all the technicians

1 *(both dual status and non-dual status) requested in*
2 *the President's budget.*

3 *(3) Eliminates inaccuracies in the process that*
4 *compel both the Army Reserve and the Army Na-*
5 *tional Guard either (A) to reduce the number of mili-*
6 *tary technicians (dual status) below the statutory*
7 *floors without corresponding force structure reduc-*
8 *tions, or (B) to transfer funds from other appropria-*
9 *tions simply to provide the required funding for mili-*
10 *tary technicians (dual status).*

11 *(c) REPORT.—The Secretary of Defense shall submit*
12 *to the Committee on Armed Services of the Senate and the*
13 *Committee on Armed Services of the House of Representa-*
14 *tives a report containing the results of the review under-*
15 *taken under this section, together with a description of cor-*
16 *rective actions taken and proposed, not later than March*
17 *31, 2000.*

18 **SEC. 527. FISCAL YEAR 2000 LIMITATION ON NUMBER OF**

19 **NON-DUAL STATUS TECHNICIANS.**

20 *The number of civilian employees who are non-dual*
21 *status technicians of a reserve component of the Army or*
22 *Air Force as of September 30, 2000, may not exceed the*
23 *following:*

24 *(1) For the Army Reserve, 1,295.*

1 (2) *For the Army National Guard of the United*
2 *States, 1,800.*

3 (3) *For the Air Force Reserve, 0.*

4 (4) *For the Air National Guard of the United*
5 *States, 342.*

6 ***Subtitle D—Service Academies***

7 ***SEC. 531. WAIVER OF REIMBURSEMENT OF EXPENSES FOR*** 8 ***INSTRUCTION AT SERVICE ACADEMIES OF*** 9 ***PERSONS FROM FOREIGN COUNTRIES.***

10 (a) *UNITED STATES MILITARY ACADEMY.—Section*
11 *4344(b)(3) of title 10, United States Code, is amended—*

12 (1) *by striking “35 percent” and inserting “50*
13 *percent”; and*

14 (2) *by striking “five persons” and inserting “20*
15 *persons”.*

16 (b) *NAVAL ACADEMY.—Section 6957(b)(3) of such title*
17 *is amended—*

18 (1) *by striking “35 percent” and inserting “50*
19 *percent”; and*

20 (2) *by striking “five persons” and inserting “20*
21 *persons”.*

22 (c) *AIR FORCE ACADEMY.—Section 9344(b)(3) of such*
23 *title is amended—*

24 (1) *by striking “35 percent” and inserting “50*
25 *percent”; and*

1 (2) by striking “five persons” and inserting “20
2 persons”.

3 (d) *EFFECTIVE DATE.*—*The amendments made by this*
4 *section apply with respect to students from a foreign coun-*
5 *try entering the United States Military Academy, the*
6 *United States Naval Academy, or the United States Air*
7 *Force Academy on or after May 1, 1999.*

8 **SEC. 532. COMPLIANCE BY UNITED STATES MILITARY ACAD-**
9 **EMY WITH STATUTORY LIMIT ON SIZE OF**
10 **CORPS OF CADETS.**

11 (a) *COMPLIANCE REQUIRED.*—(1) *The Secretary of the*
12 *Army shall take such action as necessary to ensure that the*
13 *United States Military Academy is in compliance with the*
14 *USMA cadet strength limit not later than the day before*
15 *the last day of the 2001–2002 academic year.*

16 (2) *The Secretary of the Army may provide for a vari-*
17 *ance to the USMA cadet strength limit—*

18 (A) *as of the day before the last day of the 1999-*
19 *2000 academic year of not more than 5 percent; and*

20 (B) *as of the day before the last day of the 2000-*
21 *2001 academic year of not more than 2½ percent.*

22 (3) *For purposes of this subsection—*

23 (A) *the USMA cadet strength limit is the max-*
24 *imum of 4,000 cadets established for the Corps of Ca-*
25 *deets at the United States Military Academy by sec-*

1 *tion 511 of the National Defense Authorization Act*
 2 *for Fiscal Years 1992 and 1993 (Public Law 102–*
 3 *190; 10 U.S.C. 4342 note), reenacted in section*
 4 *4342(a) of title 10, United States Code, by the*
 5 *amendment made by subsection (b)(1); and*

6 *(B) the last day of the 2001–2002 academic year*
 7 *is the day on which the class of 2002 graduates.*

8 *(b) REENACTMENT OF LIMITATION.—*

9 *(1) ARMY.—Section 4342 of title 10, United*
 10 *States Code, is amended—*

11 *(A) in subsection (a), by striking “is as fol-*
 12 *lows:” in the matter preceding paragraph (1)*
 13 *and inserting “(determined for any year as of*
 14 *the day before the last day of the academic year)*
 15 *is 4,000. Subject to that limitation, cadets are*
 16 *selected as follows:”;* and

17 *(B) by adding at the end the following new*
 18 *subsection:*

19 *“(i) For purposes of the limitation under subsection*
 20 *(a), the last day of an academic year is graduation day.”.*

21 *(2) NAVY.—Section 6954 of such title is*
 22 *amended—*

23 *(A) by striking the matter preceding para-*
 24 *graph (1) and inserting the following:*

1 “(a) *The authorized strength of the Brigade of Mid-*
2 *shipmen (determined for any year as of the day before the*
3 *last day of the academic year) is 4,000. Subject to that limi-*
4 *tation, midshipmen are selected as follows:”;* and

5 *(B) by adding at the end the following new*
6 *subsection:*

7 “(g) *For purposes of the limitation under subsection*
8 *(a), the last day of an academic year is graduation day.”.*

9 (3) *AIR FORCE.—Section 9342 of such title is*
10 *amended—*

11 *(A) in subsection (a), by striking “is as fol-*
12 *lows:” in the matter preceding paragraph (1)*
13 *and inserting “(determined for any year as of*
14 *the day before the last day of the academic year)*
15 *is 4,000. Subject to that limitation, Air Force*
16 *Cadets are selected as follows:”;* and

17 *(B) by adding at the end the following new*
18 *subsection:*

19 “(i) *For purposes of the limitation under subsection*
20 *(a), the last day of an academic year is graduation day.”.*

21 (4) *CONFORMING REPEAL.—Section 511 of the*
22 *National Defense Authorization Act for Fiscal Years*
23 *1992 and 1993 (Public Law 102–190; 10 U.S.C. 4342*
24 *note) is repealed.*

1 **SEC. 533. DEAN OF ACADEMIC BOARD, UNITED STATES**
2 **MILITARY ACADEMY AND DEAN OF THE FAC-**
3 **ULTY, UNITED STATES AIR FORCE ACADEMY.**

4 (a) *DEAN OF THE ACADEMIC BOARD, USMA.*—Section
5 4335 of title 10, United States Code, is amended by adding
6 at the end the following new subsection:

7 “(c) While serving as Dean of the Academic Board,
8 an officer of the Army who holds a grade lower than briga-
9 dier general shall hold the grade of brigadier general, if ap-
10 pointed to that grade by the President, by and with the
11 advice and consent of the Senate. The retirement age of an
12 officer so appointed is that of a permanent professor of the
13 Academy. An officer so appointed is counted for purposes
14 of the limitation in section 526(a) of this title on general
15 officers of the Army on active duty.”

16 (b) *DEAN OF THE FACULTY, USAFA.*—Section 9335
17 of title 10, United States Code, is amended—

18 (1) by inserting “(a)” at the beginning of the
19 text of the section; and

20 (2) by adding at the end the following new sub-
21 section:

22 “(b) While serving as Dean of the Faculty, an officer
23 of the Air Force who holds a grade lower than brigadier
24 general shall hold the grade of brigadier general, if ap-
25 pointed to that grade by the President, by and with the
26 advice and consent of the Senate. The retirement age of an

1 *officer so appointed is that of a permanent professor of the*
 2 *Academy An officer so appointed is counted for purposes*
 3 *of the limitation in section 526(a) of this title on general*
 4 *officers of the Air Force on active duty.”.*

5 **SEC. 534. EXCLUSION FROM CERTAIN GENERAL AND FLAG**
 6 **OFFICER GRADE STRENGTH LIMITATIONS**
 7 **FOR THE SUPERINTENDENTS OF THE SERV-**
 8 **ICE ACADEMIES.**

9 *Section 525(b) of title 10, United States Code, is*
 10 *amended by adding at the end the following new paragraph:*

11 *“(7) An officer of the Army while serving as Super-*
 12 *intendent of the United States Military Academy, if serving*
 13 *in the grade of lieutenant general, is in addition to the*
 14 *number that would otherwise be permitted for the Army for*
 15 *officers serving on active duty in grades above major gen-*
 16 *eral under paragraph (1). An officer of the Navy or Marine*
 17 *Corps while serving as Superintendent of the United States*
 18 *Naval Academy, if serving in the grade of vice admiral or*
 19 *lieutenant general, is in addition to the number that would*
 20 *otherwise be permitted for the Navy or Marine Corps, re-*
 21 *spectively, for officers serving on active duty in grades*
 22 *above major general or rear admiral under paragraph (1)*
 23 *or (2). An officer while serving as Superintendent of the*
 24 *United Air Force Academy, if serving in the grade of lieu-*
 25 *tenant general, is in addition to the number that would*

1 *otherwise be permitted for the Air Force for officers serving*
 2 *on active duty in grades above major general under para-*
 3 *graph (1).”.*

4 ***Subtitle E—Education and***
 5 ***Training***

6 ***SEC. 541. ESTABLISHMENT OF A DEPARTMENT OF DEFENSE***
 7 ***INTERNATIONAL STUDENT PROGRAM AT THE***
 8 ***SENIOR MILITARY COLLEGES.***

9 *(a) IN GENERAL.—(1) Chapter 103 of title 10, United*
 10 *States Code, is amended by adding at the end the following*
 11 *new section:*

12 ***“§2111b. Senior military colleges: Department of De-***
 13 ***fense international student program***

14 *“(a) PROGRAM REQUIREMENT.—The Secretary of De-*
 15 *fense shall establish a program to facilitate the enrollment*
 16 *and instruction of persons from foreign countries as inter-*
 17 *national students at the senior military colleges.*

18 *“(b) PURPOSES.—The purposes of the program shall*
 19 *be—*

20 *“(1) to provide a high-quality, cost-effective mili-*
 21 *tary-based educational experience for international*
 22 *students in furtherance of the military-to-military*
 23 *program objectives of the Department of Defense; and*

24 *“(2) to enhance the educational experience and*
 25 *preparation of future United States military leaders*

1 *through increased, extended interaction with highly*
2 *qualified potential foreign military leaders.*

3 “(c) *COORDINATION WITH THE SENIOR MILITARY COL-*
4 *LEGES.—Guidelines for implementation of the program*
5 *shall be developed in coordination with the senior military*
6 *colleges.*

7 “(d) *RECOMMENDATIONS FOR ADMISSION OF STU-*
8 *DENTS UNDER THE PROGRAM.—The Secretary of Defense*
9 *shall annually identify to the senior military colleges the*
10 *international students who, based on criteria established by*
11 *the Secretary, the Secretary recommends be considered for*
12 *admission under the program. The Secretary shall identify*
13 *the recommended international students to the senior mili-*
14 *tary colleges as early as possible each year to enable those*
15 *colleges to consider them in a timely manner in their re-*
16 *spective admissions processes.*

17 “(e) *DOD FINANCIAL SUPPORT.—An international*
18 *student who is admitted to a senior military college under*
19 *the program under this section is responsible for the cost*
20 *of instruction at that college. The Secretary of Defense may,*
21 *from funds available to the Department of Defense other*
22 *than funds available for financial assistance under section*
23 *2107a of this title, provide some or all of the costs of instruc-*
24 *tion for any such student.”.*

1 (2) *The table of sections at the beginning of such chap-*
 2 *ter is amended by adding at the end the following new item:*

“2111b. Senior military colleges: Department of Defense international student program.”.

3 (b) *EFFECTIVE DATE.*—*The Secretary of Defense shall*
 4 *implement the program under section 2111b of title 10,*
 5 *United States Code, as added by subsection (a), with stu-*
 6 *dents entering the senior military colleges after May 1,*
 7 *2000.*

8 (c) *REPEAL OF OBSOLETE PROVISION.*—*Section*
 9 *2111a(e)(1) of title 10, United States Code, is amended by*
 10 *striking the second sentence.*

11 (d) *FISCAL YEAR 2000 FUNDING.*—*Of the amounts*
 12 *made available to the Department of Defense for fiscal year*
 13 *2000 pursuant to section 301, \$2,000,000 shall be available*
 14 *for financial support for international students under sec-*
 15 *tion 2111b of title 10, United States Code, as added by sub-*
 16 *section (a).*

17 **SEC. 542. AUTHORITY FOR ARMY WAR COLLEGE TO AWARD**
 18 **DEGREE OF MASTER OF STRATEGIC STUDIES.**

19 (a) *AUTHORITY.*—*Chapter 401 of title 10, United*
 20 *States Code, is amended by adding at the end the following*
 21 *new section:*

1 **“§4321. United States Army War College: master of**
 2 **strategic studies degree**

3 *“Under regulations prescribed by the Secretary of the*
 4 *Army, the Commandant of the United States Army War*
 5 *College, upon the recommendation of the faculty and dean*
 6 *of the college, may confer the degree of master of strategic*
 7 *studies upon graduates of the college who have fulfilled the*
 8 *requirements for that degree.”.*

9 (b) *CLERICAL AMENDMENT.—The table of sections at*
 10 *the beginning of such chapter is amended by adding at the*
 11 *end the following new item:*

“4321. United States Army War College: master of strategic studies degree.”.

12 **SEC. 543. AUTHORITY FOR AIR UNIVERSITY TO AWARD**
 13 **GRADUATE-LEVEL DEGREES.**

14 (a) *IN GENERAL.—Subsection (a) of section 9317 of*
 15 *title 10, United States Code, is amended to read as follows:*

16 *“(a) AUTHORITY.—Upon recommendation of the fac-*
 17 *ulty of the appropriate school, the commander of the Air*
 18 *University may confer—*

19 *“(1) the degree of master of strategic studies*
 20 *upon graduates of the Air War College who fulfill the*
 21 *requirements for that degree;*

22 *“(2) the degree of master of military operational*
 23 *art and science upon graduates of the Air Command*
 24 *and Staff College who fulfill the requirements for that*
 25 *degree; and*

1 “(3) the degree of master of airpower art and
2 science upon graduates of the School of Advanced Air
3 power Studies who fulfill the requirements for that de-
4 gree.”.

5 (b) *CLERICAL AMENDMENTS.*—(1) *The heading for*
6 *that section is amended to read:*

7 **“§9317. Air University: graduate-level degrees”.**

8 (2) *The item relating to that section in the table of*
9 *sections at the beginning of chapter 901 of such title is*
10 *amended to read as follows:*

“9317. Air University: graduate-level degrees.”.

11 **SEC. 544. CORRECTION OF RESERVE CREDIT FOR PARTICI-**
12 **PATION IN HEALTH PROFESSIONAL SCHOL-**
13 **ARSHIP AND FINANCIAL ASSISTANCE PRO-**
14 **GRAM.**

15 *Section 2126(b) of title 10, United States Code, is*
16 *amended—*

17 (1) *in paragraph (2)—*

18 (A) *by striking “only for” and all that fol-*
19 *lows through “Award of” and inserting “only for*
20 *the award of”; and*

21 (B) *by striking subparagraph (B);*

22 (2) *in paragraph (3) by striking “paragraph*
23 *(2)(A), a member” and inserting “paragraph (2), a*
24 *member who completes a satisfactory year of service*
25 *in the Selected Reserve”;*

1 (3) by redesignating paragraph (5) as para-
2 graph (6); and

3 (4) by inserting after paragraph (4) the fol-
4 lowing new paragraph (5):

5 “(5) A member of the Selected Reserve who is
6 awarded points or service credit under this subsection
7 shall not be considered to have been in an active sta-
8 tus, by reason of the award of the points or credit,
9 while pursuing a course of study under this sub-
10 chapter for purposes of any provision of law other
11 than sections 12732(a) and 12733(3) of this title.”.

12 **SEC. 545. PERMANENT EXPANSION OF ROTC PROGRAM TO**
13 **INCLUDE GRADUATE STUDENTS.**

14 (a) *PERMANENT AUTHORITY FOR THE ROTC GRAD-*
15 *UATE PROGRAM.*—Paragraph (2) of section 2107(c)(2) of
16 title 10, United States Code, is amended to read as follows:

17 “(2) The Secretary concerned may provide financial
18 assistance, as described in paragraph (1), to a student en-
19 rolled in an advanced education program beyond the bacca-
20 laurate degree level if the student also is a cadet or mid-
21 shipman in an advanced training program. Not more than
22 15 percent of the total number of scholarships awarded
23 under this section in any year may be awarded under the
24 program.”.

1 (b) *AUTHORITY TO ENROLL IN ADVANCED TRAINING*
 2 *PROGRAM.*—Section 2101(3) of title 10, United States Code,
 3 is amended by inserting “students enrolled in an advanced
 4 education program beyond the baccalaureate degree level or
 5 to” after “instruction offered in the Senior Reserve Officers’
 6 Training Corps to”.

7 **SEC. 546. INCREASE IN MONTHLY SUBSISTENCE ALLOW-**
 8 **ANCE FOR SENIOR ROTC CADETS SELECTED**
 9 **FOR ADVANCED TRAINING.**

10 (a) *INCREASE.*—Section 209(a) of title 37, United
 11 States Code, is amended by striking “\$150 a month” and
 12 inserting “\$200 a month”.

13 (b) *EFFECTIVE DATE.*—The amendment made by sub-
 14 section (a) shall take effect on October 1, 1999.

15 **SEC. 547. CONTINGENT FUNDING INCREASE FOR JUNIOR**
 16 **ROTC PROGRAM.**

17 (a) *IN GENERAL.*—(1) Chapter 102 of title 10, United
 18 States Code, is amended by adding at the end the following
 19 new section:

20 **“§2033. Contingent funding increase**

21 “If for any fiscal year the amount appropriated for
 22 the National Guard Challenge Program under section 509
 23 of title 32 is in excess of \$62,500,000, the Secretary of De-
 24 fense shall (notwithstanding any other provision of law)
 25 make the amount in excess of \$62,500,000 available for the

1 *Junior Reserve Officers' Training Corps program under*
 2 *section 2031 of this title, and such excess amount may not*
 3 *be used for any other purpose.”.*

4 (2) *The table of sections at the beginning of such chap-*
 5 *ter is amended by adding at the end the following new item:*
 “2033. *Contingent funding increase.”.*

6 (b) *EFFECTIVE DATE.*—*Section 2033 of title 10,*
 7 *United States Code, as added by subsection (a), shall apply*
 8 *only with respect to funds appropriated for fiscal years*
 9 *after fiscal year 1999.*

10 **SEC. 548. CHANGE FROM ANNUAL TO BIENNIAL REPORTING**

11 **UNDER THE RESERVE COMPONENT MONT-**
 12 **GOMERY GI BILL.**

13 (a) *IN GENERAL.*—*Section 16137 of title 10, United*
 14 *States Code, is amended to read as follows:*

15 **“§ 16137. Biennial report to Congress**

16 *“The Secretary of Defense shall submit to Congress a*
 17 *report not later than March 1 of each odd-numbered year*
 18 *concerning the operation of the educational assistance pro-*
 19 *gram established by this chapter during the preceding two*
 20 *fiscal years. Each such report shall include the number of*
 21 *members of the Selected Reserve of the Ready Reserve of*
 22 *each armed force receiving, and the number entitled to re-*
 23 *ceive, educational assistance under this chapter during*
 24 *those fiscal years.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of chapter 1606 of such title is amended to*
 3 *read as follows:*

“16137. Biennial report to Congress.”.

4 **SEC. 549. RECODIFICATION AND CONSOLIDATION OF STAT-**
 5 **UTES DENYING FEDERAL GRANTS AND CON-**
 6 **TRACTS BY CERTAIN DEPARTMENTS AND**
 7 **AGENCIES TO INSTITUTIONS OF HIGHER**
 8 **EDUCATION THAT PROHIBIT SENIOR ROTC**
 9 **UNITS OR MILITARY RECRUITING ON CAM-**
 10 **PUS.**

11 (a) *RECODIFICATION AND CONSOLIDATION FOR LIM-*
 12 *TATIONS ON FEDERAL GRANTS AND CONTRACTS.*—(1) *Sec-*
 13 *tion 983 of title 10, United States Code, is amended to read*
 14 *as follows:*

15 **“§983. Institutions of higher education that prevent**
 16 **ROTC access or military recruiting on**
 17 **campus: denial of grants and contracts**
 18 **from Department of Defense, Department**
 19 **of Education, and certain other depart-**
 20 **ments and agencies**

21 “(a) *DENIAL OF FUNDS FOR PREVENTING ROTC AC-*
 22 *CESS TO CAMPUS.*—*No funds described in subsection (d)*
 23 *may be provided by contract or by grant (including a grant*
 24 *of funds to be available for student aid) to a covered edu-*
 25 *cational entity if the Secretary of Defense determines that*

1 *the covered educational entity has a policy or practice (re-*
2 *gardless of when implemented) that either prohibits, or in*
3 *effect prevents—*

4 “(1) *the Secretary of a military department from*
5 *maintaining, establishing, or operating a unit of the*
6 *Senior Reserve Officer Training Corps (in accordance*
7 *with section 654 of this title and other applicable*
8 *Federal laws) at the covered educational entity; or*

9 “(2) *a student at the covered educational entity*
10 *from enrolling in a unit of the Senior Reserve Officer*
11 *Training Corps at another institution of higher edu-*
12 *cation.*

13 “(b) *DENIAL OF FUNDS FOR PREVENTING MILITARY*
14 *RECRUITING ON CAMPUS.—No funds described in sub-*
15 *section (d) may be provided by contract or by grant (in-*
16 *cluding a grant of funds to be available for student aid)*
17 *to a covered educational entity if the Secretary of Defense*
18 *determines that the covered educational entity has a policy*
19 *or practice (regardless of when implemented) that either*
20 *prohibits, or in effect prevents—*

21 “(1) *the Secretary of a military department from*
22 *gaining entry to campuses, or access to students (who*
23 *are 17 years of age or older) on campuses, for pur-*
24 *poses of military recruiting; or*

1 “(2) access by military recruiters for purposes of
2 military recruiting to the following information per-
3 taining to students (who are 17 years of age or older)
4 enrolled at the covered educational entity:

5 “(A) Names, addresses, and telephone list-
6 ings.

7 “(B) Date and place of birth, levels of edu-
8 cation, academic majors, degrees received, and
9 the most recent educational institution enrolled
10 in by the student.

11 “(c) *EXCEPTIONS.*—The limitation established in sub-
12 section (a) or (b) shall not apply to a covered educational
13 entity if the Secretary of Defense determines that—

14 “(1) the covered educational entity has ceased the
15 policy or practice described in that subsection; or

16 “(2) the institution of higher education involved
17 has a longstanding policy of pacifism based on histor-
18 ical religious affiliation.

19 “(d) *COVERED FUNDS.*—The limitations established in
20 subsections (a) and (b) apply to the following:

21 “(1) Any funds made available for the Depart-
22 ment of Defense.

23 “(2) Any funds made available in a Depart-
24 ments of Labor, Health and Human Services, and
25 Education, and Related Agencies Appropriations Act.

1 “(e) *NOTICE OF DETERMINATIONS.*—Whenever the
2 Secretary of Defense makes a determination under sub-
3 section (a), (b), or (c), the Secretary—

4 “(1) shall transmit a notice of the determination
5 to the Secretary of Education and to Congress; and

6 “(2) shall publish in the Federal Register a no-
7 tice of the determination and the effect of the deter-
8 mination on the eligibility of the covered educational
9 entity for contracts and grants.

10 “(f) *SEMIANNUAL NOTICE IN FEDERAL REGISTER.*—

11 The Secretary of Defense shall publish in the Federal Reg-
12 ister once every six months a list of each covered educational
13 entity that is currently ineligible for contracts and grants
14 by reason of a determination of the Secretary under sub-
15 section (a) or (b).

16 “(g) *COVERED EDUCATIONAL ENTITY.*—In this sec-
17 tion, the term ‘covered educational entity’ means an institu-
18 tion of higher education, or a subelement of an institution
19 of higher education.”.

20 (2) The item relating to section 983 in the table of
21 sections at the beginning of such chapter is amended to read
22 as follows:

“983. Institutions of higher education that prevent ROTC access or military re-
cruiting on campus: denial of grants and contracts from Depart-
ment of Defense, Department of Education, and certain other de-
partments and agencies.”.

1 *service during World War II or Korea (including multiple*
2 *awards to the same individual) in the case of each indi-*
3 *vidual concerning whom the Secretary of the Navy (or an*
4 *officer of the Navy acting on behalf of the Secretary) sub-*
5 *mitted to the Committee on Armed Services of the House*
6 *of Representatives and the Committee on Armed Services*
7 *of the Senate, during the period beginning on October 17,*
8 *1998, and ending on the day before the date of the enact-*
9 *ment of this Act, a notice as provided in section 1130(b)*
10 *of title 10, United States Code, that the award of the Distin-*
11 *guished Flying Cross to that individual is warranted and*
12 *that a waiver of time restrictions prescribed by law for rec-*
13 *ommendation for such award is recommended.*

14 **SEC. 552. SENSE OF CONGRESS CONCERNING PRESI-**
15 **DENTIAL UNIT CITATION FOR CREW OF THE**
16 **U.S.S. INDIANAPOLIS.**

17 *(a) FINDINGS.—Congress reaffirms the findings made*
18 *in section 1052(a) of the National Defense Authorization*
19 *Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat.*
20 *2844) that the heavy cruiser U.S.S. INDIANAPOLIS (CA–*
21 *35)—*

22 *(1) served the people of the United States with*
23 *valor and distinction throughout World War II in ac-*
24 *tion against enemy forces in the Pacific Theater of*
25 *Operations from December 7, 1941 to July 29, 1945;*

1 (2) *with her courageous and capable crew, com-*
2 *plied an impressive combat record during the war in*
3 *the Pacific, receiving in the process 10 battle stars in*
4 *actions from the Aleutians to Okinawa;*

5 (3) *rendered invaluable service in anti-shipping,*
6 *shore bombardment, anti-air, and invasion support*
7 *roles and serving as flagship for the Fifth Fleet under*
8 *Admiral Raymond Spruance and flagship for the*
9 *Third Fleet under Admiral William F. Halsey; and*

10 (4) *transported the world's first operational*
11 *atomic bomb from the United States to the Island of*
12 *Tinian, accomplishing that mission at a record aver-*
13 *age speed of 29 knots.*

14 (b) *FURTHER FINDINGS.*—Congress further finds
15 *that—*

16 (1) *from participation in the earliest offensive*
17 *actions in the Pacific during World War II to her*
18 *pivotal role in delivering the weapon that brought the*
19 *war to an end, the U.S.S. INDIANAPOLIS and her*
20 *crew left an indelible imprint on the Nation's struggle*
21 *to eventual victory in the war in the Pacific; and*

22 (2) *the selfless, courageous, and outstanding per-*
23 *formance of duty by that ship and her crew through-*
24 *out the war in the Pacific reflects great credit upon*

1 (b) *ACTION DESCRIBED.*—The acts of valor referred to
 2 in subsection (a) are the actions of Alfred Rascon on March
 3 16, 1966, as an Army medic, serving in the grade of Spe-
 4 cialist Four in the Republic of Vietnam with the Recon-
 5 sance Platoon, Headquarters Company, 1st Battalion,
 6 503rd Infantry, 173rd Airborne Brigade (Separate), during
 7 a combat operation known as Silver City.

8 **Subtitle G—Other Matters**

9 **SEC. 561. REVISION IN AUTHORITY TO ORDER RETIRED** 10 **MEMBERS TO ACTIVE DUTY.**

11 (a) *PERIOD OF RECALL SERVICE FOR RETIRED MEM-*
 12 *BERS ORDERED TO ACTIVE DUTY.*—Section 688(e) of title
 13 10, United States Code, is amended by striking “for more
 14 than 12 months within 24 months” and inserting “for more
 15 than 36 months within 48 months”.

16 (b) *LIMITATION ON NUMBER.*—Section 690(b)(1) of
 17 such title is amended by striking “Not more than 25 offi-
 18 cers” and inserting “In addition to the officers subject to
 19 subsection (a), not more than 150 officers”.

20 (c) *EXCLUSION FROM LIMITATION OF MEMBERS OF*
 21 *RETIREE COUNCILS.*—Section 690(b)(2) of such title is
 22 amended by adding at the end the following new subpara-
 23 graph:

1 “(D) Any officer assigned to duty as a member
2 of the Army, Navy, or Air Force Retiree Council for
3 the period of active duty to which ordered.”.

4 (d) *EXCLUSION FROM LIMITATION OF OFFICERS RE-*
5 *CALLED FOR 60 DAYS OR LESS.*—Section 690 of such title
6 *is further amended—*

7 (1) *by striking the second sentence of subsection*
8 *(a);*

9 (2) *by redesignating subsection (c) as subsection*
10 *(d); and*

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

13 “(c) *EXCLUSION FROM LIMITATIONS OF OFFICERS RE-*
14 *CALLED FOR 60 DAYS OR LESS.*—A retired officer ordered
15 *to active duty for a period of 60 days or less shall not be*
16 *counted for the purposes of subsection (a) or (b).”.*

17 **SEC. 562. TEMPORARY AUTHORITY FOR RECALL OF RE-**
18 **TIRED AVIATORS.**

19 (a) *AUTHORITY.*—During the retired aviator recall pe-
20 *riod, the Secretary of a military department may recall to*
21 *active duty any retired officer having expertise as an avi-*
22 *ator to fill staff positions normally filled by active duty*
23 *aviators. Any such recall may only be with the consent of*
24 *the officer recalled.*

1 (b) *LIMITATION.*—No more than a total of 500 officers
2 may be on active duty at any time under subsection (a).

3 (c) *TERMINATION.*—Each officer recalled to active duty
4 under subsection (a) during the retired aviator recall period
5 shall be released from active duty not later than one year
6 after the end of such period.

7 (d) *WAIVERS.*—Officers recalled to active duty under
8 subsection (a) shall not be counted for purposes of section
9 668 or 690 of title 10, United States Code.

10 (e) *RETIRED AVIATOR RECALL PERIOD.*—For pur-
11 poses of this section, the term “retired aviator recall period”
12 means the period beginning on October 1, 1999, and ending
13 on September 30, 2002.

14 (f) *REPORT.*—Not later than March 31, 2002, the Sec-
15 retary of Defense submit to the Committee on Armed Serv-
16 ices of the Senate and the Committee on Armed Service of
17 the House of Representatives a report on the use of the au-
18 thority under this section, together with the Secretary’s rec-
19 ommendation for extension of that authority.

20 **SEC. 563. SERVICE REVIEW AGENCIES COVERED BY PRO-**
21 **FSSIONAL STAFFING REQUIREMENT.**

22 Section 1555(c)(2) of title 10, United States Code, is
23 amended by inserting “the Navy Council of Personnel
24 Boards and” after “Department of the Navy,”.

1 **SEC. 564. CONFORMING AMENDMENT TO AUTHORIZE RE-**
2 **SERVE OFFICERS AND RETIRED REGULAR OF-**
3 **FICERS TO HOLD A CIVIL OFFICE WHILE**
4 **SERVING ON ACTIVE DUTY FOR NOT MORE**
5 **THAN 270 DAYS.**

6 *Section 973(b)(1) of title 10, United States Code, is*
7 *amended—*

8 *(1) in subparagraph (B), by striking “180 days”*
9 *and inserting “270 days”; and*

10 *(2) in subparagraph (C), by striking “180 days”*
11 *and inserting “270 days”.*

12 **SEC. 565. REVISION TO REQUIREMENT FOR HONOR GUARD**
13 **DETAILS AT FUNERALS OF VETERANS.**

14 *(a) COMPOSITION OF HONOR GUARD DETAILS.—Sub-*
15 *section (b) of section 1491 of title 10, United States Code,*
16 *is amended by striking “consists of” and all that follows*
17 *through the period and inserting “consists of not less than*
18 *two persons, who shall, at a minimum, perform a ceremony*
19 *to fold and present a United States flag to the deceased vet-*
20 *eran’s family and who shall (unless a bugler is part of the*
21 *detail) have the capability to play a recorded version of*
22 *Taps. At least one member of an honor guard detail pro-*
23 *vided in response to a request to the Department of Defense*
24 *shall be a member of the same armed force as the deceased*
25 *veteran.”.*

1 (b) *SUPPORT FOR NONGOVERNMENTAL ORGANIZA-*
2 *TIONS.—Such section is further amended—*

3 (1) *by redesignating subsections (d), (e), and (f)*
4 *as subsections (e), (f), and (h), respectively; and*

5 (2) *by inserting after subsection (c) the following*
6 *new subsection (d):*

7 “(d) *SUPPORT FOR NONGOVERNMENTAL ORGANIZA-*
8 *TIONS.—The Secretary of a military department shall pro-*
9 *vide material, equipment, and training to support qualified*
10 *nongovernmental organizations, as necessary for the sup-*
11 *port of honor guard activities. The Secretary shall prescribe*
12 *by regulation standards for determining what nongovern-*
13 *mental organizations are qualified for purposes of this sub-*
14 *section, the type of support that may be provided under*
15 *this subsection, and the manner in which such support is*
16 *provided.”.*

17 (c) *IMPLEMENTING OSD REGULATIONS.—Subsection*
18 *(e) of such section, as redesignated by subsection (b)(1), is*
19 *amended by striking the last two sentences and inserting*
20 *the following: “The Secretary shall require that procedures*
21 *be established by the Secretaries of the military departments*
22 *for coordinating and responding to requests for honor guard*
23 *details, for establishing standards and protocols for, re-*
24 *sponding to requests for and conducting military funeral*
25 *honors, and for providing training and quality control.”.*

1 (d) *WAIVER AUTHORITY.*—*Such section is further*
2 *amended by inserting after subsection (f), as redesignated*
3 *by subsection (b)(1), the following new subsection:*

4 “(g) *WAIVER AUTHORITY.*—(1) *The Secretary of De-*
5 *fense may waive any of the provisions of this section when*
6 *the Secretary determines that such a waiver is necessary*
7 *because of a contingency operation or when the Secretary*
8 *otherwise considers such a waiver to be necessary to meet*
9 *military requirements. The authority to make such a waiver*
10 *may not be delegated to any official of a military depart-*
11 *ment other than the Secretary of the military department*
12 *and may not be delegated within the Office of the Secretary*
13 *of Defense to an official at a level below Under Secretary*
14 *of Defense.”.*

15 “(2) *Whenever a waiver is granted under paragraph*
16 *(1), the Secretary of Defense shall promptly submit notice*
17 *of the waiver to the Committee on Armed Services of the*
18 *Senate and the Committee on Armed Services of the House*
19 *of Representatives.”.*

20 (e) *COVERAGE OF CERTAIN RESERVISTS.*—*Such sec-*
21 *tion is further amended by striking the period at the end*
22 *of subsection (h), as redesignated by subsection (b)(1), and*
23 *inserting “and includes a deceased member or former mem-*
24 *ber of the Selected Reserve described in section 2301(f) of*
25 *title 38.”.*

1 (f) *AUTHORITY TO ACCEPT VOLUNTARY SERVICES.*—
 2 Section 1588(a) of such title is amended by adding at the
 3 end the following new paragraph:

4 “(4) *Voluntary services as a member of an honor*
 5 *guard detail under section 1491 of this title.*”.

6 (g) *EFFECTIVE DATE.*—(1) Section 1491 of title 10,
 7 United States Code, as amended by this section, shall apply
 8 with respect to funerals of veterans that occur after Decem-
 9 ber 31, 1999.

10 (2) Subsection (a) of such section is amended by strik-
 11 ing “that occurs after December 31, 1999”.

12 (h) *NATIONAL GUARD FUNERAL HONORS DUTY.*—(1)
 13 Section 114 of title 32, United States Code, is amended—

14 (A) by striking “honor guard” both places it ap-
 15 pears and inserting “funeral honors”; and

16 (B) by striking “otherwise required” and insert-
 17 ing “, but may be performed as funeral honors duty
 18 as prescribed in section 115 of this title”.

19 (2) Chapter 1 of such title is amended by adding at
 20 the end the following new section:

21 “**§ 115. Funeral honors duty performed as a Federal**
 22 **function**

23 “(a) Under regulations prescribed by the Secretary of
 24 Defense, a member of the Army National Guard of the
 25 United States or the Air National Guard of the United

1 *States may be ordered to funeral honors duty, with the con-*
2 *sent of the member, to prepare for or perform funeral honors*
3 *functions at the funeral of a veteran (as defined in section*
4 *1491 of title 10).*

5 “(b) *A member ordered to funeral honors duty under*
6 *this section shall be required to perform a minimum of two*
7 *hours of such duty in order to receive service credit under*
8 *section 1273(a)(2)(E) of title 10 and compensation under*
9 *section 435 of title 37 if authorized by the Secretary con-*
10 *cerned.*

11 “(c) *Funeral honors duty (and travel directly to and*
12 *from that duty) under this section shall be treated as the*
13 *equivalent of inactive-duty training (and travel directly to*
14 *and from that training) for the purposes of this section and*
15 *the provisions of title 10, title 37, and title 38, including*
16 *provisions relating to the determination of eligibility for*
17 *and the receipt of benefits and entitlements provided under*
18 *those titles for Reserves performing inactive-duty training*
19 *and for their dependents and survivors, except that a mem-*
20 *ber is not entitled by reason of performance of funeral hon-*
21 *ors duty to any pay, allowances, or other compensation pro-*
22 *vided for in title 37 other than that provided in section*
23 *435 of that title and in subsection (d).*

24 “(d) *A member who performs funeral honors duty*
25 *under this section is entitled to reimbursement for travel*

1 *and transportation expenses incurred in conjunction with*
 2 *such duty as authorized under chapter 7 of title 37, if such*
 3 *duty is performed at a location 50 miles or more from the*
 4 *member's residence.”.*

5 (3)(A) *The heading of section 114 of such title is*
 6 *amended to read as follows:*

7 **“§114. Funeral honors functions at funerals for vet-**
 8 **erans”.**

9 (B) *The table of sections at the beginning of chapter*
 10 *1 of such title is amended by striking the item relating to*
 11 *section 114 and inserting the following:*

“114. Funeral honors functions at funerals for veterans.

“115. Funeral honors duty performed as a Federal function.”.

12 (i) **READY RESERVE FUNERAL HONORS DUTY.—**

13 (1)(A) *Chapter 1213 of title 10, United States Code, is*
 14 *amended by adding at the end the following new section:*

15 **“§ 12503. Ready Reserve: funeral honors duty**

16 **“(a) Under regulations prescribed by the Secretary of**
 17 **Defense, a member of the Ready Reserve may be ordered**
 18 **to funeral honors duty, with the consent of the member, in**
 19 **preparation for or to perform funeral honors functions at**
 20 **the funeral of a veteran (as defined in section 1491 of this**
 21 **title). However, a member of the Army National Guard of**
 22 **the United States or the Air National Guard of the United**
 23 **States may not be ordered to perform funeral honors func-**

1 *tions under this section without the consent of the Governor*
2 *or other appropriate authority of the State concerned.*

3 “(b) *A member ordered to funeral honors duty under*
4 *this section shall be required to perform a minimum of two*
5 *hours of such duty in order to receive service credit under*
6 *section 12732(a)(2)(E) of this title and compensation under*
7 *section 435 of title 37 if authorized by the Secretary con-*
8 *cerned.*

9 “(c) *Funeral honors duty (and travel directly to and*
10 *from that duty) under this section shall be treated as the*
11 *equivalent of inactive-duty training (and travel directly to*
12 *and from that training) for the purposes of this title, title*
13 *37, and title 38, including provisions relating to the deter-*
14 *mination of eligibility for and receipt of benefits and enti-*
15 *tlements provided under those titles for Reserves performing*
16 *inactive-duty training and for their dependents and sur-*
17 *vivors, except that a member is not entitled by reason of*
18 *performance of funeral honors duty to any pay, allowances,*
19 *or other compensation provided for in title 37 other than*
20 *that provided in section 435 of that title and in subsection*
21 *(d).*

22 “(d) *A member who performs funeral honors duty*
23 *under this section is entitled to reimbursement for travel*
24 *and transportation expenses incurred in conjunction with*
25 *such duty as authorized under chapter 7 of title 37, if such*

1 *duty is performed at a location 50 miles or more from the*
 2 *member's residence.”.*

3 *(B) The table of sections at the beginning of such chap-*
 4 *ter is amended by adding at the end the following new item:*

“12503. Ready Reserve: funeral honors duty.”.

5 *(2)(A) Section 12552 of such title is amended to read*
 6 *as follows:*

7 **“§ 12552. Funeral honors functions at funerals for vet-**
 8 **erans**

9 *“Performance by a Reserve of funeral honors functions*
 10 *at the funeral of a veteran (as defined in section 1491 of*
 11 *this title) may not be considered to be a period of drill or*
 12 *training, but may be performed as funeral honors duty*
 13 *under section 12503 of this title.”.*

14 *(B) The item relating to such section in the table of*
 15 *sections at the beginning of chapter 1215 of such title is*
 16 *amended to read as follows:*

“12552. Funeral honors functions at funerals for veterans.”.

17 *(j) CREDITING FOR RETIREMENT PURPOSES.—Para-*
 18 *graph (2) of section 12732(a) of title 10, United States*
 19 *Code, is amended—*

20 *(1) by inserting after subparagraph (D) the fol-*
 21 *lowing new subparagraph:*

22 *“(E) One point for each day in which fu-*
 23 *neral honors functions were performed under sec-*

1 tion 12503 of this title or section 115 of title
2 32.”; and

3 (2) by striking “and (D)” in the last sentence of
4 such paragraph and inserting “(D), and (E)”.

5 (k) ALLOWANCE FOR FUNERAL HONORS DUTY.—(1)
6 Chapter 7 of title 37, United States Code, is amended by
7 adding at the end the following new section:

8 **“§435. Funeral honors duty: flat rate allowance**

9 “(a) ALLOWANCE AUTHORIZED.—Under uniform reg-
10 ulations prescribed by the Secretary of Defense, a member
11 of the Ready Reserve of an armed force may be paid an
12 allowance of \$50, at the discretion of the Secretary con-
13 cerned, for funeral honors duty performed pursuant to sec-
14 tion 12305 of title 10 or section 115 of title 32, if the mem-
15 ber is engaged in the performance of that duty for at least
16 two hours.

17 “(b) RELATION TO PERFORMANCE OF FUNERAL HON-
18 ORS DUTY.—The allowance under this section shall con-
19 stitute the single, flat-rate monetary allowance authorized
20 for the performance of funeral honors duty pursuant to sec-
21 tion 12503 of title 10 or section 115 of title 32 and shall
22 constitute payment in full to the member, regardless of
23 grade in which serving.”.

24 (2) The table of sections at the beginning of such chap-
25 ter is amended by adding at the end the following new item:

“435. Funeral honors duty: flat rate allowance.”.

1 **SEC. 566. PURPOSE AND FUNDING LIMITATIONS FOR NA-**
2 **TIONAL GUARD CHALLENGE PROGRAM.**

3 (a) *PROGRAM AUTHORITY AND PURPOSE.*—Subsection
4 (a) of section 509 of title 32, United States Code, is amend-
5 ed to read as follows:

6 “(a) *PROGRAM AUTHORITY AND PURPOSE.*—The Sec-
7 retary of Defense, acting through the Chief of the National
8 Guard Bureau, may use the National Guard to conduct a
9 civilian youth opportunities program, to be known as the
10 ‘National Guard Challenge Program’, which shall consist
11 of at least a 22-week residential program and a 12-month
12 post-residential mentoring period. The National Guard
13 Challenge Program shall seek to improve life skills and em-
14 ployment potential of participants by providing military-
15 based training and supervised work experience, together
16 with the core program components of assisting participants
17 to receive a high school diploma or its equivalent, leadership
18 development, promoting fellowship and community service,
19 developing life coping skills and job skills, and improving
20 physical fitness and health and hygiene.”.

21 (b) *ANNUAL FUNDING LIMITATION.*—Subsection (b) of
22 such section is amended by striking “\$50,000,000” and in-
23 serting “\$62,500,000”.

1 **SEC. 567. ACCESS TO SECONDARY SCHOOL STUDENTS FOR**
2 **MILITARY RECRUITING PURPOSES.**

3 *Section 503 of title 10, United States Code, is amended*
4 *by adding at the end the following new subsection:*

5 *“(c) Each local educational agency is requested to pro-*
6 *vide to the Department of Defense, upon a request made*
7 *for military recruiting purposes, the same access to sec-*
8 *ondary school students, and to directory information con-*
9 *cerning such students, as is provided generally to post-sec-*
10 *ondary educational institutions or to prospective employers*
11 *of those students.”.*

12 **SEC. 568. SURVEY OF MEMBERS LEAVING MILITARY SERV-**
13 **ICE ON ATTITUDES TOWARD MILITARY SERV-**
14 **ICE.**

15 *(a) EXIT SURVEY.—The Secretary of Defense shall de-*
16 *velop and implement a survey on attitudes toward military*
17 *service to be completed by all members of the Armed Forces*
18 *who during the period beginning on January 1, 2000, and*
19 *ending on June 30, 2000, are discharged or separated from*
20 *the Armed Forces or transfer from a regular component to*
21 *a reserve component.*

22 *(b) MATTERS TO BE COVERED.—The survey shall, at*
23 *a minimum, cover the following subjects:*

- 24 *(1) Reasons for leaving military service.*
25 *(2) Command climate.*

1 (3) *Attitude toward civilian and military leader-*
2 *ship.*

3 (4) *Attitude toward pay and benefits.*

4 (5) *Job satisfaction.*

5 (6) *Such other matters as the Secretary deter-*
6 *mines appropriate to the survey concerning reasons*
7 *why military personnel are leaving military service.*

8 (c) *REPORT TO CONGRESS.*—*Not later than October 1,*
9 *2000, the Secretary shall submit to Congress a report con-*
10 *taining the results of the survey under subsection (a). The*
11 *Secretary shall compile the information in the report so as*
12 *to assist in assessing reasons why military personnel are*
13 *leaving military service.*

14 **SEC. 569. IMPROVEMENT IN SYSTEM FOR ASSIGNING PER-**
15 **SONNEL TO WARFIGHTING UNITS.**

16 (a) *REVIEW OF PERSONNEL ASSIGNMENT SYSTEMS.*—
17 *The Secretary of each military department shall review the*
18 *military personnel system under that Secretary's jurisdic-*
19 *tion in order to identify those policies that prevent*
20 *warfighting units from being fully manned.*

21 (b) *REVISION TO POLICIES.*—*Following the review*
22 *under subsection (a), the Secretary shall alter the policies*
23 *identified in the review with the goal of raising the priority*
24 *in the personnel system for the assignment of personnel to*
25 *warfighting units.*

1 (c) *REPORT.*—Not later than December 31, 2000, the
2 Secretary shall submit to the Committee on Armed Services
3 of the Senate and Committee on Armed Services of the
4 House of Representatives a report on the changes to the
5 military personnel system under that Secretary’s jurisdic-
6 tion that have been, or will be, adopted under subsection
7 (b).

8 (d) *DEFINITION.*—For the purposes of this section, the
9 term “warfighting unit” means a battalion, squadron, or
10 vessel that (1) has a combat, combat support, or combat
11 service support mission, and (2) is not considered to be in
12 the supporting establishment for its service.

13 **SEC. 570. REQUIREMENT FOR DEPARTMENT OF DEFENSE**
14 **REGULATIONS TO PROTECT THE CONFIDEN-**
15 **TIALITY OF COMMUNICATIONS BETWEEN DE-**
16 **PENDENTS AND PROFESSIONALS PROVIDING**
17 **THERAPEUTIC OR RELATED SERVICES RE-**
18 **GARDING SEXUAL OR DOMESTIC ABUSE.**

19 (a) *IN GENERAL.*—(1) Chapter 80 of title 10, United
20 States Code, is amended by adding at the end the following
21 new section:

1 **“§1562. Confidentiality of communications between**
2 **dependents and professionals providing**
3 **therapeutic or related services regarding**
4 **sexual or domestic abuse**

5 “(a) *REGULATIONS.*—The Secretary of Defense shall
6 prescribe in regulations such policies and procedures as the
7 Secretary considers necessary to provide the maximum pos-
8 sible protection for the confidentiality of communications
9 described in subsection (b) relating to misconduct described
10 in that subsection. Those regulations shall be consistent
11 with—

12 “(1) the standards of confidentiality and ethical
13 standards issued by relevant professional organiza-
14 tions;

15 “(2) applicable requirements of Federal and
16 State law;

17 “(3) the best interest of victims of sexual harass-
18 ment, sexual assault, or intrafamily abuse; and

19 “(4) such other factors as the Secretary, in con-
20 sultation with the Attorney General, considers appro-
21 priate.

22 “(b) *COVERED COMMUNICATIONS.*—Subsection (a) ap-
23 plies to communications between—

24 “(1) a dependent of a member of the armed
25 forces who—

1 “(A) is a victim of sexual harassment, sex-
2 ual assault, or intrafamily abuse; or

3 “(B) has engaged in such misconduct; and
4 “(2) a therapist, counselor, advocate, or other
5 professional from whom the dependent seeks profes-
6 sional services in connection with effects of such mis-
7 conduct.”.

8 (2) The table of sections at the beginning of such chap-
9 ter is amended by adding at the end the following new item:

 “1562. Confidentiality of communications between dependents and professionals
 providing therapeutic or related services regarding sexual or do-
 mestic abuse.”.

10 (b) GAO STUDY.—(1) The Comptroller General shall
11 study the policies, procedures, and practices of the military
12 departments for protecting the confidentiality of commu-
13 nications between—

14 (A) a dependent of a member of the Armed
15 Forces who—

16 (i) is a victim of sexual harassment, sexual
17 assault, or intrafamily abuse; or

18 (ii) has engaged in such misconduct; and

19 (B) a therapist, counselor, advocate, or other
20 professional from whom the dependent seeks profes-
21 sional services in connection with effects of such mis-
22 conduct.

23 (2) The Comptroller General shall conclude the study
24 and submit to the Secretary of Defense and Congress a re-

1 port on the results of the study. The report shall be sub-
 2 mitted not later than 180 days after the date of the enact-
 3 ment of this Act.

4 (c) *INITIAL REGULATIONS.*—The initial regulations
 5 under section 1562 of title 10, United States Code, as added
 6 by subsection (a), shall be prescribed not later than 90 days
 7 after the date on which the Secretary of Defense receives
 8 the report of the Comptroller General under subsection (b).
 9 In prescribing those regulations, the Secretary shall ensure
 10 that those regulations are consistent with the findings of
 11 the Comptroller General in that report.

12 **TITLE VI—COMPENSATION AND**
 13 **OTHER PERSONNEL BENEFITS**
 14 **Subtitle A—Pay and Allowances**

15 **SEC. 601. FISCAL YEAR 2000 INCREASE IN MILITARY BASIC**
 16 **PAY AND REFORM OF BASIC PAY RATES.**

17 (a) *WAIVER OF SECTION 1009 ADJUSTMENT.*—The ad-
 18 justment to become effective during fiscal year 2000 re-
 19 quired by section 1009 of title 37, United States Code, in
 20 the rates of monthly basic pay authorized members of the
 21 uniformed services shall not be made.

22 (b) *JANUARY 1, 2000, INCREASE IN BASIC PAY.*—Ef-
 23 fective on January 1, 2000, the rates of monthly basic pay
 24 for members of the uniformed services are increased by 4.8
 25 percent.

- 1 (c) REFORM OF BASIC PAY RATES.—Effective on July
 2 1, 2000, the rates of monthly basic pay for members of the
 3 uniformed services within each pay grade are as follows:

COMMISSIONED OFFICERS¹

Years of service computed under section 205 of title 37, United States Code

<i>Pay Grade</i>	<i>2 or less</i>	<i>Over 2</i>	<i>Over 3</i>	<i>Over 4</i>	<i>Over 6</i>
<i>O-10²</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>O-9</i>	0.00	0.00	0.00	0.00	0.00
<i>O-8</i>	6,594.30	6,810.30	6,953.10	6,993.30	7,171.80
<i>O-7</i>	5,479.50	5,851.80	5,851.50	5,894.40	6,114.60
<i>O-6</i>	4,061.10	4,461.60	4,754.40	4,754.40	4,772.40
<i>O-5</i>	3,248.40	3,813.90	4,077.90	4,127.70	4,291.80
<i>O-4</i>	2,737.80	3,333.90	3,556.20	3,606.04	3,812.40
<i>O-3³</i>	2,544.00	2,884.20	3,112.80	3,364.80	3,525.90
<i>O-2³</i>	2,218.80	2,527.20	2,910.90	3,000.00	3,071.10
<i>O-1³</i>	1,926.30	2,004.90	2,423.10	2,423.10	2,423.10
	<i>Over 8</i>	<i>Over 10</i>	<i>Over 12</i>	<i>Over 14</i>	<i>Over 16</i>
<i>O-10²</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>O-9</i>	0.00	0.00	0.00	0.00	0.00
<i>O-8</i>	7,471.50	7,540.80	7,824.60	7,906.20	8,150.10
<i>O-7</i>	6,282.00	6,475.80	6,669.00	6,863.10	7,471.50
<i>O-6</i>	4,976.70	5,004.00	5,004.00	5,169.30	5,791.20
<i>O-5</i>	4,291.80	4,420.80	4,659.30	4,971.90	5,286.00
<i>O-4</i>	3,980.40	4,251.50	4,464.00	4,611.00	4,758.90
<i>O-3³</i>	3,702.60	3,850.20	4,040.40	4,139.10	4,139.10
<i>O-2³</i>	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
<i>O-1³</i>	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10
	<i>Over 18</i>	<i>Over 20</i>	<i>Over 22</i>	<i>Over 24</i>	<i>Over 26</i>
<i>O-10²</i>	\$0.00	\$10,655.10	\$10,707.60	\$10,930.20	\$11,318.40
<i>O-9</i>	0.00	9,319.50	9,453.60	9,647.70	9,986.40
<i>O-8</i>	8,503.80	8,830.20	9,048.00	9,048.00	9,048.00
<i>O-7</i>	7,985.40	7,985.40	7,985.40	7,985.40	8,025.60
<i>O-6</i>	6,086.10	6,381.30	6,549.00	6,719.10	7,049.10
<i>O-5</i>	5,436.00	5,583.60	5,751.90	5,751.90	5,751.90
<i>O-4</i>	4,808.70	4,808.70	4,808.70	4,808.70	4,808.70
<i>O-3³</i>	4,139.10	4,139.10	4,139.10	4,139.10	4,139.10
<i>O-2³</i>	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
<i>O-1³</i>	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10

¹Notwithstanding the pay rates specified in this table, the actual basic pay for commissioned officers in grades O-7 through O-10 may not exceed the rate of pay for level III of the Executive Schedule and the actual basic pay for all other officers, including warrant officers, may not exceed the rate of pay for level V of the Executive Schedule.

²Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, basic pay for this grade is calculated to be \$12,441.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

³This table does not apply to commissioned officers in the grade O-1, O-2, or O-3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

**COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE
AS AN ENLISTED MEMBER OR WARRANT OFFICER**

Years of service computed under section 205 of title 37, United States Code

<i>Pay Grade</i>	<i>2 or less</i>	<i>Over 2</i>	<i>Over 3</i>	<i>Over 4</i>	<i>Over 6</i>
<i>O-3E</i>	\$0.00	\$0.00	\$0.00	\$3,364.80	\$3,525.90
<i>O-2E</i>	0.00	0.00	0.00	3,009.00	3,071.10
<i>O-1E</i>	0.00	0.00	0.00	2,423.10	2,588.40
	<i>Over 8</i>	<i>Over 10</i>	<i>Over 12</i>	<i>Over 14</i>	<i>Over 16</i>
<i>O-3E</i>	\$3,702.60	\$3,850.20	\$4,040.40	\$4,200.30	\$4,291.80
<i>O-2E</i>	3,168.60	3,333.90	3,461.40	3,556.20	3,556.20
<i>O-1E</i>	2,683.80	2,781.30	2,877.60	3,009.00	3,009.00
	<i>Over 18</i>	<i>Over 20</i>	<i>Over 22</i>	<i>Over 24</i>	<i>Over 26</i>
<i>O-3E</i>	\$4,416.90	\$4,416.90	\$4,416.90	\$4,416.90	\$4,416.90
<i>O-2E</i>	3,556.20	3,556.20	3,556.20	3,556.20	3,556.20
<i>O-1E</i>	3,009.00	3,009.00	3,009.00	3,009.00	3,009.00

WARRANT OFFICERS

Years of service computed under section 205 of title 37, United States Code

<i>Pay Grade</i>	<i>2 or less</i>	<i>Over 2</i>	<i>Over 3</i>	<i>Over 4</i>	<i>Over 6</i>
<i>W-5 ...</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>W-4 ...</i>	2,592.00	2,788.50	2,868.60	2,947.50	3,083.40
<i>W-3 ...</i>	2,355.90	2,555.40	2,555.40	2,588.40	2,694.30
<i>W-2 ...</i>	2,063.40	2,232.60	2,232.60	2,305.80	2,423.10
<i>W-1 ...</i>	1,719.00	1,971.00	1,971.00	2,135.70	2,232.60
	<i>Over 8</i>	<i>Over 10</i>	<i>Over 12</i>	<i>Over 14</i>	<i>Over 16</i>
<i>W-5 ...</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>W-4 ...</i>	3,217.20	3,352.80	3,485.10	3,622.20	3,753.60
<i>W-3 ...</i>	2,814.90	2,974.20	3,071.10	3,177.00	3,298.20
<i>W-2 ...</i>	2,555.40	2,852.60	2,749.80	2,844.30	2,949.00
<i>W-1 ...</i>	2,332.80	2,433.30	2,533.20	2,634.00	2,734.80
	<i>Over 18</i>	<i>Over 20</i>	<i>Over 22</i>	<i>Over 24</i>	<i>Over 26</i>
<i>W-5 ...</i>	\$0.00	\$4,475.10	\$4,628.70	\$4,782.90	\$4,937.40
<i>W-4 ...</i>	3,888.00	4,019.00	4,155.60	4,289.70	4,427.10
<i>W-3 ...</i>	3,418.50	3,539.10	3,659.40	3,780.00	3,900.90
<i>W-2 ...</i>	3,058.40	3,163.80	3,270.90	3,378.30	3,378.30
<i>W-1 ...</i>	2,835.00	2,910.90	2,910.90	2,910.90	2,910.90

ENLISTED MEMBERS ¹

Years of service computed under section 205 of title 37, United States Code

<i>Pay Grade</i>	<i>2 or less</i>	<i>Over 2</i>	<i>Over 3</i>	<i>Over 4</i>	<i>Over 6</i>
<i>E-9²</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>E-8</i>	0.00	0.00	0.00	0.00	0.00
<i>E-7</i>	1,765.80	1,927.80	2,001.00	2,073.00	2,147.70
<i>E-6</i>	1,518.90	1,678.20	1,752.60	1,824.30	1,899.30
<i>E-5</i>	1,332.60	1,494.00	1,566.00	1,640.40	1,714.50
<i>E-4</i>	1,242.90	1,373.10	1,447.20	1,520.10	1,593.90
<i>E-3</i>	1,171.50	1,260.60	1,334.10	1,335.90	1,335.90
<i>E-2</i>	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40

ENLISTED MEMBERS ¹—Continued

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-1	³ 1,005.60	1,005.60	1,005.60	1,005.60	1,005.60
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 ²	\$0.00	\$3,015.30	\$3,083.40	\$3,169.80	\$3,271.50
E-8	2,528.40	2,601.60	2,669.70	2,751.60	2,840.10
E-7	2,220.90	2,294.10	2,367.30	2,439.30	2,514.00
E-6	1,973.10	2,047.20	2,118.60	2,191.50	2,244.60
E-5	1,789.50	1,861.50	1,936.20	1,936.20	1,936.20
E-4	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E-3	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E-2	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E-1	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9 ²	\$3,373.20	\$3,473.40	\$3,609.30	\$3,744.00	\$3,915.80
E-8	2,932.50	3,026.10	3,161.10	3,295.50	3,483.60
E-7	2,588.10	2,660.40	2,787.60	2,926.20	3,134.40
E-6	2,283.30	2,283.30	2,285.70	2,285.70	2,285.70
E-5	1,936.20	1,936.20	1,936.20	1,936.20	1,936.20
E-4	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E-3	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E-2	1,127.40	1,127.40	1,127.40	1,123.20	1,127.40
E-1	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60

¹ Notwithstanding the pay rates specified in this table, the actual basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

² Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is \$4,701.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

³ In the case of members in the grade E-1 who have served less than 4 months on active duty, basic pay is \$930.30.

1 (d) *LIMITATION ON PAY ADJUSTMENTS.*—Section
2 1009(a) of title 37, United States Code, is amended—

3 (1) by inserting “(1)” before “Whenever”; and

4 (2) by adding at the end the following new para-
5 graph:

6 “(2) On and after April 30, 1999, the actual basic pay
7 for commissioned officers in grades O-7 through O-10 may
8 not exceed the rate of pay for level III of the Executive
9 Schedule, and the actual basic pay for all other officers and

1 *enlisted members may not exceed the rate of pay for level*
 2 *V of the Executive Schedule.”.*

3 **SEC. 602. PAY INCREASES FOR FISCAL YEARS AFTER FISCAL**
 4 **YEAR 2000.**

5 *Effective on October 1, 2000, subsection (c) of section*
 6 *1009 of title 37, United States Code, is amended to read*
 7 *as follows:*

8 *“(c) PERCENTAGE INCREASE FOR ALL MEMBERS.—(1)*
 9 *Subject to subsection (d), an adjustment taking effect under*
 10 *this section during a fiscal year shall provide all eligible*
 11 *members with an increase in the monthly basic pay by the*
 12 *percentage equal to the sum of—*

13 *“(A) 0.5 percent; plus*

14 *“(B) the percentage calculated as provided under*
 15 *section 5303(a) of title 5.*

16 *“(2) The calculation required by paragraph (1)(B)*
 17 *shall be made without regard to whether rates of pay under*
 18 *the statutory pay systems (as defined in section 5302 of*
 19 *title 5) are actually increased during that fiscal year under*
 20 *section 5303 of such title by the percentage so calculated.”.*

21 **SEC. 603. ADDITIONAL AMOUNT AVAILABLE FOR FISCAL**
 22 **YEAR 2000 INCREASE IN BASIC ALLOWANCE**
 23 **FOR HOUSING INSIDE THE UNITED STATES.**

24 *In addition to the amount determined by the Secretary*
 25 *of Defense under section 403(b)(3) of title 37, United States*

1 Code, to be the total amount that may be paid during fiscal
 2 year 2000 for the basic allowance for housing for military
 3 housing areas inside the United States, \$442,500,000 of the
 4 amount authorized to be appropriated by section 421 for
 5 military personnel shall be used by the Secretary to further
 6 increase the total amount available for the basic allowance
 7 for housing for military housing areas inside the United
 8 States.

9 **Subtitle B—Bonuses and Special**
 10 **and Incentive Pays**

11 **SEC. 611. EXTENSION OF CERTAIN BONUSES AND SPECIAL**
 12 **PAY AUTHORITIES FOR RESERVE FORCES.**

13 (a) *SPECIAL PAY FOR HEALTH PROFESSIONALS IN*
 14 *CRITICALLY SHORT WARTIME SPECIALTIES.*—Section
 15 302g(f) of title 37, United States Code, is amended by strik-
 16 ing “December 31, 1999” and inserting “December 31,
 17 2000”.

18 (b) *SELECTED RESERVE REENLISTMENT BONUS.*—
 19 Section 308b(f) of such title is amended by striking “Decem-
 20 ber 31, 1999” and inserting “December 31, 2000”.

21 (c) *SELECTED RESERVE ENLISTMENT BONUS.*—Sec-
 22 tion 308c(e) of such title is amended by striking “December
 23 31, 1999” and inserting “December 31, 2000”.

24 (d) *SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED*
 25 *TO CERTAIN HIGH PRIORITY UNITS.*—Section 308d(c) of

1 *such title is amended by striking “December 31, 1999” and*
 2 *inserting “December 31, 2000”.*

3 (e) *SELECTED RESERVE AFFILIATION BONUS.*—Section
 4 *308e(e) of such title is amended by striking “December*
 5 *31, 1999” and inserting “December 31, 2000”.*

6 (f) *READY RESERVE ENLISTMENT AND REENLISTMENT*
 7 *BONUS.*—Section *308h(g) of such title is amended by strik-*
 8 *ing “December 31, 1999” and inserting “December 31,*
 9 *2000”.*

10 (g) *PRIOR SERVICE ENLISTMENT BONUS.*—Section
 11 *308i(f) of such title is amended by striking “December 31,*
 12 *1999” and inserting “December 31, 2000”.*

13 (h) *REPAYMENT OF EDUCATION LOANS FOR CERTAIN*
 14 *HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED*
 15 *RESERVE.*—Section *16302(d) of title 10, United States*
 16 *Code, is amended by striking “January 1, 2000” and in-*
 17 *serting “January 1, 2001”.*

18 **SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL**
 19 **PAY AUTHORITIES FOR NURSE OFFICER CAN-**
 20 **DIDATES, REGISTERED NURSES, AND NURSE**
 21 **ANESTHETISTS.**

22 (a) *NURSE OFFICER CANDIDATE ACCESSION PRO-*
 23 *GRAM.*—Section *2130a(a)(1) of title 10, United States Code,*
 24 *is amended by striking “December 31, 1999” and inserting*
 25 *“December 31, 2000”.*

1 (b) *ACCESSION BONUS FOR REGISTERED NURSES.*—
2 *Section 302d(a)(1) of title 37, United States Code, is*
3 *amended by striking “December 31, 1999” and inserting*
4 *“December 31, 2000”.*

5 (c) *INCENTIVE SPECIAL PAY FOR NURSE ANES-*
6 *THETISTS.*—*Section 302e(a)(1) of title 37, United States*
7 *Code, is amended by striking “December 31, 1999” and in-*
8 *serting “December 31, 2000”.*

9 **SEC. 613. EXTENSION OF AUTHORITIES RELATING TO PAY-**
10 **MENT OF OTHER BONUSES AND SPECIAL**
11 **PAYS.**

12 (a) *AVIATION OFFICER RETENTION BONUS.*—*Section*
13 *301b(a) of title 37, United States Code, is amended by strik-*
14 *ing “December 31, 1999,” and inserting “December 31,*
15 *2000,”.*

16 (b) *REENLISTMENT BONUS FOR ACTIVE MEMBERS.*—
17 *Section 308(g) of such title is amended by striking “Decem-*
18 *ber 31, 1999” and inserting “December 31, 2000”.*

19 (c) *ENLISTMENT BONUS FOR PERSONS WITH CRIT-*
20 *ICAL SKILLS.*—*Section 308a(d) of such title, as redesign-*
21 *ated by section 618(b), is amended by striking “December*
22 *31, 1999” and inserting “December 31, 2000”.*

23 (d) *ARMY ENLISTMENT BONUS.*—*Section 308f(c) of*
24 *such title is amended by striking “December 31, 1999” and*
25 *inserting “December 31, 2000”.*

1 (e) *SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS*
 2 *EXTENDING PERIOD OF ACTIVE SERVICE.*—Section 312(e)
 3 of such title is amended by striking “December 31, 1999”
 4 and inserting “December 31, 2000”.

5 (f) *NUCLEAR CAREER ACCESSION BONUS.*—Section
 6 312b(c) of such title is amended by striking “December 31,
 7 1999” and inserting “December 31, 2000”.

8 (g) *NUCLEAR CAREER ANNUAL INCENTIVE BONUS.*—
 9 Section 312c(d) of such title is amended by striking “Octo-
 10 ber 1, 1998,” and all that follows through the period at the
 11 end and inserting “December 31, 2000.”

12 **SEC. 614. AVIATION CAREER INCENTIVE PAY FOR AIR BAT-**
 13 **TLE MANAGERS.**

14 (a) *AVAILABILITY OF INCENTIVE PAY.*—Section
 15 301a(b) of title 37, United States Code is amended by add-
 16 ing at the end the following new paragraph:

17 “(4) An officer serving as an air battle manager who
 18 is entitled to aviation career incentive pay under this sec-
 19 tion and who, before becoming entitled to aviation career
 20 incentive pay, was entitled to incentive pay under section
 21 301(a)(11) of this title, is entitled to monthly incentive pay
 22 at a rate equal to the greater of the following:

23 “(A) The rate applicable under this subsection.

24 “(B) The rate at which the member was receiv-
 25 ing incentive pay under section 301(c)(2)(A) of this

1 *title immediately before the member's entitlement to*
 2 *aviation career incentive pay under this section."*

3 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
 4 *section (a) shall take effect on the first day of the first*
 5 *month that begins on or after the date of the enactment of*
 6 *this Act.*

7 **SEC. 615. EXPANSION OF AUTHORITY TO PROVIDE SPECIAL**
 8 **PAY TO AVIATION CAREER OFFICERS EX-**
 9 **TENDING PERIOD OF ACTIVE DUTY.**

10 (a) *ELIGIBILITY CRITERIA.*—*Subsection (b) of section*
 11 *301b of title 37, United States Code, is amended—*

12 (1) *by striking paragraphs (2) and (5);*

13 (2) *in paragraph (3), by striking "grade O-6"*
 14 *and inserting "grade O-7";*

15 (3) *by inserting "and" at the end of paragraph*
 16 *(4); and*

17 (4) *by redesignating paragraphs (3), (4), and (6)*
 18 *as paragraphs (2), (3), and (4), respectively.*

19 (b) *AMOUNT OF BONUS.*—*Subsection (c) of such section*
 20 *is amended by striking "than—" and all that follows*
 21 *through the period at the end and inserting "than \$25,000*
 22 *for each year covered by the written agreement to remain*
 23 *on active duty."*

24 (c) *PRORATION AUTHORITY FOR COVERAGE OF IN-*
 25 *CREASED PERIOD OF ELIGIBILITY.*—*Subsection (d) of such*

1 *section is amended by striking “14 years of commissioned*
2 *service” and inserting “25 years of aviation service”.*

3 (d) *REPEAL OF CONTENT REQUIREMENTS FOR AN-*
4 *NUAL REPORT.*—Subsection (i)(1) of such section is amend-
5 *ed by striking the second sentence.*

6 (e) *DEFINITIONS REGARDING AVIATION SPECIALTY.*—
7 *Subsection (j) of such section is amended—*

8 (1) *by striking paragraphs (2) and (3); and*

9 (2) *by redesignating paragraph (4) as para-*
10 *graph (2).*

11 (f) *TECHNICAL AMENDMENT.*—Subsection (g)(3) of
12 *such section if amended by striking the second sentence.*

13 (g) *EFFECTIVE DATE.*—*The amendments made by this*
14 *section shall take effect on the first day of the first month*
15 *that begins on or after the date of the enactment of this*
16 *Act.*

17 **SEC. 616. DIVING DUTY SPECIAL PAY.**

18 (a) *INCREASE IN PAYMENT AMOUNT.*—Subsection (b)
19 *of section 304 of title 37, United States Code, is amended—*

20 (1) *by striking “\$200” and inserting “\$240”;*
21 *and*

22 (2) *by striking “\$300” and inserting “\$340”.*

23 (b) *RELATION TO HAZARDOUS DUTY INCENTIVE*
24 *PAY.*—Subsection (c) of such section 304 is amended to read
25 *as follows:*

1 “(c) If, in addition to diving duty, a member is as-
 2 signed by orders to one or more hazardous duties described
 3 in section 301 of this title, the member may be paid, for
 4 the same period of service, special pay under this section
 5 and incentive pay under such section 301 for each haz-
 6 ardous duty for which the member is qualified.”.

7 (c) *EFFECTIVE DATE.*—The amendments made by this
 8 section shall take effect on the first day of the first month
 9 that begins on or after the date of the enactment of this
 10 Act.

11 **SEC. 617. REENLISTMENT BONUS.**

12 (a) *MINIMUM MONTHS OF ACTIVE DUTY.*—Subsection
 13 (a)(1)(A) of section 308 of title 37, United States Code, is
 14 amended by striking “twenty-one months” and inserting
 15 “17 months”.

16 (b) *AMOUNT OF BONUS.*—Subsection (a)(2) of such sec-
 17 tion is amended—

18 (1) in subparagraph (A)(i), by striking “ten”
 19 and inserting “15”; and

20 (2) in subparagraph (B), by striking “\$45,000”
 21 and inserting “\$60,000”.

22 **SEC. 618. ENLISTMENT BONUS.**

23 (a) *INCREASE IN BONUS AMOUNT.*—Subsection (a) of
 24 section 308a of title 37, United States Code, is amended
 25 by striking “\$12,000” and inserting “\$20,000”.

1 (b) *PAYMENT METHODS.*—Such section is further
2 amended—

3 (1) in subsection (a), by striking the second sen-
4 tence;

5 (2) by redesignating subsections (b) and (c) as
6 subsections (c) and (d); and

7 (3) by inserting after subsection (a) the following
8 new subsection:

9 “(b) *PAYMENT METHODS.*—A bonus under this section
10 may be paid in a single lump sum, or in periodic install-
11 ments, to provide an extra incentive for a member to suc-
12 cessfully complete the training necessary for the member to
13 be technically qualified in the skill for which the bonus is
14 paid.”.

15 (c) *STYLISTIC AMENDMENTS.*—Such section is further
16 amended—

17 (1) in subsection (a), by inserting “*BONUS AU-*
18 *THORIZED; BONUS AMOUNT.*—” after “(a)”;

19 (2) in subsection (c), as redesignated by sub-
20 section (b)(2) of this section, by inserting “*REPAY-*
21 *MENT OF BONUS.*—” after “(c)”; and

22 (3) in subsection (d), as redesignated by sub-
23 section (b)(2) of this section, by inserting “*TERMI-*
24 *NATION OF AUTHORITY.*—” after “(d)”.

1 **SEC. 619. REVISED ELIGIBILITY REQUIREMENTS FOR RE-**
2 **SERVE COMPONENT PRIOR SERVICE ENLIST-**
3 **MENT BONUS.**

4 *Paragraph (2) of section 308i(a) of title 37, United*
5 *States Code, is amended to read as follows:*

6 *“(2) A bonus may only be paid under this section to*
7 *a person who meets each of the following requirements:*

8 *“(A) The person has completed a military service*
9 *obligation, but has less than 14 years of total military*
10 *service, and received an honorable discharge at the*
11 *conclusion of that military service obligation.*

12 *“(B) The person was not released, or is not being*
13 *released, from active service for the purpose of enlist-*
14 *ment in a reserve component.*

15 *“(C) The person is projected to occupy, or is oc-*
16 *cupying, a position as a member of the Selected Re-*
17 *serve in a specialty in which the person—*

18 *“(i) successfully served while a member on*
19 *active duty and attained a level of qualification*
20 *while on active duty commensurate with the*
21 *grade and years of service of the member; or*

22 *“(ii) has completed training or retraining*
23 *in the specialty skill that is designated as criti-*
24 *cally short and attained a level of qualification*
25 *in the specialty skill that is commensurate with*
26 *the grade and years of service of the member.*

1 “(D) *The person has not previously been*
 2 *paid a bonus (except under this section) for en-*
 3 *listment, reenlistment, or extension of enlistment*
 4 *in a reserve component.”.*

5 **SEC. 620. INCREASE IN SPECIAL PAY AND BONUSES FOR**
 6 **NUCLEAR-QUALIFIED OFFICERS.**

7 (a) *SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS*
 8 *EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(a)*
 9 *of title 37, United States Code, is amended by striking*
 10 *“\$15,000” and inserting “\$25,000”.*

11 (b) *NUCLEAR CAREER ACCESSION BONUS.—Section*
 12 *312b(a)(1) of such title is amended by striking “\$10,000”*
 13 *and inserting “\$20,000”.*

14 (c) *NUCLEAR CAREER ANNUAL INCENTIVE BO-*
 15 *NUSES.—Section 312c of such title is amended—*

16 (1) *in subsection (a)(1), by striking “\$12,000”*
 17 *and inserting “\$22,000”; and*

18 (2) *in subsection (b)(1), by striking “\$5,500”*
 19 *and inserting “\$10,000”.*

20 (d) *EFFECTIVE DATE.—(1) The amendments made by*
 21 *this section shall take effect on October 1, 1999.*

22 (2) *The amendments made by subsections (a) and (b)*
 23 *shall apply with respect to agreements accepted under sec-*
 24 *tion 312(a) and 312b(a), respectively, of title 37, United*
 25 *States Code, on or after October 1, 1999.*

1 (3) *The amendments made by subsection (c) shall*
 2 *apply with respect to nuclear service years beginning on*
 3 *or after October 1, 1999.*

4 **SEC. 621. INCREASE IN AUTHORIZED MONTHLY RATE OF**
 5 **FOREIGN LANGUAGE PROFICIENCY PAY.**

6 (a) *INCREASE.*—Section 316(b) of title 37, United
 7 States Code, is amended by striking “\$100” and inserting
 8 “\$300”.

9 (b) *EFFECTIVE DATE.*—The amendment made by sub-
 10 section (a) shall take effect on the first day of the first
 11 month that begins on or after the date of the enactment of
 12 this Act.

13 **SEC. 622. AUTHORIZATION OF RETENTION BONUS FOR SPE-**
 14 **CIAL WARFARE OFFICERS EXTENDING PERI-**
 15 **ODS OF ACTIVE DUTY.**

16 (a) *BONUS AUTHORIZED.*—Chapter 5 of title 37,
 17 United States Code, is amended by adding at the end the
 18 following new section:

19 **“§318. Special pay: special warfare officers extending**
 20 **period of active duty**

21 “(a) *SPECIAL WARFARE OFFICER DEFINED.*—In this
 22 section, the term ‘special warfare officer’ means an officer
 23 of a uniformed service who—

24 “(1) is qualified for a military occupational spe-
 25 cialty or designator identified by the Secretary con-

1 *cerned as a special warfare military occupational*
2 *specialty or designator; and*

3 *“(2) is serving in a position for which that specialty*
4 *or designator is authorized.*

5 *“(b) RETENTION BONUS AUTHORIZED.—A special*
6 *warfare officer who meets the eligibility requirements speci-*
7 *fied in subsection (c) and who executes a written agreement,*
8 *on or after October 1, 1999, to remain on active duty in*
9 *special warfare service for at least one year may, upon the*
10 *acceptance of the agreement by the Secretary concerned, be*
11 *paid a retention bonus as provided in this section.*

12 *“(c) ELIGIBLE OFFICERS.—A special warfare officer*
13 *may apply to enter into an agreement referred to in sub-*
14 *section (b) if the officer—*

15 *“(1) is in pay grade O–3, or is in pay grade O–*
16 *4 and is not on a list of officers recommended for pro-*
17 *motion, at the time the officer applies to enter into*
18 *the agreement;*

19 *“(2) has completed at least 6, but not more than*
20 *14, years of active commissioned service; and*

21 *“(3) has completed any service commitment in-*
22 *curring to be commissioned as an officer.*

23 *“(d) AMOUNT OF BONUS.—The amount of a retention*
24 *bonus paid under this section may not be more than*
25 *\$15,000 for each year covered by the agreement.*

1 “(e) *PRORATION.*—*The term of an agreement under*
2 *subsection (b) and the amount of the retention bonus pay-*
3 *able under subsection (d) may be prorated as long as the*
4 *agreement does not extend beyond the date on which the*
5 *officer executing the agreement would complete 14 years of*
6 *active commissioned service.*

7 “(f) *PAYMENT METHODS.*—(1) *Upon acceptance of an*
8 *agreement under subsection (b) by the Secretary concerned,*
9 *the total amount payable pursuant to the agreement be-*
10 *comes fixed.*

11 “(2) *The amount of the retention bonus may be paid*
12 *as follows:*

13 “(A) *At the time the agreement is accepted by*
14 *the Secretary concerned, the Secretary may make a*
15 *lump sum payment equal to half the total amount*
16 *payable under the agreement. The balance of the*
17 *bonus amount shall be paid in equal annual install-*
18 *ments on the anniversary of the acceptance of the*
19 *agreement.*

20 “(B) *The Secretary concerned may make grad-*
21 *uated annual payments under regulations prescribed*
22 *by the Secretary, with the first payment being pay-*
23 *able at the time the agreement is accepted by the Sec-*
24 *retary and subsequent payments being payable on the*
25 *anniversary of the acceptance of the agreement.*

1 “(g) *ADDITIONAL PAY.*—*A retention bonus paid under*
2 *this section is in addition to any other pay and allowances*
3 *to which an officer is entitled.*

4 “(h) *REPAYMENT.*—(1) *If an officer who has entered*
5 *into an agreement under subsection (b) and has received*
6 *all or part of a retention bonus under this section fails to*
7 *complete the total period of active duty in special warfare*
8 *service as specified in the agreement, the Secretary con-*
9 *cerned may require the officer to repay the United States,*
10 *on a pro rata basis and to the extent that the Secretary*
11 *determines conditions and circumstances warrant, all sums*
12 *paid the officer under this section.*

13 “(2) *An obligation to repay the United States imposed*
14 *under paragraph (1) is for all purposes a debt owed to the*
15 *United States.*

16 “(3) *A discharge in bankruptcy under title 11 that is*
17 *entered less than five years after the termination of an*
18 *agreement entered into under subsection (a) does not dis-*
19 *charge the officer signing the agreement from a debt arising*
20 *under such agreement or under paragraph (1).*

21 “(i) *REGULATIONS.*—*The Secretaries concerned shall*
22 *prescribe regulations to carry out this section, including the*
23 *definition of the term ‘special warfare service’ for purposes*
24 *of this section. Regulations prescribed by the Secretary of*

1 *a military department under this section shall be subject*
 2 *to the approval of the Secretary of Defense.”.*

3 (b) *CLERICAL AMENDMENT.—The table of sections at*
 4 *the beginning of chapter 5 of title 37, United States Code*
 5 *is amended by adding at the end the following new item:*
 “318. *Special pay: special warfare officers extending period of active duty.”.*

6 **SEC. 623. AUTHORIZATION OF SURFACE WARFARE OFFICER**
 7 **CONTINUATION PAY.**

8 (a) *INCENTIVE PAY AUTHORIZED.—Chapter 5 of title*
 9 *37, United States Code, is amended by inserting after sec-*
 10 *tion 318, as added by section 622, the following new section:*

11 **“§319. Special pay: surface warfare officer continu-**
 12 **ation pay**

13 “(a) *ELIGIBLE SURFACE WARFARE OFFICER DE-*
 14 *FINED.—In this section, the term ‘eligible surface warfare*
 15 *officer’ means an officer of the Regular Navy or Naval Re-*
 16 *serve on active duty who—*

17 “(1) *is qualified and serving as a surface war-*
 18 *fare officer;*

19 “(2) *has been selected for assignment as a de-*
 20 *partment head on a surface vessel; and*

21 “(3) *has completed any service commitment in-*
 22 *curring through the officer’s original commissioning*
 23 *program.*

24 “(b) *SPECIAL PAY AUTHORIZED.—An eligible surface*
 25 *warfare officer who executes a written agreement, on or*

1 *after October 1, 1999, to remain on active duty to complete*
2 *one or more tours of duty to which the officer may be or-*
3 *dered as a department head on a surface ship may, upon*
4 *the acceptance of the agreement by the Secretary of the*
5 *Navy, be paid an amount not to exceed \$50,000.*

6 “(c) *PRORATION.*—*The term of the written agreement*
7 *under subsection (b) and the amount payable under the*
8 *agreement may be prorated.*

9 “(d) *PAYMENT METHODS.*—*Upon acceptance of the*
10 *written agreement under subsection (b) by the Secretary of*
11 *the Navy, the total amount payable pursuant to the agree-*
12 *ment becomes fixed. The Secretary shall prepare an imple-*
13 *mentation plan specifying the amount of each installment*
14 *payment under the agreement and the times for payment*
15 *of the installments.*

16 “(e) *ADDITIONAL PAY.*—*Any amount paid under this*
17 *section is in addition to any other pay and allowances to*
18 *which an officer is entitled.*

19 “(f) *REPAYMENT.*—(1) *If an officer who has entered*
20 *into a written agreement under subsection (b) and has re-*
21 *ceived all or part of the amount payable under the agree-*
22 *ment fails to complete the total period of active duty as*
23 *a department head on a surface ship specified in the agree-*
24 *ment, the Secretary of the Navy may require the officer to*
25 *repay the United States, to the extent that the Secretary*

1 *of the Navy determines conditions and circumstances war-*
 2 *rant, any or all sums paid under this section.*

3 “(2) *An obligation to repay the United States imposed*
 4 *under paragraph (1) is for all purposes a debt owned to*
 5 *the United States.*

6 “(3) *A discharge in bankruptcy under title 11 that is*
 7 *entered less than five years after the termination of an*
 8 *agreement entered into under subsection (b) does not dis-*
 9 *charge the officer signing the agreement from a debt arising*
 10 *under such agreement or under paragraph (1).*

11 “(g) *REGULATIONS.—The Secretary of the Navy shall*
 12 *prescribe regulations to carry out this section.”.*

13 (b) *CLERICAL AMENDMENT.—The table of sections at*
 14 *the beginning of chapter 5 of title 37, United States Code,*
 15 *is amended by inserting after the item relating to section*
 16 *318 the following new item:*

“319. Special pay: surface warfare officer continuation pay.”.

17 **SEC. 624. AUTHORIZATION OF CAREER ENLISTED FLYER IN-**
 18 **CENTIVE PAY.**

19 (a) *INCENTIVE PAY AUTHORIZED.—Chapter 5 of title*
 20 *37, United States Code, is amended by inserting after sec-*
 21 *tion 319, as added by section 623, the following new section:*

22 **“§ 320. Incentive pay: career enlisted flyers**

23 “(a) *ELIGIBLE CAREER ENLISTED FLYER DEFINED.—*
 24 *In this section, the term ‘eligible career enlisted flyer’ means*
 25 *an enlisted member of the armed forces who—*

1 “(1) is entitled to basic pay under section 204
2 of this title, or is entitled to pay under section 206
3 of this title as described in subsection (e) of this sec-
4 tion;

5 “(2) holds an enlisted military occupational spe-
6 cialty or enlisted military rating designated as a ca-
7 reer enlisted flyer specialty or rating by the Secretary
8 concerned, performs duty as a dropsonde system oper-
9 ator, or is in training leading to qualification and
10 designation of such a specialty or rating or the per-
11 formance of such duty;

12 “(3) is qualified for aviation service under regu-
13 lations prescribed by the Secretary concerned; and

14 “(4) satisfies the operational flying duty require-
15 ments applicable under subsection (c).

16 “(b) INCENTIVE PAY AUTHORIZED.—(1) The Secretary
17 concerned may pay monthly incentive pay to an eligible
18 career enlisted flyer in an amount not to exceed the monthly
19 maximum amounts specified in subsection (d). The incen-
20 tive pay may be paid as continuous monthly incentive pay
21 or on a month-to-month basis, dependent upon the oper-
22 ational flying duty performed by the eligible career enlisted
23 flyer as prescribed in subsection (c).

24 “(2) Continuous monthly incentive pay may not be
25 paid to an eligible career enlisted flyer after the member

1 completes 25 years of aviation service. Thereafter, an eligi-
2 ble career enlisted flyer may still receive incentive pay on
3 a month-to-month basis under subsection (c)(4) for the fre-
4 quent and regular performance of operational flying duty.

5 “(c) OPERATIONAL FLYING DUTY REQUIREMENTS.—

6 (1) An eligible career enlisted flyer must perform oper-
7 ational flying duties for 6 of the first 10, 9 of the first 15,
8 and 14 of the first 20 years of aviation service, to be eligible
9 for continuous monthly incentive pay under this section.

10 “(2) Upon completion of 10, 15, or 20 years of avia-
11 tion service, an enlisted member who has not performed the
12 minimum required operational flying duties specified in
13 paragraph (1) during the prescribed period, although other-
14 wise meeting the definition in subsection (a), may no longer
15 be paid continuous monthly incentive pay except as pro-
16 vided in paragraph (3). Payment of continuous monthly
17 incentive pay if the member meets the minimum oper-
18 ational flying duty requirement upon completion of the next
19 established period of aviation service.

20 “(3) For the needs of the service, the Secretary con-
21 cerned may permit, on a case-by-case basis, a member to
22 continue to receive continuous monthly incentive pay de-
23 spite the member’s failure to perform the operational flying
24 duty required during the first 10, 15, or 20 years of avia-
25 tion service, but only if the member otherwise meets the defi-

1 *tion in subsection (a) and has performed at least 5 years*
 2 *of operational flying duties during the first 10 years of*
 3 *aviation service, 8 years of operational flying duties during*
 4 *the first 15 years of aviation service, or 12 years of oper-*
 5 *ational flying duty during the first 20 years of aviation*
 6 *service. The authority of the Secretary concerned under this*
 7 *paragraph may not be delegated below the level of the Serv-*
 8 *ice Personnel Chief.*

9 “(4) *If the eligibility of an eligible career enlisted flyer*
 10 *to continuous monthly incentive pay ceases under sub-*
 11 *section (b)(2) or paragraph (2), the member may still re-*
 12 *ceive month-to-month incentive pay for subsequent frequent*
 13 *and regular performance of operational flying duty. The*
 14 *rate payable is the same rate authorized by the Secretary*
 15 *concerned under subsection (d) for a member of cor-*
 16 *responding years of aviation service.*

17 “(d) *MONTHLY MAXIMUM INCENTIVE PAY.—The*
 18 *monthly rate for incentive pay under this section may not*
 19 *exceed the amounts specified in the following table for the*
 20 *applicable years of aviation service:*

<i>“Years of aviation service:</i>	<i>Monthly rate</i>
<i>4 or less</i>	<i>\$150</i>
<i>Over 4</i>	<i>\$225</i>
<i>Over 8</i>	<i>\$350</i>
<i>Over 14</i>	<i>\$400</i>

21 “(e) *ELIGIBILITY OF RESERVE COMPONENT MEMBERS*
 22 *WHEN PERFORMING INACTIVE DUTY TRAINING.—Under*

1 regulations prescribed by the Secretary concerned, when a
2 member of a reserve component or the National Guard, who
3 is entitled to compensation under section 206 of this title,
4 meets the definition of eligible career enlisted flyer, the Sec-
5 retary concerned may increase the member's compensation
6 by an amount equal to $\frac{1}{30}$ of the monthly incentive pay
7 authorized by the Secretary concerned under subsection (d)
8 for a member of corresponding years of aviation service who
9 is entitled to basic pay under section 204 of this title. The
10 reserve component member may receive the increase for as
11 long as the member is qualified for it, for each regular pe-
12 riod of instruction or period of appropriate duty, at which
13 the member is engaged for at least two hours, or for the
14 performance of such other equivalent training, instruction,
15 duty or appropriate duties, as the Secretary may prescribe
16 under section 206(a) of this title.

17 “(f) *RELATION TO HAZARDOUS DUTY INCENTIVE PAY*
18 *OR DIVING DUTY SPECIAL PAY.*—A member receiving spe-
19 cial pay under section 301(a) or 304 of this title may not
20 be paid incentive pay under this section for the same period
21 of service.

22 “(g) *SAVE PAY PROVISION.*—If, immediately before a
23 member receives incentive pay under this section, the mem-
24 ber was entitled to incentive pay under section 301(a) of
25 this title, the rate at which the member is paid incentive

1 *pay under this section shall be equal to the higher of the*
2 *monthly amount applicable under subsection (d) or the rate*
3 *of incentive pay the member was receiving under subsection*
4 *(b) or (c)(2)(A) of section 301 of this title.*

5 “(h) *SPECIALTY CODE OF DROPSONDE SYSTEM OPER-*
6 *ATORS.—Within the Air Force, the Secretary of the Air*
7 *Force shall assign to members who are dropsonde system*
8 *operators a specialty code that identifies such members as*
9 *serving in a weather specialty.*

10 “(i) *DEFINITIONS.—In this section:*

11 “(1) *The term ‘aviation service’ means partici-*
12 *ipation in aerial flight performed, under regulations*
13 *prescribed by the Secretary concerned, by an eligible*
14 *career enlisted flyer.*

15 “(2) *The term ‘operational flying duty’ means*
16 *flying performed under competent orders while serv-*
17 *ing in assignments, including an assignment as a*
18 *dropsonde system operator, in which basic flying*
19 *skills normally are maintained in the performance of*
20 *assigned duties as determined by the Secretary con-*
21 *cerned, and flying duty performed by members in*
22 *training that leads to the award of an enlisted avia-*
23 *tion rating or military occupational specialty des-*
24 *ignated as a career enlisted flyer rating or specialty*
25 *by the Secretary concerned.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of chapter 5 of title 37, United States Code,*
 3 *is amended by inserting after the item relating to section*
 4 *319 the following new item:*

“320. *Incentive pay: career enlisted flyers.*”.

5 **SEC. 625. AUTHORIZATION OF JUDGE ADVOCATE CONTINU-**
 6 **ATION PAY.**

7 (a) *INCENTIVE PAY AUTHORIZED.*—(1) *Chapter 5 of*
 8 *title 37, United States Code, is amended by inserting after*
 9 *section 320, as added by section 624, the following new sec-*
 10 *tion:*

11 **“§321. Special pay: judge advocate continuation pay**

12 “(a) *ELIGIBLE JUDGE ADVOCATE DEFINED.*—*In this*
 13 *section, the term ‘eligible judge advocate’ means an officer*
 14 *of the armed forces on full-time active duty who—*

15 “(1) *is qualified and serving as a judge advocate,*
 16 *as defined in section 801 of title 10; and*

17 “(2) *has completed any service commitment in-*
 18 *curring through the officer’s original commissioning*
 19 *program.*

20 “(b) *SPECIAL PAY AUTHORIZED.*—*An eligible judge*
 21 *advocate who executes a written agreement, on or after Oc-*
 22 *tober 1, 1999, to remain on active duty for a period of obli-*
 23 *gated service specified in the agreement may, upon the ac-*
 24 *ceptance of the agreement by the Secretary concerned, be*
 25 *paid an amount not to exceed \$60,000.*

1 “(c) *PRORATION.*—*The term of the written agreement*
2 *under subsection (b) and the amount payable under the*
3 *agreement may be prorated.*

4 “(d) *PAYMENT METHODS.*—*Upon acceptance of the*
5 *written agreement under subsection (b) by the Secretary*
6 *concerned, the total amount payable pursuant to the agree-*
7 *ment becomes fixed. The Secretary shall prepare an imple-*
8 *mentation plan specifying the amount of each installment*
9 *payment under the agreement and the times for payment*
10 *of the installments.*

11 “(e) *ADDITIONAL PAY.*—*Any amount paid under this*
12 *section is in addition to any other pay and allowances to*
13 *which an officer is entitled.*

14 “(f) *REPAYMENT.*—(1) *If an officer who has entered*
15 *into a written agreement under subsection (b) and has re-*
16 *ceived all or part of the amount payable under the agree-*
17 *ment fails to complete the total period of active duty speci-*
18 *fied in the agreement, the Secretary concerned may require*
19 *the officer to repay the United States, to the extent that*
20 *the Secretary determines conditions and circumstances*
21 *warrant, any or all sums paid under this section.*

22 “(2) *An obligation to repay the United States imposed*
23 *under paragraph (1) is for all purposes a debt owned to*
24 *the United States.*

1 “(3) A discharge in bankruptcy under title 11 that is
2 entered less than five years after the termination of an
3 agreement entered into under subsection (b) does not dis-
4 charge the officer signing the agreement from a debt arising
5 under such agreement or under paragraph (1).

6 “(g) REGULATIONS.—The Secretary concerned shall
7 prescribe regulations to carry out this section.”.

8 (2) The table of sections at the beginning of chapter
9 5 of title 37, United States Code, is amended by inserting
10 after the item relating to section 320 the following new item:

“321. Special pay: judge advocate continuation pay.”.

11 (b) STUDY AND REPORT ON ADDITIONAL RECRUIT-
12 MENT AND RETENTION INITIATIVES.—(1) The Secretary of
13 Defense shall conduct a study regarding the need for addi-
14 tional incentives to improve the recruitment and retention
15 of judge advocates for the Armed Forces. At a minimum,
16 the Secretary shall consider as possible incentives construc-
17 tive service credit for basic pay, educational loan repay-
18 ment, and Federal student loan relief.

19 (2) Not later than March 31, 2000, the Secretary shall
20 submit to Congress a report containing the findings and
21 recommendations resulting from the study.

1 ***Subtitle C—Travel and***
2 ***Transportation Allowances***

3 ***SEC. 631. PROVISION OF LODGING IN KIND FOR RESERV-***
4 ***ISTS PERFORMING TRAINING DUTY AND NOT***
5 ***OTHERWISE ENTITLED TO TRAVEL AND***
6 ***TRANSPORTATION ALLOWANCES.***

7 *Section 404(i) of title 37, United States Code, is*
8 *amended—*

9 (1) *in paragraph (1), by adding at the end the*
10 *following new sentence: “If transient government*
11 *housing is unavailable, the Secretary concerned may*
12 *provide the member with lodging in kind in the same*
13 *manner as members entitled to such allowances under*
14 *subsection (a).”;* and

15 (2) *in paragraph (3)—*

16 (A) *by inserting after “paragraph (1)” the*
17 *following: “and expenses of providing lodging in*
18 *kind under such paragraph”;* and

19 (B) *by adding at the end the following new*
20 *sentence: “Use of Government charge cards is au-*
21 *thorized for payment of these expenses.”.*

1 **SEC. 632. PAYMENT OF TEMPORARY LODGING EXPENSES**
 2 **FOR MEMBERS MAKING THEIR FIRST PERMA-**
 3 **NENT CHANGE OF STATION.**

4 (a) *AUTHORITY TO PAY OR REIMBURSE.*—Section
 5 404a(a) of title 37, United States Code, is amended

6 (1) in paragraph (1), by striking “or” at the
 7 end;

8 (2) in paragraph (2), by inserting “or” after the
 9 semicolon; and

10 (3) by inserting after paragraph (2) the fol-
 11 lowing new paragraph:

12 “(3) in the case of an enlisted member who is re-
 13 porting to the member’s first permanent duty station,
 14 from the member’s home of record or initial technical
 15 school to that first permanent duty station;”.

16 (b) *DURATION.*—Such section is further amended—

17 (1) in the second sentence, by striking “clause
 18 (1)” and inserting “paragraph (1) or (3)”; and

19 (2) in the third sentence, by striking “clause (2)”
 20 and inserting “paragraph (2)”.

21 **SEC. 633. EMERGENCY LEAVE TRAVEL COST LIMITATIONS.**

22 Section 411d(b)(1) of title 37, United States Code, is
 23 amended—

24 (1) in subparagraph (A), by striking “or” at the
 25 end;

1 (2) by redesignating subparagraph (B) as sub-
2 paragraph (C); and

3 (3) by inserting after subparagraph (A) the fol-
4 lowing new subparagraph:

5 “(B) to any airport in the continental United
6 States to which travel can be arranged at the same
7 or a lower cost as travel obtained under subparagraph
8 (A); or”.

9 ***Subtitle D—Retired Pay Reform***

10 ***SEC. 641. REDUX RETIRED PAY SYSTEM APPLICABLE ONLY***

11 ***TO MEMBERS ELECTING NEW 15-YEAR CA-***

12 ***REER STATUS BONUS.***

13 (a) *RETIRED PAY MULTIPLIER.*—Paragraph (2) of
14 section 1409(b) of title 10, United States Code, is amended
15 by inserting “has elected to receive a bonus under section
16 321 of title 37,” after “July 31, 1986,”.

17 (b) *COST-OF-LIVING ADJUSTMENTS.*—Paragraph (3)
18 of section 1401a(b) of such title is amended to read as fol-
19 lows:

20 “(3) *POST-AUGUST 1, 1986 MEMBERS.*—

21 “(A) *MEMBERS ELECTING 15-YEAR CAREER*
22 *STATUS BONUS.*—In the case of a member or
23 former member who first became a member on or
24 after August 1, 1986, and who elected to receive
25 a bonus under section 321 of title 37, the Sec-

1 *retary shall increase the retired pay of the mem-*
 2 *ber or former member (unless the percent deter-*
 3 *mined under paragraph (2) is less than 1 per-*
 4 *cent) by the difference between—*

5 *“(i) the percent determined under*
 6 *paragraph (2); and*

7 *“(ii) 1 percent.*

8 *“(B) MEMBERS NOT ELECTING 15-YEAR CA-*
 9 *REER STATUS BONUS.—In the case of a member*
 10 *or former member who first became a member on*
 11 *or after August 1, 1986, and who did not elect*
 12 *to receive a bonus under section 321 of title 37,*
 13 *the Secretary shall increase the retired pay of the*
 14 *member or former member—*

15 *“(i) if the percent determined under*
 16 *paragraph (2) is equal to or greater than 3*
 17 *percent, by the difference between—*

18 *“(I) the percent determined under*
 19 *paragraph (2); and*

20 *“(II) 1 percent; and*

21 *“(ii) if the percent determined under*
 22 *paragraph (2) is less than 3 percent, by the*
 23 *lesser of—*

24 *“(I) the percent determined under*
 25 *paragraph (2); or*

1 “(II) 2 percent.”.

2 (c) *RECOMPUTATION OF RETIRED PAY AT AGE 62.*—

3 *Section 1410 of such title is amended—*

4 (1) *by inserting “(a) IN GENERAL.—” before “In*
5 *the case of”;*

6 (2) *by inserting after “62 years of age,” the fol-*
7 *lowing: “in accordance with subsection (b) or (c), as*
8 *applicable.*

9 “(b) *MEMBERS RECEIVING CAREER STATUS BONUS.*—

10 *In the case of a member or former member described in sub-*
11 *section (a) who received a bonus under section 321 of title*
12 *37, the retired pay of the member or former member shall*
13 *be recomputed under subsection (a)”;*

14 (3) *by striking “that date” and inserting “the ef-*
15 *fective date of the recomputation”;* and

16 (4) *by adding at the end the following:*

17 “(c) *MEMBERS NOT RECEIVING CAREER STATUS*

18 *BONUS.—In the case of a member or former member de-*

19 *scribed in subsection (a) who did not receive a bonus under*

20 *section 321 of title 37, the retired pay of the member or*

21 *former member shall be recomputed under subsection (a) so*

22 *as to be the amount equal to the amount of retired pay*

23 *to which the member or former member would be entitled*

24 *on the effective date of the recomputation if increases in*

25 *the retired pay of the member or former member under sec-*

1 *tion 1401a(b) of this title had been computed as provided*
 2 *in paragraph (2) of that section (rather than under para-*
 3 *graph (3)(B) of that section).”.*

4 **SEC. 642. AUTHORIZATION OF 15-YEAR CAREER STATUS**
 5 **BONUS.**

6 *(a) CAREER SERVICE BONUS.—Chapter 5 of title 37,*
 7 *United States Code, is amended by inserting after section*
 8 *321, as added by section 625, the following new section:*

9 **“§322. Special pay: 15-year career status bonus for**
 10 ***members entering service on or after Au-***
 11 ***gust 1, 1986***

12 *“(a) ELIGIBLE CAREER BONUS MEMBER DEFINED.—*
 13 *In this section, the term ‘eligible career bonus member’*
 14 *means a member of a uniformed service serving on active*
 15 *duty who—*

16 *“(1) first became a member on or after August*
 17 *1, 1986; and*

18 *“(2) has completed 15 years of active duty in the*
 19 *uniformed services (or has received notification under*
 20 *subsection (e) that the member is about to complete*
 21 *that duty).*

22 *“(b) AVAILABILITY OF BONUS.—The Secretary con-*
 23 *cerned shall pay a bonus under this section to an eligible*
 24 *career bonus member if the member—*

1 “(1) elects to receive the bonus under this section;
2 and

3 “(2) executes a written agreement (prescribed by
4 the Secretary concerned) to remain continuously on
5 active duty until the member has completed 20 years
6 of active-duty service creditable under section 1405 of
7 title 10, if the member is not already obligated to re-
8 main on active duty for a period that would result
9 in at least 20 years of active-duty service.

10 “(c) *ELECTION METHOD.*—The election under sub-
11 section (b)(1) shall be made in such form and within such
12 period as the Secretary concerned may prescribe. An elec-
13 tion under such subsection is irrevocable.

14 “(d) *AMOUNT OF BONUS; PAYMENT.*—(1) A bonus
15 under this section shall be paid in one lump sum of
16 \$30,000.

17 “(2) The bonus shall be paid to an eligible career bonus
18 member not later than the first month that begins on or
19 after the date that is 60 days after the date on which the
20 Secretary concerned receives from the member the election
21 required under subsection (b)(1) and the written agreement
22 required under subsection (b)(2), if applicable.

23 “(e) *NOTIFICATION OF ELIGIBILITY.*—(1) The Sec-
24 retary concerned shall transmit to each member who satis-
25 fies the definition of eligible career bonus member a written

1 notification of the opportunity of the member to elect to re-
2 ceive a bonus under this section. The Secretary shall provide
3 the notification not later than 180 days before the date on
4 which the member will complete 15 years of active duty.

5 “(2) The notification shall include the following:

6 “(A) The procedures for electing to receive the
7 bonus.

8 “(B) An explanation of the effects under sections
9 1401a, 1409, and 1410 of title 10 that such an elec-
10 tion has on the computation of any retired or retainer
11 pay that the member may become eligible to receive.

12 “(f) REPAYMENT OF BONUS.—(1) If a person paid a
13 bonus under this section fails to complete the total period
14 of active duty specified in subsection (b)(2), the person shall
15 refund to the United States the amount that bears the same
16 ratio to the amount of the bonus payment as the unserved
17 part of that total period bears to the total period.

18 “(2) Subject to paragraph (3), an obligation to reim-
19 burse the United States imposed under paragraph (1) is
20 for all purposes a debt owed to the United States.

21 “(3) The Secretary concerned may waive, in whole or
22 in part, a refund required under paragraph (1) if the Sec-
23 retary concerned determines that recovery would be against
24 equity and good conscience or would be contrary to the best
25 interests of the United States.

1 “(4) A discharge in bankruptcy under title 11 that is
2 entered less than five years after the termination of an
3 agreement under this section does not discharge the member
4 signing such agreement from a debt arising under the agree-
5 ment or this subsection.”.

6 (b) *CLERICAL AMENDMENT.*—The table of sections at
7 the beginning of such chapter is amended by inserting after
8 the item relating to section 321 the following new item:

“322. Special pay: 15-year career status bonus for members entering service on
or after August 1, 1986.”.

9 **SEC. 643. CONFORMING AMENDMENTS.**

10 (a) *CONFORMING AMENDMENT TO SURVIVOR BENEFIT*
11 *PLAN PROVISION.*—Section 1451(h)(3) of title 10, United
12 States Code, is amended by inserting “OF CERTAIN MEM-
13 BERS” after “RETIREMENT”.

14 (b) *RELATED TECHNICAL AMENDMENTS.*—Chapter 71
15 of such title is amended as follows:

16 (1) Section 1401a(b) is amended by striking the
17 heading for paragraph (1) and inserting “INCREASE
18 REQUIRED.—”.

19 (2) Section 1409(b)(2) is amended by inserting
20 “CERTAIN” in the paragraph heading after “REDUC-
21 TION APPLICABLE TO”.

22 **SEC. 644. EFFECTIVE DATE.**

23 The amendments made by sections 641, 642, and 643
24 shall take effect on October 1, 1999.

1 ***Subtitle E—Other Retired Pay and***
 2 ***Survivor Benefit Matters***

3 ***SEC. 651. EFFECTIVE DATE OF DISABILITY RETIREMENT***
 4 ***FOR MEMBERS DYING IN CIVILIAN MEDICAL***
 5 ***FACILITIES.***

6 *(a) IN GENERAL.—(1) Chapter 61 of title 10, United*
 7 *States Code, is amended by inserting after section 1219 the*
 8 *following new section:*

9 ***“§ 1220. Members dying in civilian medical facilities:***
 10 ***authority for determination of later time***
 11 ***of death to allow disability retirement***

12 *“(a) AUTHORITY FOR LATER TIME-OF-DEATH DETER-*
 13 *MINATION TO ALLOW DISABILITY RETIREMENT.—In the*
 14 *case of a member of the armed forces who dies in a civilian*
 15 *medical facility in a State, the Secretary concerned may,*
 16 *solely for the purpose of allowing retirement of the member*
 17 *under section 1201 or 1204 of this title and subject to sub-*
 18 *section (b), specify a date and time of death of the member*
 19 *later than the date and time of death determined by the*
 20 *attending physician in that civilian medical facility.*

21 *“(b) LIMITATIONS.—A date and time of death may be*
 22 *determined by the Secretary concerned under subsection (a)*
 23 *only if that date and time—*

24 *“(1) are consistent with the date and time of*
 25 *death that reasonably could have been determined by*

1 *an attending physician in a military medical facility*
2 *if the member had died in a military medical facility*
3 *in the same State as the civilian medical facility; and*

4 *“(2) are not more than 48 hours later than the*
5 *date and time of death determined by the attending*
6 *physician in the civilian medical facility.*

7 *“(c) STATE DEFINED.—In this section, the term ‘State’*
8 *includes the District of Columbia and any Commonwealth*
9 *or possession of the United States.”.*

10 *(2) The table of sections at the beginning of such chap-*
11 *ter is amended by inserting after the item relating to section*
12 *1219 the following new item:*

*“1220. Members dying in civilian medical facilities: authority for determination
of later time of death to allow disability retirement.”.*

13 *(b) EFFECTIVE DATE.—(1) Section 1220 of title 10,*
14 *United States Code, as added by subsection (a), shall apply*
15 *with respect to any member of the Armed Forces dying in*
16 *a civilian medical facility on or after January 1, 1998.*

17 *(2) In the case of any such member dying on or after*
18 *such date and before the date of the enactment of this Act,*
19 *any specification by the Secretary concerned under such*
20 *section with respect to the date and time of death of such*
21 *member shall be made not later than 180 days after the*
22 *date of the enactment of this Act.*

1 **SEC. 652. EXTENSION OF ANNUITY ELIGIBILITY FOR SUR-**
2 **VIVING SPOUSES OF CERTAIN RETIREMENT**
3 **ELIGIBLE RESERVE MEMBERS.**

4 (a) *COVERAGE OF SURVIVING SPOUSES OF ALL GRAY*
5 *AREA RETIREES.*—Section 644(a)(1)(B) of the National
6 *Defense Authorization Act for Fiscal Year 1998 (Public*
7 *Law 105–85; 111 Stat. 1800) is amended by striking “dur-*
8 *ing the period beginning on September 21, 1972, and end-*
9 *ing on” and inserting “before”.*

10 (b) *EFFECTIVE DATE.*—The amendment made by sub-
11 *section (a) shall apply with respect to annuities payable*
12 *for months beginning after September 30, 1999.*

13 **SEC. 653. PRESENTATION OF UNITED STATES FLAG TO RE-**
14 **TIRING MEMBERS OF THE UNIFORMED SERV-**
15 **ICES NOT PREVIOUSLY COVERED.**

16 (a) *NONREGULAR SERVICE MILITARY RETIREES.*—(1)
17 *Chapter 1217 of title 10, United States Code, is amended*
18 *by adding at the end the following new section:*

19 **“§ 12605. Presentation of United States flag: members**
20 **transferred from an active status or dis-**
21 **charged after completion of eligibility for**
22 **retired pay**

23 **“(a) PRESENTATION OF FLAG.**—Upon the transfer
24 *from an active status or discharge of a Reserve who has*
25 *completed the years of service required for eligibility for re-*

1 a flag under this section or any other provision of law pro-
2 viding for the presentation of a United States flag incident
3 to release from active service for retirement.

4 “(c) *NO COST TO RECIPIENT.*—The presentation of a
5 flag under this section shall be at no cost to the recipient.”.

6 (c) *NATIONAL OCEANIC AND ATMOSPHERIC ADMINIS-*
7 *TRATION.*—The Coast and Geodetic Survey Commissioned
8 Officers’ Act of 1948 is amended by inserting after section
9 24 (33 U.S.C. 853u) the following new section:

10 “SEC. 25. (a) Upon the release of a commissioned offi-
11 cer from active commissioned service for retirement, the
12 Secretary of Commerce shall present a United States flag
13 to the officer.

14 “(b) *MULTIPLE PRESENTATIONS NOT AUTHORIZED.*—
15 An officer is not eligible for presentation of a flag under
16 subsection (a) if the officer has previously been presented
17 a flag under this section or any other provision of law pro-
18 viding for the presentation of a United States flag incident
19 to release from active service for retirement.

20 “(c) *NO COST TO RECIPIENT.*—The presentation of a
21 flag under this section shall be at no cost to the recipient.”.

22 (d) *EFFECTIVE DATE.*—Section 12605 of title 10,
23 United States Code (as added by subsection (a)), section
24 413 of the Public Health Service Act (as added by sub-
25 section (b)), and section 25 of the Coast and Geodetic Sur-

1 *vey Commissioned Officers' Act of 1948 (as added by sub-*
 2 *section (c)) shall apply with respect to releases from service*
 3 *described in those sections on or after October 1, 1999.*

4 *(e) CONFORMING AMENDMENTS TO PRIOR LAW.—Sec-*
 5 *tions 3681(b), 6141(b), and 8681(b) of title 10, United*
 6 *States Code, and section 516(b) of title 14, United States*
 7 *Code, are each amended by striking “under this section”*
 8 *and all that follows through the period and inserting*
 9 *“under this section or any other provision of law providing*
 10 *for the presentation of a United States flag incident to re-*
 11 *lease from active service for retirement.”.*

12 **SEC. 654. ACCRUAL FUNDING FOR RETIREMENT SYSTEM**
 13 **FOR COMMISSIONED CORPS OF NATIONAL**
 14 **OCEANIC AND ATMOSPHERIC ADMINISTRA-**
 15 **TION.**

16 *(a) INCLUSION OF NOAA OFFICERS IN DOD MILITARY*
 17 *RETIREMENT FUND.—Section 1461 of title 10, United*
 18 *States Code, is amended—*

19 *(1) in subsection (a), by inserting “and the De-*
 20 *partment of Commerce” after “Department of De-*
 21 *fense”;*

22 *(2) in subsection (b)—*

23 *(A) by inserting “and the Coast and Geo-*
 24 *detic Survey Commissioned Officers' Act of 1948*

1 (33 U.S.C. 853a et seq.)” in paragraph (1) after
2 “this title”;

3 (B) by striking “and” at the end of para-
4 graph (2);

5 (C) by striking the period at the end of
6 paragraph (3) and inserting “; and”; and

7 (D) by adding at the end the following new
8 paragraph:

9 “(4) the programs under the jurisdiction of the
10 Department of Commerce providing annuities for sur-
11 vivors of members and former members of the NOAA
12 Corps.”; and

13 (3) by adding at the end the following new sub-
14 section:

15 “(c) In this chapter, the term ‘NOAA Corps’ means
16 the National Oceanic and Atmospheric Administration
17 Commissioned Corps and its predecessors.”.

18 (b) *PAYMENTS FROM THE FUND.*—Section 1463(a) of
19 such title is amended—

20 (1) in paragraph (1), by striking “and Marine
21 Corps” and inserting “Marine Corps, and the NOAA
22 Corps”; and

23 (2) in paragraph (4)—

24 (A) by inserting “and the Department of
25 Commerce” after “Department of Defense”; and

1 (B) by striking “armed forces” and insert-
2 ing “uniformed services”.

3 (c) *REPORTS BY BOARD OF ACTUARIES.*—Section
4 1464(b) of such title is amended by inserting “and the Sec-
5 retary of Commerce with respect to the NOAA Corps” after
6 “Secretary of Defense”.

7 (d) *DEPARTMENT OF COMMERCE CONTRIBUTIONS TO*
8 *THE FUND.*—Section 1465 of such title is amended as fol-
9 lows:

10 (1) Subsection (a) is amended—

11 (A) by inserting “(1)” after “(a)”; and

12 (B) by adding at the end the following new
13 paragraph:

14 “(2) Not later than January 1, 2000, the Secretary
15 of Commerce shall provide to the Board the amount that
16 is the present value (as of October 1, 1999) of future benefits
17 payable from the Fund that are attributable to service in
18 the NOAA Corps performed before October 1, 1999. That
19 amount is the NOAA Corps original unfunded liability of
20 the Fund. The Board shall determine the period of time over
21 which that unfunded liability should be liquidated and shall
22 determine an amortization schedule for the liquidation of
23 such liability over that period. Contributions to the Fund
24 for the liquidation of the original unfunded liability in ac-

1 *cordance with that schedule shall be made as provided in*
2 *section 1466(b) of this title.”.*

3 *(2) Subsection (b) is amended—*

4 *(A) in paragraph (1)—*

5 *(i) by inserting “and the Secretary of*
6 *Commerce” after “Secretary of Defense” in*
7 *the matter preceding subparagraph (A);*

8 *(ii) by inserting “and the Department*
9 *of Commerce contributions with respect to*
10 *the NOAA Corps” after “Department of De-*
11 *fense contributions” in the matter preceding*
12 *subparagraph (A); and*

13 *(iii) by adding at the end the following*
14 *new subparagraph:*

15 *“(C) The product of—*

16 *“(i) the current estimate of the value of the*
17 *single level percentage of basic pay to be deter-*
18 *mined under subsection (c)(1)(C) at the time of*
19 *the next actuarial valuation under subsection*
20 *(c); and*

21 *“(ii) the total amount of basic pay expected*
22 *to be paid during that fiscal year to members of*
23 *the NOAA Corps.”; and*

24 *(B) in paragraph (2)—*

1 (i) by inserting “and the Department
2 of Commerce” after “Department of De-
3 fense”; and

4 (ii) by inserting “and shall include
5 separate amounts for the Department of De-
6 fense and the Department of Commerce”
7 after “section 1105 of title 31”.

8 (3) Subsection (c)(1) is amended—

9 (A) by inserting “and the Secretary of Com-
10 merce with respect to the NOAA Corps” in the
11 first sentence after “Secretary of Defense”;

12 (B) by striking “and” at the end of sub-
13 paragraph (A);

14 (C) by striking the period at the end of sub-
15 paragraph (B) and inserting “; and”; and

16 (D) by inserting after subparagraph (B) the
17 following new subparagraph:

18 “(C) a determination (using the aggregate entry-
19 age normal cost method) of a single level percentage
20 of basic pay for members of the NOAA Corps.”.

21 (e) PAYMENTS INTO THE FUND.—Section 1466 of such
22 title is amended—

23 (1) in subsection (a)—

1 (A) by inserting “and the Secretary of Com-
2 merce with respect to the NOAA Corps” after
3 “Secretary of Defense”;

4 (B) by striking “Department of Defense”
5 after “each month as the”;

6 (C) by inserting “and 1465(c)(1)(C)” in
7 paragraph (1)(A) after “section 1465(c)(1)(A)”;

8 (D) by inserting “and by members of the
9 NOAA Corps” in paragraph (1)(B) before the pe-
10 riod; and

11 (E) by inserting “or members of the NOAA
12 Corps” before the period at the end of the last
13 sentence of that subsection;

14 (2) in subsection (b)(2), by inserting “and the
15 NOAA original unfunded liability” after “original
16 unfunded liability”; and

17 (3) by adding at the end the following new sub-
18 section:

19 “(c)(1) The Secretary of Transportation shall process,
20 on behalf of the Fund, payments under section 1463 of this
21 title to members on the retired list of the NOAA Corps and
22 to survivors of members and former members of the NOAA
23 Corps.

1 “(2) *Payments made by the Secretary of Transpor-*
 2 *tation under paragraph (1) shall be charged against the*
 3 *Fund.*”.

4 (f) *EFFECTIVE DATE.*—*The amendments made by this*
 5 *section shall take effect on October 1, 1999.*

6 **SEC. 655. DISABILITY RETIREMENT OR SEPARATION FOR**
 7 **CERTAIN MEMBERS WITH PRE-EXISTING CON-**
 8 **DITIONS.**

9 (a) *DISABILITY RETIREMENT.*—(1) *Chapter 61 of title*
 10 *10, United States Code, is amended by inserting after sec-*
 11 *tion 1207 the following new section:*

12 **“§ 1207a. Members with over eight years of active serv-**
 13 **ice: eligibility for disability retirement for**
 14 **pre-existing conditions**

15 “(a) *In the case of a member described in subsection*
 16 *(b) who would be covered by section 1201, 1202, or 1203*
 17 *of this title but for the fact that the member’s disability*
 18 *is determined to have been incurred before the member be-*
 19 *coming entitled to basic pay in the member’s current period*
 20 *of active duty, the disability shall be deemed to have been*
 21 *incurred while the member was entitled to basic pay and*
 22 *shall be so considered for purposes of determining whether*
 23 *it was incurred in the line of duty.*

24 “(b) *A member described in subsection (a) is a member*
 25 *with at least eight years of active service.*”.

1 (2) *The table of sections at the beginning of such chap-*
 2 *ter is amended by inserting after the item relating to section*
 3 *1207 the following new item:*

“1207a. Members with over eight years of active service: eligibility for disability retirement for pre-existing conditions.”.

4 (b) *NONREGULAR SERVICE RETIREMENT.—(1) Chap-*
 5 *ter 1223 of such title is amended by inserting after section*
 6 *12731a the following new section:*

7 **“§ 12731b. Special rule for members with physical dis-**
 8 **abilities not incurred in line of duty**

9 *“In the case of a member of the Selected Reserve of*
 10 *a reserve component who no longer meets the qualifications*
 11 *for membership in the Selected Reserve solely because the*
 12 *member is unfit because of physical disability, the Secretary*
 13 *concerned may, for purposes of section 12731 of this title,*
 14 *determine to treat the member as having met the service*
 15 *requirements of subsection (a)(2) of that section and provide*
 16 *the member with the notification required by subsection (d)*
 17 *of that section if the member has completed at least 15, and*
 18 *less than 20, years of service computed under section 12732*
 19 *of this title.*

20 *“(b) Notification under subsection (a) may not be*
 21 *made if—*

22 *“(1) the disability was the result of the member’s*
 23 *intentional misconduct, willful neglect, or willful fail-*

1 *ure to comply with standards and qualifications for*
 2 *retention established by the Secretary concerned; or*

3 *“(2) the disability was incurred during a period*
 4 *of unauthorized absence.”*

5 *(2) The table of sections at the beginning of such chap-*
 6 *ter is amended by inserting after the item relating to section*
 7 *12731a the following new item:*

*“12731b. Special rule for members with physical disabilities not incurred in line
of duty.”*

8 *(c) SEPARATION.—Section 1206(5) of such title is*
 9 *amended by inserting “, in the case of a disability incurred*
 10 *before the date of the enactment of the National Defense Au-*
 11 *thorization Act for Fiscal Year 2000,” after “determination,*
 12 *and”.*

13 ***Subtitle F—Eligibility to Partici-***
 14 ***pate in the Thrift Savings Plan***

15 ***SEC. 661. AUTHORITY FOR MEMBERS OF THE UNIFORMED***
 16 ***SERVICES TO CONTRIBUTE TO THE THRIFT***
 17 ***SAVINGS FUND.***

18 *(a) AUTHORITY FOR MEMBERS OF THE UNIFORMED*
 19 *SERVICES TO CONTRIBUTE TO THE THRIFT SAVINGS*
 20 *FUND.—(1) Subchapter III of chapter 84 of title 5, United*
 21 *States Code, is amended by adding at the end the following:*

1 **“§ 8440e. Members of the uniformed services**

2 “(a)(1) *A member of the uniformed services performing*
3 *active service may elect to contribute to the Thrift Savings*
4 *Fund—*

5 “(A) *a portion of such individual’s basic pay; or*

6 “(B) *a portion of any special or incentive pay*
7 *payable to such individual under chapter 5 of title*
8 *37.*

9 *Any contribution under subparagraph (B) shall be made*
10 *by direct transfer to the Thrift Savings Fund by the Sec-*
11 *retary concerned.*

12 “(2)(A) *Except as provided in subparagraph (B), an*
13 *election under paragraph (1) may be made only during a*
14 *period provided under section 8432(b), subject to the same*
15 *conditions as prescribed under paragraph (2)(A)–(D) there-*
16 *of.*

17 “(B)(i) *Notwithstanding subparagraph (A), a member*
18 *of the uniformed services performing active service on the*
19 *effective date of this section may make the first such election*
20 *during the 60–day period beginning on such effective date.*

21 “(ii) *An election made under this subparagraph shall*
22 *take effect on the first day of the first applicable pay period*
23 *beginning after the close of the 60–day period referred to*
24 *in clause (i).*

25 “(b)(1) *Except as otherwise provided in this sub-*
26 *section, the provisions of this subchapter and subchapter*

1 *VII shall apply with respect to members of the uniformed*
2 *services making contributions to the Thrift Savings Fund.*

3 “(2)(A) *The amount contributed by a member of the*
4 *uniformed services under subsection (a)(1)(A) for any pay*
5 *period shall not exceed 5 percent of such member’s basic*
6 *pay for such pay period.*

7 “(B) *Nothing in this section or section 211 of title 37*
8 *shall be considered to waive any dollar limitation under*
9 *the Internal Revenue Code of 1986 which otherwise applies*
10 *with respect to the Thrift Savings Fund.*

11 “(3) *No contributions under section 8432(c) shall be*
12 *made for the benefit of a member of the uniformed services*
13 *making contributions to the Thrift Savings Fund under*
14 *subsection (a).*

15 “(4) *In applying section 8433 to a member of the uni-*
16 *formed services who has an account balance in the Thrift*
17 *Savings Fund, the reference in subsection (g)(1) or (h)(3)*
18 *of section 8433 to contributions made under section 8432(a)*
19 *shall be considered a reference to contributions made under*
20 *any of sections 8351, 8432(a), 8432b(b), or 8440a–8440e.*

21 “(c) *For purposes of this section—*

22 “(1) *the term ‘basic pay’ has the meaning given*
23 *such term by section 204 of title 37;*

24 “(2) *the term ‘active service’ means—*

1 “(A) active duty for a period of more than
2 30 days, as defined by section 101(d)(2) of title
3 10; and

4 “(B) full-time National Guard duty, as de-
5 fined by section 101(d)(5) of title 10;

6 “(3) the term ‘Secretary concerned’ has the
7 meaning given such term by section 101 of title 37;
8 and

9 “(4) any reference to ‘separation from Govern-
10 ment employment’ shall be considered a reference to
11 a release from active duty (not followed by a resump-
12 tion of active duty, or an appointment to a position
13 covered by chapter 83 or 84 of title 5 or an equivalent
14 retirement system, as identified by the Executive Di-
15 rector in regulations) before the end of the 31-day pe-
16 riod beginning on the day following the date of sepa-
17 ration), a transfer to inactive status, or a transfer to
18 a retired list pursuant to any provision of title 10.”.

19 (2) The table of sections at the beginning of chapter
20 84 of title 5, United States Code, is amended by adding
21 after the item relating to section 8440d the following:

 “8440e. Members of the uniformed services.”.

22 (b) AMENDMENTS RELATING TO THE EMPLOYEE
23 THRIFT ADVISORY COUNCIL.—Section 8473 of title 5,
24 United States Code, is amended—

1 (1) *in subsections (a) and (b) by striking “14*
2 *members” and inserting “15 members”; and*

3 (2) *in subsection (b) by striking “and” at the*
4 *end of paragraph (8), by striking the period at the*
5 *end of paragraph (9) and inserting “; and”, and by*
6 *adding at the end the following:*

7 *“(10) 1 shall be appointed to represent partici-*
8 *pants who are members of the uniformed services*
9 *(within the meaning of section 8440e).”.*

10 (c) *TECHNICAL AND CONFORMING AMENDMENTS.—(1)*
11 *Paragraph (11) of section 8351(b) of title 5, United States*
12 *Code, is amended by redesignating such paragraph as para-*
13 *graph (8).*

14 (2) *Subparagraph (B) of section 8432b(b)(2) of title*
15 *5, United States Code, is amended by striking “section*
16 *8432(a)” and inserting “sections 8432(a) and 8440e, re-*
17 *spectively,”.*

18 (3)(A) *Section 8439(a)(1) of title 5, United States*
19 *Code, is amended—*

20 (i) *by inserting “or 8432b(d)” after*
21 *“8432(c)(1)”;* and

22 (ii) *by striking “8351” and inserting “8351,*
23 *8432b(b), or 8440a–8440e”.*

1 (B) Section 8439(a)(2)(A)(i) of title 5, United States
2 Code, is amended by striking “8432(a) or 8351” and insert-
3 ing “8351, 8432(a), 8432b(b), or 8440a–8440e”.

4 (C) Section 8439(a)(2)(A)(ii) of title 5, United States
5 Code, is amended by striking “title;” and inserting “title
6 (including subsection (c) or (d) of section 8432b);”.

7 (D) Section 8439(a)(2)(A) of title 5, United States
8 Code, is amended by striking “and” at the end of clause
9 (ii), by striking “, over” at the end of clause (iii) and in-
10 serting “; and”, and by adding after clause (iii) the fol-
11 lowing:

12 “(iv) any other amounts paid, allocated, or
13 otherwise credited to such individual’s account,
14 over”.

15 **SEC. 662. CONTRIBUTIONS TO THRIFT SAVINGS FUND.**

16 (a) *IN GENERAL.*—(1) Chapter 3 of title 37, United
17 States Code, is amended by adding at the end the following:

18 **“§211. Contributions to Thrift Savings Fund**

19 “A member of the uniformed services who is per-
20 forming active service may elect to contribute, in accord-
21 ance with section 8440e of title 5, a portion of the basic
22 pay of the member for that service (or of any special or
23 incentive pay under chapter 5 of this title which relates
24 to that service) to the Thrift Savings Fund established by
25 section 8437 of title 5.”.

1 (2) *The table of sections at the beginning of such chap-*
 2 *ter is amended by adding at the end the following:*

 “211. *Contributions to Thrift Savings Fund.*”.

3 **SEC. 663. REGULATIONS.**

4 *Not later than 180 days after the date of the enactment*
 5 *of this Act, the Executive Director (appointed by the Fed-*
 6 *eral Retirement Thrift Investment Board) shall issue regu-*
 7 *lations to implement sections 8351 and 8440e of title 5,*
 8 *United States Code (as amended by section 661) and section*
 9 *211 of title 37, United States Code (as amended by section*
 10 *662).*

11 **SEC. 664. EFFECTIVE DATE.**

12 (a) *IN GENERAL.*—*Except as otherwise provided in*
 13 *this section, the amendments made by this subtitle shall*
 14 *take effect one year after the date of the enactment of this*
 15 *Act, or on July 1, 2000, whichever is later.*

16 (b) *EXCEPTION.*—*Nothing in this subtitle (or any*
 17 *amendment made by this subtitle) shall be considered to*
 18 *permit the making of any contributions under section*
 19 *8440e(a)(1)(B) of title 5, United States Code (as amended*
 20 *by section 661), before December 1, 2000.*

21 (c) *EFFECTIVENESS CONTINGENT ON OFFSETTING*
 22 *LEGISLATION.*—(1) *This subtitle shall be effective only if—*

23 (A) *the President, in the budget of the President*
 24 *for fiscal year 2001, proposes legislation which if en-*
 25 *acted would be qualifying offsetting legislation; and*

1 (B) there is enacted during the second session of
2 the 106th Congress qualifying offsetting legislation.

3 (2) If the conditions in paragraph (1) are met, then,
4 this section shall take effect on the date on which qualifying
5 offsetting legislation is enacted or, if later, the effective date
6 determined under subsection (a).

7 (3) For purposes of this subsection:

8 (A) The term “qualifying offsetting legislation”
9 means legislation (other than an appropriations Act)
10 that includes provisions that—

11 (i) offset fully the increased outlays for each
12 of fiscal years 2000 through 2009 to be made by
13 reason of the amendments made by this subtitle;

14 (ii) expressly state that they are enacted for
15 the purpose of the offset described in clause (i);
16 and

17 (iii) are included in full on the PayGo
18 scorecard.

19 (B) The term “PayGo scorecard” means the esti-
20 mates that are made with respect to fiscal years
21 through fiscal year 2009 by the Director of the Con-
22 gressional Budget Office and the Director of the Office
23 of Management and Budget under section 252(d) of
24 the Balanced Budget and Emergency Deficit Control
25 Act of 1985.

1 **Subtitle G—Other Matters**

2 **SEC. 671. PAYMENTS FOR UNUSED ACCRUED LEAVE AS**
 3 **PART OF REENLISTMENT.**

4 *Section 501 of title 37, United States Code, is*
 5 *amended—*

6 (1) *in subsection (a)(1)—*

7 (A) *by striking “conditions or” and insert-*
 8 *ing “conditions,”; and*

9 (B) *by adding before the semicolon the fol-*
 10 *lowing: “, or a reenlistment of the member (re-*
 11 *gardless of when the reenlistment occurs)”;* and

12 (2) *in subsection (b)(2), by striking “, or enter-*
 13 *ing into an enlistment,”.*

14 **SEC. 672. CLARIFICATION OF PER DIEM ELIGIBILITY FOR**
 15 **MILITARY TECHNICIANS SERVING ON ACTIVE**
 16 **DUTY WITHOUT PAY OUTSIDE THE UNITED**
 17 **STATES.**

18 (a) *AUTHORITY TO PROVIDE PER DIEM ALLOW-*
 19 *ANCE.—Section 1002(b) of title 37, United States Code, is*
 20 *amended—*

21 (1) *by inserting “(1)” after “(b)”;* and

22 (2) *by adding at the end the following new para-*
 23 *graph:*

24 “(2) *If a military technician (dual status), as de-*
 25 *scribed in section 10216 of title 10, is performing active*

1 *duty without pay while on leave from technician employ-*
 2 *ment, as authorized by section 6323(d) of title 5, the Sec-*
 3 *retary concerned may authorize the payment of a per diem*
 4 *allowance to the military technician in lieu of commutation*
 5 *for subsistence and quarters under paragraph (1).”.*

6 (b) *TYPES OF OVERSEAS OPERATIONS.*—Section
 7 6323(d)(1) of title 5, United States Code, is amended by
 8 striking “noncombat”.

9 (c) *EFFECTIVE DATE.*—The amendment made by sub-
 10 section (a) shall be effective as of February 10, 1996, as
 11 if included in section 1039 of the National Defense Author-
 12 ization Act for Fiscal Year 1996 (Public Law 104–106; 110
 13 Stat. 432).

14 **SEC. 673. OVERSEAS SPECIAL SUPPLEMENTAL FOOD PRO-**
 15 **GRAM.**

16 (a) *PROGRAM REQUIRED.*—Subsection (a) of section
 17 1060a of title 10, United States Code, is amended by strik-
 18 ing “*AUTHORITY.*—The Secretary of Defense may” and in-
 19 serting “*PROGRAM REQUIRED.*—The Secretary of Defense
 20 shall”.

21 (b) *FUNDING SOURCE.*—Subsection (b) of such section
 22 is amended to read as follows:

23 “(b) *FUNDING MECHANISM.*—The Secretary of Defense
 24 shall use funds available for the Department of Defense to
 25 carry out the program under subsection (a).”.

1 (c) *PROGRAM ADMINISTRATION.*—Subsection (c) of
2 such section is amended—

3 (1) by striking paragraph (1)(B) and inserting
4 the following:

5 “(B) In determining income eligibility standards for
6 families of individuals participating in the program under
7 this section, the Secretary of Defense shall, to the extent
8 practicable, use the criterion described in subparagraph
9 (A). The Secretary shall also consider the value of housing
10 in kind provided to the individual when determining pro-
11 gram eligibility.”;

12 (2) in paragraph (2), by adding before the pe-
13 riod at the end the following: “, particularly with re-
14 spect to nutrition education and counseling”; and

15 (3) by adding at the end the following new para-
16 graph:

17 “(3) The Secretary of Agriculture shall provide tech-
18 nical assistance to the Secretary of Defense, if so requested
19 by the Secretary of Defense, for the purpose of carrying out
20 the program under subsection (a).”.

21 (d) *CONFORMING AMENDMENT.*—Section 17 of the
22 Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended
23 by adding at the end the following new subsection:

24 “(q) The Secretary of Agriculture shall provide tech-
25 nical assistance to the Secretary of Defense, if so requested

1 *by the Secretary of Defense, for the purpose of carrying out*
 2 *the overseas special supplemental food program established*
 3 *under section 1060a(a) of title 10, United States Code.”.*

4 **SEC. 674. SPECIAL COMPENSATION FOR SEVERELY DIS-**
 5 **ABLED UNIFORMED SERVICES RETIREES.**

6 *(a) AUTHORITY.—(1) Chapter 71 of title 10, United*
 7 *States Code, is amended by adding at the end the following*
 8 *new section:*

9 **“§ 1413. Special compensation for certain severely dis-**
 10 **abled uniformed services retirees**

11 *“(a) AUTHORITY.—The Secretary concerned shall, sub-*
 12 *ject to the availability of appropriations for such purpose,*
 13 *pay to each eligible disabled uniformed services retiree a*
 14 *monthly amount determined under subsection (b).*

15 *“(b) AMOUNT.—The amount to be paid (subject to the*
 16 *availability of appropriations) to an eligible disabled uni-*
 17 *formed services retiree in accordance with subsection (a) is*
 18 *the following:*

19 *“(1) For any month for which the retiree has a*
 20 *qualifying service-connected disability rated as total,*
 21 *\$300.*

22 *“(2) For any month for which the retiree has a*
 23 *qualifying service-connected disability rated as 90*
 24 *percent, \$200.*

1 “(3) *For any month for which the retiree has a*
2 *qualifying service-connected disability rated as 80*
3 *percent or 70 percent, \$100.*

4 “(c) *ELIGIBLE DISABLED UNIFORMED SERVICES RE-*
5 *TIREE DEFINED.—In this section, the term ‘eligible disabled*
6 *military retiree’ means a member of the uniformed services*
7 *in a retired status (who is retired under a provision of law*
8 *other than chapter 61 of this title) who—*

9 “(1) *completed at least 20 years of service in the*
10 *uniformed services that are creditable for purposes of*
11 *computing the amount of retired pay to which the*
12 *member is entitled; and*

13 “(2) *has a qualifying service-connected dis-*
14 *ability.*

15 “(d) *QUALIFYING SERVICE-CONNECTED DISABILITY*
16 *DEFINED.—In this section, the term ‘qualifying service-con-*
17 *nected disability’ means a service-connected disability*
18 *that—*

19 “(1) *was incurred or aggravated in the perform-*
20 *ance of duty as a member of a uniformed service, as*
21 *determined by the Secretary concerned; and*

22 “(2) *is rated as not less than 70 percent*
23 *disabling—*

1 “(A) by the Secretary concerned as of the
2 date on which the member is retired from the
3 uniformed services; or

4 “(B) by the Secretary of Veterans Affairs
5 within four years following the date on which the
6 member is retired from the uniformed services.

7 “(e) *STATUS OF PAYMENTS.*—Payments under this
8 section are not retired pay.

9 “(f) *SOURCE OF FUNDS.*—(1) Payments under this
10 section for any fiscal year shall be paid out of funds appro-
11 priated for pay and allowances payable by the Secretary
12 concerned for that fiscal year.

13 “(2) If the amount of funds available to the Secretary
14 concerned for any fiscal year for payments under this sec-
15 tion is less than the amount required to make such pay-
16 ments to all eligible disabled uniformed services retirees for
17 that year, the Secretary shall make such payments first to
18 retirees described in paragraph (1) of subsection (b), then
19 (to the extent funds are available) to retirees described in
20 paragraph (2) of that subsection, and then (to the extent
21 funds are available) to retirees described in paragraph (3)
22 of that subsection.

23 “(g) *OTHER DEFINITIONS.*—In this section:

1 “(1) *The terms ‘compensation’ and ‘service-con-*
2 *ected’ have the meanings given those terms in section*
3 *101 of title 38.*

4 “(2) *The term ‘disability rated as total’ means—*

5 “(A) *a disability that is rated as total*
6 *under the standard schedule of rating disabilities*
7 *in use by the Department of Veterans Affairs; or*

8 “(B) *a disability for which the schedular*
9 *rating is less than total but for which a rating*
10 *of total is assigned by reason of inability of the*
11 *disabled person concerned to secure or follow a*
12 *substantially gainful occupation as a result of*
13 *service-connected disabilities.*

14 “(3) *The term ‘retired pay’ includes retainer*
15 *pay, emergency officers’ retirement pay, and naval*
16 *pension.”.*

17 (2) *The table of sections at the beginning of such chap-*
18 *ter is amended by adding at the end the following new item:*

 “1413. *Special compensation for certain severely disabled uniformed services retir-*
 ees.”.

19 (b) *EFFECTIVE DATE.—Section 1413 of title 10,*
20 *United States Code, as added by subsection (a), shall take*
21 *effect on October 1, 1999, and shall apply to months that*
22 *begin on or after that date. No benefit may be paid to any*
23 *person by reason of that section for any period before that*
24 *date.*

1 **SEC. 675. TUITION ASSISTANCE FOR MEMBERS DEPLOYED**
 2 **IN A CONTINGENCY OPERATION.**

3 *Section 2007(a) of title 10, United States Code, is*
 4 *amended—*

5 *(1) in paragraph (2), by striking “and”;*

6 *(2) in paragraph (3), by striking the period at*
 7 *the end and inserting “; and”; and*

8 *(3) by adding at the end the following new para-*
 9 *graph:*

10 *“(4) in the case of a member serving in a contin-*
 11 *gency operation or similar operational mission (other*
 12 *than for training) designated by the Secretary con-*
 13 *cerned, all of the charges may be paid.”.*

14 **TITLE VII—HEALTH CARE**
 15 **MATTERS**

16 **Subtitle A—Health Care Services**

17 **SEC. 701. PROVISION OF HEALTH CARE TO MEMBERS ON**
 18 **ACTIVE DUTY AT CERTAIN REMOTE LOCA-**
 19 **TIONS.**

20 *(a) IN GENERAL.—The Secretary of Defense shall enter*
 21 *into agreements with designated providers under which*
 22 *such providers will provide health care services in or*
 23 *through managed care plans to an eligible member of the*
 24 *Armed Forces who resides within the service area of the des-*
 25 *ignated provider. The provisions in section 722(b)(2) of the*
 26 *National Defense Authorization Act for Fiscal Year 1997*

1 *(Public Law 104–201; 10 U.S.C. 1073 note) shall apply*
2 *with respect to such agreements.*

3 **(b) ADHERENCE TO TRICARE PRIME REMOTE PRO-**
4 *GRAM POLICIES.—A designated provider who provides*
5 *health care to an eligible member described in subsection*
6 *(a) shall, in providing such care, adhere to policies of the*
7 *Department of Defense with respect to the TRICARE Prime*
8 *Remote program, including policies regarding coordination*
9 *with appropriate military medical authorities for specialty*
10 *referrals and hospitalization.*

11 **(c) REIMBURSEMENT RATES.—The Secretary shall ne-**
12 *gotiate with each designated provider reimbursement rates*
13 *that do not exceed reimbursement rates allowable under*
14 *TRICARE Standard.*

15 **(d) DEFINITIONS.—In this section:**

16 **(1) The term “eligible member” has the meaning**
17 *given that term in section 731(c) of the National De-*
18 *fense Authorization Act for Fiscal Year 1998 (Public*
19 *Law 105–85; 10 U.S.C. 1074 note).*

20 **(2) The term “designated provider” has the**
21 *meaning given that term in section 721(5) of the Na-*
22 *tional Defense Authorization Act for Fiscal Year 1997*
23 *(Public Law 104–201; 10 U.S.C. 1073 note).*

1 **SEC. 702. PROVISION OF CHIROPRACTIC HEALTH CARE.**

2 (a) *IN GENERAL.*—Section 731 of the National Defense
3 Authorization Act for Fiscal Year 1995 (Public Law 103–
4 337; 10 U.S.C. 1092 note) is amended—

5 (1) in the heading, by striking “**DEMONSTRA-**
6 **TION PROGRAM**”;

7 (2) in subsection (a), by adding at the end the
8 following new paragraph:

9 “(4) During fiscal year 2000, the Secretary shall con-
10 tinue to furnish the same chiropractic care in the military
11 medical treatment facilities designated pursuant to para-
12 graph (2)(A) as the chiropractic care furnished during the
13 demonstration program.”;

14 (3) in subsection (c)—

15 (A) in paragraph (3), by striking “Com-
16 mittee on Armed Services of the Senate and the
17 Committee on National Security of the House of
18 Representatives” and inserting “Committees on
19 Armed Services of the Senate and the House of
20 Representatives”; and

21 (B) in paragraph (5), by striking “May 1,
22 2000” and inserting “January 31, 2000”;

23 (4) in subsection (d)—

24 (A) in paragraph (3)—

1 (i) by striking “; and” at the end of
2 subparagraph (C) and inserting a semi-
3 colon;

4 (ii) by striking the period at the end of
5 subparagraph (D) and inserting “; and”;
6 and

7 (iii) by adding at the end the following
8 new subparagraph:

9 “(E) if the Secretary submits an implementation
10 plan pursuant to subsection (e), the preparation of
11 such plan.”; and

12 (B) by adding at the end the following new
13 paragraph:

14 “(5) The Secretary shall—

15 “(A) make full use of the oversight advisory com-
16 mittee in preparing—

17 “(i) the final report on the demonstration
18 program conducted under this section; and

19 “(ii) the implementation plan described in
20 subsection (e); and

21 “(B) provide opportunities for members of the
22 committee to provide views as part of such final re-
23 port and plan.”;

24 (5) by redesignating subsection (e) as subsection (f);

25 and

1 (6) by inserting after subsection (d) the following new
2 subsection:

3 “(e) *IMPLEMENTATION PLAN.*—If the Secretary of De-
4 fense recommends in the final report submitted under sub-
5 section (c) that chiropractic health care services should be
6 offered in medical care facilities of the Armed Forces or as
7 a health care service covered under the *TRICARE* program,
8 the Secretary shall, not later than March 31, 2000, submit
9 to the Committees on Armed Services of the House of Rep-
10 resentatives and the Senate an implementation plan for the
11 full integration of chiropractic health care services into the
12 military health care system of the Department of Defense,
13 including the *TRICARE* program. Such implementation
14 plan shall include—

15 “(1) a detailed analysis of the projected costs of
16 fully integrating chiropractic health care services into
17 the military health care system;

18 “(2) the proposed scope of practice for chiroprac-
19 tors who would provide services to covered bene-
20 ficiaries under chapter 55 of title 10, United States
21 Code;

22 “(3) the proposed military medical treatment fa-
23 cilities at which such services would be provided;

1 “(4) the military readiness requirements for
2 chiropractors who would provide services to such cov-
3 ered beneficiaries; and

4 “(5) any other relevant factors that the Secretary
5 considers appropriate.”.

6 (b) **CONFORMING AMENDMENT.**—*The item relating to*
7 *section 731 in the table of contents at the beginning of such*
8 *Act is amended to read as follows:*

 “731. *Chiropractic health care.*”.

9 **SEC. 703. CONTINUATION OF PROVISION OF DOMICILIARY**
10 **AND CUSTODIAL CARE FOR CERTAIN**
11 **CHAMPUS BENEFICIARIES.**

12 (a) **CONTINUATION OF CARE.**—(1) *The Secretary of*
13 *Defense may, in any case in which the Secretary makes*
14 *the determination described in paragraph (2), continue to*
15 *provide payment under the Civilian Health and Medical*
16 *Program of the Uniformed Services (as defined in section*
17 *1072 of title 10, United States Code), for domiciliary or*
18 *custodial care services provided to an eligible beneficiary*
19 *that would otherwise be excluded from coverage under regu-*
20 *lations implementing section 1077(b)(1) of such title.*

21 (2) *A determination under this paragraph is a deter-*
22 *mination that discontinuation of payment for domiciliary*
23 *or custodial care services or transition to provision of care*
24 *under the individual case management program authorized*
25 *by section 1079(a)(17) of such title would be—*

1 (A) inadequate to meet the needs of the eligible
2 beneficiary; and

3 (B) unjust to such beneficiary.

4 (b) *ELIGIBLE BENEFICIARY DEFINED.*—As used in
5 this section, the term “eligible beneficiary” means a covered
6 beneficiary (as that term is defined in section 1072 of title
7 10, United States Code) who, before the effective date of
8 final regulations to implement the individual case manage-
9 ment program authorized by section 1079(a)(17) of such
10 title, were provided domiciliary or custodial care services
11 for which the Secretary provided payment.

12 **SEC. 704. REMOVAL OF RESTRICTION ON USE OF FUNDS**
13 **FOR ABORTIONS IN CERTAIN CASES OF RAPE**
14 **OR INCEST.**

15 Section 1093(a) of title 10, United States Code, is
16 amended by inserting “or in a case in which the pregnancy
17 is the result of an act of forcible rape or incest which has
18 been reported to a law enforcement agency” before the pe-
19 riod.

20 **Subtitle B—TRICARE Program**

21 **SEC. 711. IMPROVEMENTS TO CLAIMS PROCESSING UNDER**
22 **THE TRICARE PROGRAM.**

23 (a) *IN GENERAL.*—(1) Chapter 55 of title 10, United
24 States Code, is amended by inserting after section 1095b
25 the following new section:

1 **“§ 1095c. TRICARE program: facilitation of proc-**
2 **essing of claims**

3 “(a) *REDUCTION OF PROCESSING TIME.*—(1) *With re-*
4 *spect to claims for payment for medical care provided under*
5 *the TRICARE program, the Secretary of Defense shall im-*
6 *plement a system for processing of claims under which—*

7 “(A) *95 percent of all mistake-free claims must*
8 *be processed not later than 30 days after the date that*
9 *such claims are submitted to the claims processor;*
10 *and*

11 “(B) *100 percent of all mistake-free claims must*
12 *be processed not later than 100 days after the date*
13 *that such claims are submitted to the claims proc-*
14 *essor.*

15 “(2) *The Secretary may, under the system required by*
16 *paragraph (1) and consistent with the provisions in chapter*
17 *39 of title 31, United States Code (commonly referred to*
18 *as the ‘Prompt Payment Act’), require that interest be paid*
19 *on claims that are not processed within 30 days.*

20 “(b) *REQUIREMENT TO PROVIDE START-UP TIME FOR*
21 *CERTAIN CONTRACTORS.*—(1) *The Secretary of Defense*
22 *shall not require that a contractor described in paragraph*
23 *(2) begin to provide managed care support pursuant to a*
24 *contract to provide such support under the TRICARE pro-*
25 *gram until at least nine months after the date of the award*
26 *of the contract. In such case the contractor may begin to*

1 *provide managed care support pursuant to the contract as*
2 *soon as practicable after the award of the contract, but in*
3 *no case later than one year after the date of such award.*

4 “(2) *A contractor under this paragraph is a contractor*
5 *who is awarded a contract to provide managed care support*
6 *under the TRICARE program—*

7 “(A) *who has not previously been awarded such*
8 *a contract by the Department of Defense; or*

9 “(B) *who has previously been awarded such a*
10 *contract by the Department of Defense but for whom*
11 *the subcontractors have not previously been awarded*
12 *the subcontracts for such a contract.”.*

13 (2) *The table of sections at the beginning of such chap-*
14 *ter is amended by inserting after the item relating to section*
15 *1095b the following new item:*

“1095c. TRICARE program: facilitation of processing of claims.”.

16 (b) *REPORT.—Not later than 6 months after the date*
17 *of the enactment of this Act, the Secretary of Defense shall*
18 *submit to Congress a report on—*

19 (1) *the status of claims processing backlogs in*
20 *each TRICARE region;*

21 (2) *the estimated time frame for resolution of*
22 *such backlogs;*

23 (3) *efforts to reduce the number of change orders*
24 *with respect to contracts to provide managed care*
25 *support under the TRICARE program and to make*

1 *such change orders in groups on a quarterly basis*
2 *rather than one at a time;*

3 *(4) the extent of success in simplifying claims*
4 *processing procedures through reduction of reliance of*
5 *the Department of Defense on, and the complexity of,*
6 *the health care service record;*

7 *(5) application of best industry practices with*
8 *respect to claims processing, including electronic*
9 *claims processing; and*

10 *(6) any other initiatives of the Department of*
11 *Defense to improve claims processing procedures.*

12 *(c) DEADLINE FOR IMPLEMENTATION.—The system for*
13 *processing claims required under section 1095c(a) of title*
14 *10, United States Code (as added by subsection (a)), shall*
15 *be implemented not later than 6 months after the date of*
16 *the enactment of this Act.*

17 *(d) APPLICABILITY.—Section 1095c(b) of title 10,*
18 *United States Code (as added by subsection (a)), shall*
19 *apply with respect to any contract to provide managed care*
20 *support under the TRICARE program negotiated after the*
21 *date of the enactment of this Act.*

1 **SEC. 712. AUTHORITY TO WAIVE CERTAIN TRICARE**
 2 **DEDUCTIBLES.**

3 (a) *IN GENERAL.*—(1) Chapter 55 of title 10, United
 4 States Code, is amended by inserting after section 1095c
 5 (as added by section 711) the following new section:

6 **“§ 1095d. TRICARE program: waiver of certain**
 7 **deductibles**

8 “(a) *WAIVER AUTHORIZED.*—The Secretary of Defense
 9 may waive the deductible payable for medical care provided
 10 under the TRICARE program to an eligible dependent of—

11 “(1) a member of a reserve component on active
 12 duty pursuant to a call or order to active duty for
 13 a period of less than one year; or

14 “(2) a member of the National Guard on full-
 15 time National Guard duty pursuant to a call or order
 16 to full-time National Guard duty for a period of less
 17 than one year.

18 “(b) *ELIGIBLE DEPENDENT.*—As used in this section,
 19 the term ‘eligible dependent’ means a dependent described
 20 subparagraphs (A), (D), or (I) of section 1072(2) of this
 21 title.”.

22 (b) *CLERICAL AMENDMENT.*—The table of sections at
 23 the beginning of such chapter is amended by inserting after
 24 the item relating to section 1095c the following new item:

“1095d. TRICARE: program waiver of certain deductibles.”.

1 **SEC. 713. ELECTRONIC PROCESSING OF CLAIMS UNDER**
2 **THE TRICARE PROGRAM.**

3 *Section 1095c of title 10, United States Code, as added*
4 *by section 711, is amended by adding at the end the fol-*
5 *lowing new subsection:*

6 “(c) *INCENTIVES FOR ELECTRONIC PROCESSING.—The*
7 *Secretary of Defense shall require that new contracts for*
8 *managed care support under the TRICARE program pro-*
9 *vide that the contractor be permitted to provide financial*
10 *incentives to health care providers who file claims for pay-*
11 *ment electronically.”.*

12 **SEC. 714. STUDY OF RATES FOR PROVISION OF MEDICAL**
13 **SERVICES; PROPOSAL FOR CERTAIN RATE IN-**
14 **CREASES.**

15 *Not later than February 1, 2000, the Secretary of De-*
16 *fense shall submit to Congress—*

17 (1) *a study on how the maximum allowable rates*
18 *charged for the 100 most commonly performed med-*
19 *ical procedures under the Civilian Health and Med-*
20 *ical Program of the Uniformed Services and Medicare*
21 *compare with usual and customary commercial in-*
22 *surance rates for such procedures in each TRICARE*
23 *Prime catchment area; and*

24 (2) *a proposal for increases of maximum allow-*
25 *able rates charged for medical procedures under the*
26 *Civilian Health and Medical Program of the Uni-*

1 **SEC. 716. IMPROVEMENT OF ACCESS TO HEALTH CARE**
2 **UNDER THE TRICARE PROGRAM.**

3 (a) *WAIVER OF NONAVAILABILITY STATEMENT OR*
4 *PREAUTHORIZATION.*—*In the case of a covered beneficiary*
5 *under chapter 55 of title 10, United States Code, who is*
6 *a TRICARE eligible beneficiary not enrolled in TRICARE*
7 *Prime, the Secretary of Defense may not require with re-*
8 *gard to authorized health care services (other than mental*
9 *health services) under any new contract for the provision*
10 *of health care services under such chapter that the*
11 *beneficiary—*

12 (1) *obtain a nonavailability statement or*
13 *preauthorization from a military medical treatment*
14 *facility in order to receive the services from a civilian*
15 *provider; or*

16 (2) *obtain a nonavailability statement for care*
17 *in specialized treatment facilities outside the 200-mile*
18 *radius of a military medical treatment facility.*

19 (b) *NOTICE.*—*The Secretary may require that the cov-*
20 *ered beneficiary provide appropriate notice to the primary*
21 *care manager of the beneficiary.*

22 (c) *EXCEPTIONS.*—*Subsection (a) shall not apply if—*

23 (1) *the Secretary can demonstrate significant*
24 *cost avoidance for specific procedures at the affected*
25 *military treatment facilities;*

1 (2) *the Secretary determines that a specific pro-*
2 *cedure must be maintained at the affected military*
3 *treatment facility to ensure the proficiency levels of*
4 *the practitioners at the facility; or*

5 (3) *the lack of nonavailability statement data*
6 *would significantly interfere with TRICARE contract*
7 *administration.*

8 **SEC. 717. REIMBURSEMENT OF CERTAIN COSTS INCURRED**
9 **BY COVERED BENEFICIARIES WHEN RE-**
10 **FERRED FOR CARE OUTSIDE LOCAL**
11 **CATCHMENT AREA.**

12 *The Secretary of Defense shall require that any new*
13 *contract for the provision of health care services under chap-*
14 *ter 55 of title 10, United States Code, shall require that*
15 *in any case in which a covered beneficiary under such chap-*
16 *ter who is enrolled in TRICARE Prime is referred by a*
17 *network provider or military treatment facility to a pro-*
18 *vider or military treatment facility more than 100 miles*
19 *outside the catchment area of a military treatment facility*
20 *because a local provider is not available, or in any other*
21 *respect not within the terms of a new managed care support*
22 *contract, the beneficiary shall be reimbursed by the network*
23 *provider or military treatment facility making the referral*
24 *for the cost of personal automobile mileage, to be paid under*
25 *standard reimbursement rates for Federal employees, or for*

1 *the cost of air travel in amounts not to exceed standard*
2 *contract fares for Federal employees.*

3 **SEC. 718. IMPROVEMENT OF REFERRAL PROCESS UNDER**
4 **TRICARE.**

5 (a) *ELIMINATION OF PREAUTHORIZATION REQUIRE-*
6 *MENTS FOR CERTAIN CARE.*—*Under regulations prescribed*
7 *by the Secretary of Defense, and in all new managed care*
8 *support contracts the Secretary shall eliminate require-*
9 *ments in certain cases under TRICARE Prime that net-*
10 *work primary care managers preauthorize covered bene-*
11 *ficiaries under chapter 55 of title 10, United States Code,*
12 *to receive preventative health care services within the man-*
13 *aged care support contract network without*
14 *preauthorization from a primary care manager.*

15 (b) *COVERED SERVICES.*—*Should such a covered bene-*
16 *ficiary choose to receive care from a provider in the net-*
17 *work, the covered beneficiary shall not be required to have*
18 *a referral from a primary care manager—*

19 (1) *for receipt of preventative obstetric or gynecolo-*
20 *gical services by a network obstetrician or gynecolo-*
21 *gist;*

22 (2) *for mammograms performed by a network*
23 *provider if the beneficiary is a female over the age of*
24 *35; or*

1 (3) for provision of preventative specialty urol-
 2 ogy care from a network urologist if the beneficiary
 3 is a male over the age of 60.

4 (c) NOTICE.—The Secretary may require that the cov-
 5 ered beneficiary provide appropriate notice to the primary
 6 care manager of the beneficiary.

7 (d) REGULATIONS.—The Secretary shall prescribe the
 8 regulations required by subsection (a) not later than May
 9 1, 2000 and implement the regulations not later than Octo-
 10 ber 1, 2000.

11 **Subtitle C—Other Matters**

12 **SEC. 721. PHARMACY BENEFITS PROGRAM.**

13 (a) IN GENERAL.—(1) Chapter 55 of title 10, United
 14 States Code, is amended by inserting after section 1074f
 15 the following new section:

16 **“§ 1074g. Pharmacy benefits program**

17 “(a) PHARMACY BENEFITS.—(1) The Secretary of De-
 18 fense, after consultation with the other administering Secre-
 19 taries, shall establish an effective, efficient, integrated phar-
 20 macy benefits program under this chapter (hereinafter in
 21 this section referred to as the ‘pharmacy benefits program’).

22 “(2)(A) The pharmacy benefits program shall include
 23 a uniform formulary of pharmaceutical agents, which shall
 24 assure the availability of pharmaceutical agents in a com-
 25 plete range of therapeutic classes. The selection for inclusion

1 *on the uniform formulary of particular pharmaceutical*
2 *agents in each therapeutic class shall be based on the rel-*
3 *ative clinical and cost effectiveness of the agents in such*
4 *class.*

5 “(B) *The Secretary shall establish procedures for the*
6 *selection of particular pharmaceutical agents for the uni-*
7 *form formulary, and shall begin to implement the uniform*
8 *formulary not later than October 1, 2000.*

9 “(C) *Pharmaceutical agents included on the uniform*
10 *formulary shall be available to eligible covered beneficiaries*
11 *through—*

12 “(i) *facilities of the uniformed services, con-*
13 *sistent with the scope of health care services offered in*
14 *such facilities;*

15 “(ii) *retail pharmacies designated or eligible*
16 *under the TRICARE program or the Civilian Health*
17 *and Medical Program of the Uniformed Services to*
18 *provide pharmaceutical agents to eligible covered*
19 *beneficiaries; or*

20 “(iii) *the national mail order pharmacy pro-*
21 *gram.*

22 “(3) *The pharmacy benefits program shall assure the*
23 *availability of clinically appropriate pharmaceutical*
24 *agents to members of the armed forces, including, if appro-*

1 *priate, agents not included on the uniform formulary de-*
2 *scribed in paragraph (2).*

3 “(4) *The pharmacy benefits program may provide that*
4 *prior authorization be required for certain categories of*
5 *pharmaceutical agents to assure that the use of such agents*
6 *is clinically appropriate. Such categories shall be the fol-*
7 *lowing:*

8 “(A) *High-cost injectable agents.*

9 “(B) *High-cost biotechnology agents.*

10 “(C) *Pharmaceutical agents with high potential*
11 *for inappropriate use.*

12 “(D) *Pharmaceutical agents otherwise deter-*
13 *mined by the Secretary to require prior authoriza-*
14 *tion.*

15 “(5)(A) *The pharmacy benefits program shall include*
16 *procedures for eligible covered beneficiaries to receive phar-*
17 *maceutical agents not included on the uniform formulary.*
18 *Such procedures shall include peer review procedures under*
19 *which the Secretary may determine that there is a clinical*
20 *justification for the use of a pharmaceutical agent that is*
21 *not on the uniform formulary, in which case the pharma-*
22 *ceutical agent shall be provided under the same terms and*
23 *conditions as an agent on the uniform formulary.*

24 “(B) *If the Secretary determines that there is not a*
25 *clinical justification for the use of a pharmaceutical agent*

1 *that is not on the uniform formulary under the procedures*
2 *established pursuant to subparagraph (A), such pharma-*
3 *ceutical agent shall be available through at least one of the*
4 *means described in paragraph (2)(C) under terms and con-*
5 *ditions that may include cost sharing by the eligible covered*
6 *beneficiary in addition to any such cost sharing applicable*
7 *to agents on the uniform formulary.*

8 “(6) *The Secretary of Defense shall, after consultation*
9 *with the other administering Secretaries, promulgate regu-*
10 *lations to carry out this subsection.*

11 “(7) *Nothing in this subsection shall be construed as*
12 *authorizing a contractor to penalize an eligible covered ben-*
13 *eficiary with respect to, or decline coverage for, a mainte-*
14 *nance pharmaceutical that is not on the list of preferred*
15 *pharmaceuticals of the contractor and that was prescribed*
16 *for the beneficiary before the date of the enactment of this*
17 *section and stabilized the medical condition of the bene-*
18 *ficiary.*

19 “(b) *ESTABLISHMENT OF COMMITTEE.—(1) The Sec-*
20 *retary of Defense shall, in consultation with the Secretaries*
21 *of the military departments, establish a pharmaceutical*
22 *and therapeutics committee for the purpose of developing*
23 *the uniform formulary of pharmaceutical agents required*
24 *by subsection (a), reviewing such formulary on a periodic*
25 *basis, and making additional recommendations regarding*

1 *the formulary as the committee determines necessary and*
2 *appropriate. The committee shall include representatives of*
3 *pharmacies of the uniformed services facilities, contractors*
4 *responsible for the TRICARE retail pharmacy program,*
5 *contractors responsible for the national mail order phar-*
6 *macy program, providers in facilities of the uniformed serv-*
7 *ices, and TRICARE network providers. Committee members*
8 *shall have expertise in treating the medical needs of the pop-*
9 *ulations served through such entities and in the range of*
10 *pharmaceutical and biological medicines available for*
11 *treating such populations.*

12 “(2) *Not later than 90 days after the establishment of*
13 *the pharmaceutical and therapeutics committee by the Sec-*
14 *retary, the committee shall submit a proposed uniform for-*
15 *mulary to the Secretary .*

16 “(c) *ADVISORY PANEL.—(1) Concurrent with the es-*
17 *tablishment of the pharmaceutical and therapeutics com-*
18 *mittee under subsection (b), the Secretary shall establish a*
19 *Uniform Formulary Beneficiary Advisory Panel to review*
20 *and comment on the development of the uniform formulary.*
21 *The Secretary shall consider the comments of the panel be-*
22 *fore implementing the uniform formulary or implementing*
23 *changes to the uniform formulary.*

24 “(2) *The Secretary shall determine the size and mem-*
25 *bership of the panel established under paragraph (1), which*

1 *shall include members that represent nongovernmental or-*
2 *ganizations and associations that represent the views and*
3 *interests of a large number of eligible covered beneficiaries.*

4 “(d) *PROCEDURES.*—*In the operation of the pharmacy*
5 *benefits program under subsection (a), the Secretary of De-*
6 *fense shall assure through management and new contractual*
7 *arrangements that financial resources are aligned such that*
8 *the cost of prescriptions is borne by the organization that*
9 *is financially responsible for the health care of the eligible*
10 *covered beneficiary.*

11 “(e) *PHARMACY DATA TRANSACTION SERVICE.*—*Not*
12 *later than April 1, 2000, the Secretary of Defense shall im-*
13 *plement the use of the Pharmacy Data Transaction Service*
14 *in all fixed facilities of the uniformed services under the*
15 *jurisdiction of the Secretary, the TRICARE network retail*
16 *pharmacy program, and the national mail order pharmacy*
17 *program.*

18 “(f) *DEFINITION OF ELIGIBLE COVERED BENE-*
19 *FICIARY.*—*As used in this section, the term ‘eligible covered*
20 *beneficiary’ means a covered beneficiary for whom eligi-*
21 *bility to receive pharmacy benefits through the means de-*
22 *scribed in subsection (a)(2)(C) is established under this*
23 *chapter or another provision of law.’.*

1 (2) *The table of sections at the beginning of such chap-*
2 *ter is amended by inserting after the item relating to section*
3 *1074f the following new item:*

“1074g. Pharmacy benefits program.”.

4 (b) *DEADLINE FOR ESTABLISHMENT OF COM-*
5 *MITTEE.—The Secretary shall establish the pharmaceutical*
6 *and therapeutics committee required under section 1074g(b)*
7 *of title 10, United States Code, not later than 30 days after*
8 *the date of the enactment of this Act.*

9 (c) *REPORTS REQUIRED.—Not later than April 1 and*
10 *October 1 of fiscal years 2000 and 2001, the Secretary of*
11 *Defense shall submit to Congress a report on—*

12 (1) *implementation of the uniform formulary re-*
13 *quired under subsection (a) of section 1074g of title*
14 *10, United States Code (as added by subsection (a));*

15 (2) *the results of a confidential survey conducted*
16 *by the Secretary of prescribers for military medical*
17 *treatment facilities and TRICARE contractors to*
18 *determine—*

19 (A) *during the most recent fiscal year, how*
20 *often prescribers attempted to prescribe non-for-*
21 *mulary or non-preferred prescription drugs, how*
22 *often such prescribers were able to do so, and*
23 *whether covered beneficiaries were able to fill*
24 *such prescriptions without undue delay;*

1 (B) the understanding by prescribers of the
2 reasons that military medical treatment facili-
3 ties or civilian contractors preferred certain
4 pharmaceuticals to others; and

5 (C) the impact of any restrictions on access
6 to non-formulary prescriptions on the clinical
7 decisions of the prescribers and the aggregate
8 cost, quality, and accessibility of health care pro-
9 vided to covered beneficiaries;

10 (3) the operation of the Pharmacy Data Trans-
11 action Service required by subsection (e) of such sec-
12 tion 1074g; and

13 (4) any other actions taken by the Secretary to
14 improve management of the pharmacy benefits pro-
15 gram under such section.

16 (d) *STUDY FOR DESIGN OF PHARMACY BENEFIT FOR*
17 *CERTAIN COVERED BENEFICIARIES.*—(1) Not later than
18 April 15, 2001, the Secretary of Defense shall prepare and
19 submit to Congress—

20 (A) a study on a design for a comprehensive
21 pharmacy benefit for covered beneficiaries under
22 chapter 55 of title 10, United States Code, who are
23 entitled to benefits under part A, and enrolled under
24 part B, of title XVIII of the Social Security Act; and

1 (B) an estimate of the costs of implementing and
2 operating such design.

3 (2) The design described in paragraph (1)(A) shall in-
4 corporate the elements of the pharmacy benefits program
5 required to be established under section 1074g of title 10,
6 United States Code (as added by subsection (a)).

7 **SEC. 722. IMPROVEMENTS TO THIRD-PARTY PAYER COLLEC-**
8 **TION PROGRAM.**

9 Section 1095 of title 10, United States Code, is
10 amended—

11 (1) in subsection (a)(1)—

12 (A) by striking “the reasonable costs of”
13 and inserting “reasonable charges for”;

14 (B) by striking “such costs” and inserting
15 “such charges”; and

16 (C) by striking “the reasonable cost of” and
17 inserting “a reasonable charge for”;

18 (2) by amending subsection (f) to read as follows:

19 “(f) The Secretary of Defense, in consultation with the
20 other administering Secretaries, shall prescribe regulations
21 for the administration of this section. Such regulations shall
22 provide for the computation of reasonable charges for inpa-
23 tient services, outpatient services, and other health care
24 services. Computation of such reasonable charges may be
25 based on—

- 1 “(1) *per diem* rates;
- 2 “(2) *all-inclusive per visit* rates;
- 3 “(3) *diagnosis-related groups*;
- 4 “(4) *rates prescribed under the regulations pre-*
5 *scribed to implement sections 1079 and 1086 of this*
6 *title; or*
- 7 “(5) *such other method as may be appropriate.*”;
- 8 (3) *in subsection (g), by striking “the costs of”;*
9 *and*
- 10 (4) *in subsection (h)(1), by striking the first sen-*
11 *tence and inserting “The term ‘third-party payer’*
12 *means an entity that provides an insurance, medical*
13 *service, or health plan by contract or agreement, in-*
14 *cluding an automobile liability insurance or no fault*
15 *insurance carrier, and any other plan or program*
16 *that is designed to provide compensation or coverage*
17 *for expenses incurred by a beneficiary for health care*
18 *services or products.”.*

19 **SEC. 723. AUTHORITY OF ARMED FORCES MEDICAL EXAM-**
20 **INER TO CONDUCT FORENSIC PATHOLOGY**
21 **INVESTIGATIONS.**

22 (a) *IN GENERAL.*—Chapter 3 of title 10, United States
23 *Code, is amended by adding at the end the following new*
24 *section:*

1 **“§ 130b. Authority of armed forces medical examiner**
2 **to conduct forensic pathology investiga-**
3 **tions**

4 “(a) *IN GENERAL.*—*The Armed Forces Medical Exam-*
5 *iner may conduct a forensic pathology investigation, in-*
6 *cluding an autopsy, to determine the cause or manner of*
7 *death of an individual in any case in which—*

8 “(1) *the individual was killed, or from any cause*
9 *died an unnatural death;*

10 “(2) *the cause or manner of death is unknown;*

11 “(3) *there is reasonable suspicion that the death*
12 *was by unlawful means;*

13 “(4) *the death appears to be from an infectious*
14 *disease or the result of the effects of a hazardous mate-*
15 *rial that may have an adverse effect on the installa-*
16 *tion or community in which the individual died or*
17 *was found dead; or*

18 “(5) *the identity of the deceased individual is*
19 *unknown.*

20 “(b) *LIMITATIONS ON AUTHORITY.*—(1) *The authority*
21 *provided under subsection (a) may only be exercised with*
22 *respect to an individual in a case in which—*

23 “(A) *the individual died or is found dead at an*
24 *installation garrisoned by units of the armed forces*
25 *and under the exclusive jurisdiction of the United*
26 *States;*

1 “(B) *the individual was, at the time of death, a*
2 *member of the armed forces on active duty or inactive*
3 *duty for training or a member of the armed forces*
4 *who recently retired under chapter 61 of this title and*
5 *died as a result of an injury or illness incurred while*
6 *on active duty;*

7 “(C) *the individual was a civilian dependent of*
8 *a member of the armed forces and died or was found*
9 *dead at a location outside the United States;*

10 “(D) *the Armed Forces Medical Examiner deter-*
11 *mines, pursuant to an authorized investigation by the*
12 *Department of Defense of matters involving the death*
13 *of an individual or individuals, that a factual deter-*
14 *mination of the cause or manner of the death of the*
15 *individual is necessary; or*

16 “(E) *pursuant to an authorized investigation*
17 *being conducted by the Federal Bureau of Investiga-*
18 *tion, the National Transportation Safety Board, or*
19 *other Federal agency, an official of such agency with*
20 *authority to direct a forensic pathology investigation*
21 *requests that an investigation be conducted by the*
22 *Armed Forces Medical Examiner.*

23 “(2) *The authority provided in subsection (a) shall be*
24 *subject to the primary jurisdiction, to the extent exercised,*
25 *of a State or local government with respect to the conduct*

1 of an investigation or, if outside the United States, of au-
2 thority exercised under any applicable Status-of-Forces or
3 other international agreement between the United States
4 and the country in which the individual died or was found
5 dead.

6 “(c) *DESIGNATION OF PATHOLOGIST.*—The Armed
7 Forces Medical Examiner may designate any qualified pa-
8 thologist to carry out the authority provided in subsection
9 (a).”.

10 (b) *CLERICAL AMENDMENT.*—The table of sections at
11 the beginning of such chapter is amended by adding at the
12 end the following:

“130b. Authority of armed forces medical examiner to conduct forensic pathology
investigations.”.

13 **SEC. 724. TRAUMA TRAINING CENTER.**

14 (a) *START-UP COSTS.*—Of the funds authorized to be
15 appropriated in section 301(22) for the Defense Health Pro-
16 gram, \$4,000,000, shall be used for startup costs for a Trau-
17 ma Training Center to enhance the capability of the Army
18 to train forward surgical teams.

19 (b) *AMENDMENT TO EXISTING AUTHORITY.*—Section
20 742 of the Strom Thurmond National Defense Authoriza-
21 tion Act for Fiscal Year 1999 (Public Law 105–261; 112
22 Stat. 2074) is amended to read as follows:

1 **“SEC. 742. AUTHORIZATION TO ESTABLISH A TRAUMA**
2 **TRAINING CENTER.**

3 *“The Secretary of the Army is hereby authorized to*
4 *establish a Trauma Training Center in order to provide*
5 *the Army with a trauma center capable of training forward*
6 *surgical teams.”.*

7 **SEC. 725. STUDY ON JOINT OPERATIONS FOR THE DEFENSE**
8 **HEALTH PROGRAM.**

9 *Not later than October 1, 2000, the Secretary of De-*
10 *fense shall prepare and submit to Congress a study identi-*
11 *fying areas with respect to the Defense Health Program for*
12 *which joint operations might be increased, including orga-*
13 *nization, training, patient care, hospital management, and*
14 *budgeting. The study shall include a discussion of the merits*
15 *and feasibility of—*

16 *(1) establishing a joint command for the Defense*
17 *Health Program as a military counterpart to the As-*
18 *stant Secretary of Defense for Health Affairs;*

19 *(2) establishing a joint training curriculum for*
20 *the Defense Health Program; and*

21 *(3) creating a unified chain of command and*
22 *budgeting authority for the Defense Health Program.*

1 **TITLE VIII—ACQUISITION POL-**
2 **ICY, ACQUISITION MANAGE-**
3 **MENT, AND RELATED MAT-**
4 **TERS**

5 **SEC. 801. SALE, EXCHANGE, AND WAIVER AUTHORITY FOR**
6 **COAL AND COKE.**

7 (a) *IN GENERAL.*—Section 2404 of title 10, United
8 States Code, is amended—

9 (1) *in subsection (a)*—

10 (A) *in the matter preceding paragraph (1),*
11 *by striking “petroleum or natural gas” and in-*
12 *serting “a defined fuel source”;*

13 (B) *in paragraph (1)*—

14 (i) *by striking “petroleum market con-*
15 *ditions or natural gas market conditions, as*
16 *the case may be,” and inserting “market*
17 *conditions for the defined fuel source”;* and

18 (ii) *by striking “acquisition of petro-*
19 *leum or acquisition of natural gas, respec-*
20 *tively,” and inserting “acquisition of that*
21 *defined fuel source”;* and

22 (C) *in paragraph (2), by striking “petro-*
23 *leum or natural gas, as the case may be,” and*
24 *inserting “that defined fuel source”;*

1 (3) *in subsection (b), by striking “petroleum or*
2 *natural gas” in the second sentence and inserting “a*
3 *defined fuel source”;*

4 (4) *in subsection (c), by striking “petroleum”*
5 *and all that follows through the period and inserting*
6 *“a defined fuel source or services related to a defined*
7 *fuel source by exchange of a defined fuel source or*
8 *services related to a defined fuel source.”;*

9 (5) *in subsection (d)—*

10 (A) *by striking “petroleum or natural gas”*
11 *in the first sentence and inserting “a defined fuel*
12 *source”;* and

13 (B) *by striking “petroleum” in the second*
14 *sentence and all that follows through the period*
15 *and inserting “a defined fuel source or services*
16 *related to a defined fuel source.”;* and

17 (6) *by adding at the end the following new sub-*
18 *section:*

19 “(f) *DEFINED FUEL SOURCES.—In this section, the*
20 *term ‘defined fuel source’ means any of the following:*

21 “(1) *Petroleum.*

22 “(2) *Natural gas.*

23 “(3) *Coal.*

24 “(4) *Coke.”.*

1 (b) *CLERICAL AMENDMENTS.*—(1) *The heading of such*
 2 *section is amended to read as follows:*

3 **“§2404. Acquisition of certain fuel sources: authority**
 4 **to waive contract procedures; acquisition**
 5 **by exchange; sales authority”.**

6 (2) *The item relating to such section in the table of*
 7 *sections at the beginning of chapter 141 of such title is*
 8 *amended to read as follows:*

*“2404. Acquisition of certain fuel sources: authority to waive contract procedures;
 acquisition by exchange; sales authority.”.*

9 **SEC. 802. EXTENSION OF AUTHORITY TO ISSUE SOLICITA-**
 10 **TIONS FOR PURCHASES OF COMMERCIAL**
 11 **ITEMS IN EXCESS OF SIMPLIFIED ACQUISI-**
 12 **TION THRESHOLD.**

13 *Section 4202(e) of the Clinger-Cohen Act of 1996 (divi-*
 14 *sions D and E of Public Law 104–106; 10 U.S.C. 2304*
 15 *note) is amended by striking “three years after the date on*
 16 *which such amendments take effect pursuant to section*
 17 *4401(b)” and inserting “January 1, 2002”.*

18 **SEC. 803. EXPANSION OF APPLICABILITY OF REQUIREMENT**
 19 **TO MAKE CERTAIN PROCUREMENTS FROM**
 20 **SMALL ARMS PRODUCTION INDUSTRIAL**
 21 **BASE.**

22 *Section 2473(d) of title 10, United States Code, is*
 23 *amended by adding at the end the following new para-*
 24 *graphs:*

1 “(6) M2 machine gun.

2 “(7) M60 machine gun.”.

3 **SEC. 804. REPEAL OF TERMINATION OF PROVISION OF**
4 **CREDIT TOWARDS SUBCONTRACTING GOALS**
5 **FOR PURCHASES BENEFITING SEVERELY**
6 **HANDICAPPED PERSONS.**

7 *Section 2410d(c) of title 10, United States Code, is re-*
8 *pealed.*

9 **SEC. 805. EXTENSION OF TEST PROGRAM FOR NEGOTIA-**
10 **TION OF COMPREHENSIVE SMALL BUSINESS**
11 **SUBCONTRACTING PLANS.**

12 *Subsection (e) of section 834 of the National Defense*
13 *Authorization Act for Fiscal Years 1990 and 1991 (Public*
14 *Law 101–189; 15 U.S.C. 637 note) is amended by striking*
15 *“2000.” and inserting “2003”.*

16 **SEC. 806. FACILITATION OF NATIONAL MISSILE DEFENSE**
17 **SYSTEM.**

18 *(a) AUTHORIZATION OF WAIVER OF REQUIREMENT*
19 *FOR COMPLETION OF INITIAL OT&E BEFORE PRODUCTION*
20 *BEGINS.—Notwithstanding section 2399(a) of title 10,*
21 *United States Code, the Secretary of Defense may make a*
22 *determination to proceed with production of a national*
23 *missile defense system without regard to whether initial*
24 *operational testing and evaluation of the system has been*
25 *completed.*

1 (b) *REQUIREMENT FOR COMPLETION OF INITIAL*
2 *OT&E.*—*If the Secretary makes such a determination as*
3 *provided by subsection (a), the Secretary shall ensure that*
4 *such a national missile defense system successfully com-*
5 *pletes an adequate operational test and evaluation as soon*
6 *as practicable following that determination and before the*
7 *operational deployment of such system.*

8 (c) *NOTIFICATION TO CONGRESSIONAL COMMIT-*
9 *TEES.*—*The Secretary shall promptly notify the Committee*
10 *on Armed Services of the Senate and the Committee on*
11 *Armed Services of the House of Representatives, in writing,*
12 *upon making a determination that production of a national*
13 *missile defense system may be carried out before initial*
14 *operational testing and evaluation of that system has been*
15 *completed, as authorized by subsection (a).*

16 **SEC. 807. OPTIONS FOR ACCELERATED ACQUISITION OF**
17 **PRECISION MUNITIONS.**

18 (a) *FINDINGS.*—*Congress finds the following:*

19 (1) *Current inventories of many precision muni-*
20 *tions of the United States do not meet the require-*
21 *ments of the Department of Defense for two Major*
22 *Theater Wars, and with respect to some precision mu-*
23 *nitions, such requirements will not be met even after*
24 *planned acquisitions are made.*

1 (2) *Production lines for certain critical precision*
2 *munitions have been shut down, and the start-up pro-*
3 *duction of replacement precision munitions leaves a*
4 *critical gap in acquisition of follow-on precision mu-*
5 *nitions.*

6 (3) *Shortages of conventional air-launched cruise*
7 *missiles and Tomahawk missiles during Operation*
8 *Allied Force indicate the critical need to maintain ro-*
9 *bust inventories of precision munitions.*

10 (b) *REPORTS.—(1) Not later than 90 days after the*
11 *date of the enactment of this Act, the Secretary of Defense*
12 *shall submit to the congressional defense committees a re-*
13 *port on the requirements of the Department of Defense for*
14 *quantities of precision munitions for two Major Theater*
15 *Wars, and when such requirements will be met for each pre-*
16 *cision munition.*

17 (2) *Not later than March 15, 2000, the Secretary shall*
18 *submit to the congressional defense committees a report*
19 *on—*

20 (A) *the options recommended by the teams*
21 *formed under subsection (c) for acceleration of acqui-*
22 *sition of precision munitions; and*

23 (B) *a plan for implementing such options.*

24 (c) *RECOMMENDATIONS FOR OPTIONS.—The Secretary*
25 *of Defense shall form teams of experts from industry and*

1 *the military departments to recommend to the Secretary op-*
2 *tions for accelerating the acquisition of precision munitions*
3 *in order that, with respect to any such munition for which*
4 *the requirements of the Department of Defense for two*
5 *Major Theater Wars are not expected to be met by October*
6 *1, 2002, such requirements may be met for such munitions*
7 *by such date.*

8 **SEC. 808. PROGRAM TO INCREASE OPPORTUNITY FOR**
9 **SMALL BUSINESS INNOVATION IN DEFENSE**
10 **ACQUISITION PROGRAMS.**

11 *(a) REQUIREMENT TO IMPLEMENT PROGRAM.—The*
12 *Secretary of Defense shall implement a program to provide*
13 *for increased opportunity for small-business concerns to*
14 *provide innovative technology for acquisition programs of*
15 *the Department of Defense.*

16 *(b) ELEMENTS OF PROGRAM.—The program required*
17 *by subsection (a) shall consist of the following elements:*

18 *(1) The Secretary shall establish procedures*
19 *through which small-business concerns may submit*
20 *challenge proposals to existing components of acquisi-*
21 *tion programs of the Department of Defense which*
22 *shall be designed to encourage small-business concerns*
23 *to recommend cost-saving and innovative ideas to ac-*
24 *quisition program managers.*

1 (2) *The Secretary shall establish a challenge pro-*
2 *posal review board, the purpose of which shall be to*
3 *review and make recommendations on the merit and*
4 *viability of the challenge proposals submitted under*
5 *paragraph (1). The Secretary shall ensure that such*
6 *recommendations receive active consideration for in-*
7 *corporation into applicable acquisition programs of*
8 *the Department of Defense at the appropriate point*
9 *in the acquisition cycle.*

10 (c) *REPORT.—The Secretary of Defense shall report to*
11 *Congress annually on the implementation of this section*
12 *and the progress of providing increased opportunity for*
13 *small-business concerns to provide innovative technology for*
14 *acquisition programs of the Department of Defense.*

15 (d) *SMALL-BUSINESS CONCERN DEFINED.—In this*
16 *section, the term “small-business concern” has the same*
17 *meaning as the meaning of such term as used in the Small*
18 *Business Act (15 U.S.C. 631 et seq.).*

19 **SEC. 809. COMPLIANCE WITH BUY AMERICAN ACT.**

20 (a) *COMPLIANCE WITH BUY AMERICAN ACT.—No*
21 *funds authorized by this Act may be expended by an entity*
22 *of the Department of Defense unless the entity agrees that*
23 *in expending the funds the entity will comply with the Buy*
24 *American Act (41 U.S.C. 10a et seq.).*

1 (b) *SENSE OF CONGRESS REGARDING PURCHASE OF*
 2 *AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the*
 3 *sense of Congress that any entity of the Department of De-*
 4 *fense, in expending funds authorized by this Act for the pur-*
 5 *chase of equipment or products, should purchase only Amer-*
 6 *ican-made equipment and products.*

7 (c) *DEBARMENT OF PERSONS CONVICTED OF FRAUDU-*
 8 *LENT USE OF “MADE IN AMERICA” LABELS.—If the Sec-*
 9 *retary of Defense determines that a person has been con-*
 10 *victed of intentionally affixing a label bearing a “Made in*
 11 *America” inscription, or another inscription with the same*
 12 *meaning, to any product sold in or shipped to the United*
 13 *States that is not made in the United States, the Secretary*
 14 *shall determine, in accordance with section 2410f of title*
 15 *10, United States Code, whether the person should be*
 16 *debarred from contracting with the Department of Defense.*

17 **TITLE IX—DEPARTMENT OF DE-**
 18 **FENSE ORGANIZATION AND**
 19 **MANAGEMENT**

20 **SEC. 901. LIMITATION ON AMOUNT AVAILABLE FOR CON-**
 21 **TRACTED ADVISORY AND ASSISTANCE SERV-**
 22 **ICES.**

23 (a) *REDUCTION.—From amounts appropriated for the*
 24 *Department of Defense for fiscal year 2000, the total*
 25 *amount obligated for contracted advisory and assistance*

1 *services may not exceed the amount equal to the sum of the*
2 *amounts specified in the President's budget for fiscal year*
3 *2000 for those services for components of the Department*
4 *of Defense reduced by \$100,000,000.*

5 *(b) LIMITATION PENDING RECEIPT OF REQUIRED RE-*
6 *PORT.—Not more than 90 percent of the amount available*
7 *to the Department of Defense for fiscal year 2000 for con-*
8 *tracted advisory and assistance services (taking into ac-*
9 *count the limitation under subsection (a)) may be obligated*
10 *until the Secretary of Defense submits to Congress the first*
11 *annual report under section 2212(c) of title 10, United*
12 *States Code.*

13 **SEC. 902. RESPONSIBILITY FOR LOGISTICS AND**
14 **SUSTAINMENT FUNCTIONS OF THE DEPART-**
15 **MENT OF DEFENSE.**

16 *(a) UNDER SECRETARY OF DEFENSE FOR ACQUI-*
17 *SITION AND TECHNOLOGY.—(1) The position of Under Sec-*
18 *retary of Defense for Acquisition and Technology in the De-*
19 *partment of Defense is hereby redesignated as the Under*
20 *Secretary of Defense for Acquisition, Technology, and Lo-*
21 *gistics. Any reference in any law, regulation, document, or*
22 *other record of the United States to the Under Secretary*
23 *of Defense for Acquisition and Technology shall be treated*
24 *as referring to the Under Secretary of Defense for Acquisi-*
25 *tion, Technology, and Logistics.*

1 (2) *Section 133 of title 10, United States Code, is*
2 *amended—*

3 (A) *in subsections (a), (b), and (e)(1), by strik-*
4 *ing “Under Secretary of Defense for Acquisition and*
5 *Technology” and inserting “Under Secretary of De-*
6 *fense for Acquisition, Technology, and Logistics”; and*

7 (B) *in subsection (b)—*

8 (i) *by striking “logistics,” in paragraph (2);*

9 (ii) *by redesignating paragraphs (3) and*
10 *(4) as paragraphs (4) and (5), respectively; and*

11 (iii) *by inserting after paragraph (2) the*
12 *following new paragraph (3):*

13 “(3) *establishing policies for logistics, mainte-*
14 *nance, and sustainment support for all elements of*
15 *the Department of Defense;”.*

16 (b) *NEW DEPUTY UNDER SECRETARY FOR LOGISTICS*
17 *AND MATERIEL READINESS.—(1) Chapter 4 of title 10,*
18 *United States Code, is amended by inserting after section*
19 *133a the following new section:*

20 “**§ 133b. Deputy Under Secretary of Defense for Logis-**
21 **tics and Materiel Readiness**

22 “(a) *There is a Deputy Under Secretary of Defense for*
23 *Logistics and Materiel Readiness, appointed from civilian*
24 *life by the President by and with the advice and consent*
25 *of the Senate. The Deputy Under Secretary shall be ap-*

1 *pointed from among persons with an extensive background*
2 *in the sustainment of major weapon systems and combat*
3 *support equipment.*

4 “(b) *The Deputy Under Secretary is the principal ad-*
5 *viser to the Secretary and the Under Secretary of Defense*
6 *for Acquisition, Technology, and Logistics on logistics and*
7 *materiel readiness in the Department of Defense and is the*
8 *principal logistics official within the senior management*
9 *of the Department of Defense.*

10 “(c) *The Deputy Under Secretary shall perform such*
11 *duties relating to logistics and materiel readiness as the*
12 *Under Secretary of Defense for Acquisition, Technology and*
13 *Logistics may assign, including—*

14 “(1) *prescribing, by authority of the Secretary of*
15 *Defense, policies and procedures for the conduct of lo-*
16 *gistics, maintenance, materiel readiness, and*
17 *sustainment support in the Department of Defense;*

18 “(2) *advising and assisting the Secretary of De-*
19 *fense, the Deputy Secretary of Defense, and the Under*
20 *Secretary of Defense for Acquisition and Technology,*
21 *and providing guidance to and consulting with the*
22 *Secretaries of the military departments, with respect*
23 *to logistics, maintenance, materiel readiness, and*
24 *sustainment support in the Department of Defense;*
25 *and*

1 “(3) monitoring and reviewing all logistics,
2 maintenance, materiel readiness, and sustainment
3 support programs in the Department of Defense.”.

4 (2) Section 5314 of title 5, United States Code, is
5 amended by inserting after the paragraph relating to the
6 Deputy Under Secretary of Defense for Acquisition and
7 Technology the following new paragraph:

8 “Deputy Under Secretary of Defense for Logis-
9 tics and Materiel Readiness.”.

10 (c) REVISIONS TO LAW PROVIDING FOR DEPUTY
11 UNDER SECRETARY FOR ACQUISITION AND TECH-
12 NOLOGY.—Section 133a(b) of title 10, United States Code,
13 is amended—

14 (1) by striking “his duties” in the first sentence
15 and inserting “the Under Secretary’s duties relating
16 to acquisition and technology”; and

17 (2) by striking the second sentence.

18 (d) CONFORMING AMENDMENTS TO CHAPTER 4.—
19 Chapter 4 of such title is further amended as follows:

20 (1) Sections 131(b)(2), 134(c), 137(b), and
21 139(b) are amended by striking “Under Secretary of
22 Defense for Acquisition and Technology” each place it
23 appears and inserting “Under Secretary of Defense
24 for Acquisition, Technology, and Logistics”.

1 (2) *The heading of section 133 is amended to*
 2 *read as follows:*

3 **“§133. Under Secretary of Defense for Acquisition,**
 4 **Technology, and Logistics”.**

5 (3) *The table of sections at the beginning of the*
 6 *chapter is amended—*

7 (A) *by striking the item relating to section*
 8 *133 and inserting the following:*

 “133. *Under Secretary of Defense for Acquisition, Technology, and Logistics.*”;

9 *and*

10 (B) *by inserting after the item relating to*
 11 *section 133a the following new item:*

 “133b. *Deputy Under Secretary of Defense for Logistics and Materiel Readiness.*”.

12 (e) *ADDITIONAL CONFORMING AMENDMENTS.—Section*
 13 *5313 of title 5, United States Code, is amended by striking*
 14 *“Under Secretary of Defense for Acquisition and Tech-*
 15 *nology” and inserting “Under Secretary of Defense for Ac-*
 16 *quisition, Technology, and Logistics”.*

17 **SEC. 903. MANAGEMENT HEADQUARTERS AND HEAD-**
 18 **QUARTERS SUPPORT ACTIVITIES.**

19 (a) *REVISION TO DEFENSE DIRECTIVE RELATING TO*
 20 *MANAGEMENT HEADQUARTERS AND HEADQUARTERS SUP-*
 21 *PORT ACTIVITIES.—Not later than October 1, 2000, the Sec-*
 22 *retary of Defense shall issue a revision to Department of*
 23 *Defense Directive 5100.73, entitled “Department of Defense*

1 *Management Headquarters and Headquarters Support Ac-*
2 *tivities”, so as to incorporate in that directive the following:*

3 (1) *A threshold specified by command (or other*
4 *organizational element) such that any headquarters*
5 *activity below the threshold is not considered for the*
6 *purpose of the directive to be a management head-*
7 *quarters or headquarters support activity.*

8 (2) *A definition of the term “management head-*
9 *quarters and headquarters support activities” that*
10 *(A) is based upon function (rather than organiza-*
11 *tion), and (B) includes any activity (other than an*
12 *operational activity) that reports directly to such an*
13 *activity.*

14 (3) *Uniform application of those definitions*
15 *throughout the Department of Defense.*

16 (b) *TECHNICAL AMENDMENTS TO UPDATE LIMITATION*
17 *ON OSD PERSONNEL.—Effective October 1, 1999, section*
18 *143 of title 10, United States Code, is amended—*

19 (1) *in subsection (a)—*

20 (A) *by striking “Effective October 1, 1999,*
21 *the” and inserting “The”; and*

22 (B) *by striking “75 percent of the baseline*
23 *number” and inserting “3,767”.*

24 (2) *by striking subsections (b), (c), and (f); and*

1 (3) by redesignating subsections (d) and (e) as
2 subsections (b) and (c), respectively.

3 **SEC. 904. FURTHER REDUCTIONS IN DEFENSE ACQUISITION AND SUPPORT WORKFORCE.**
4

5 (a) *REDUCTION OF DEFENSE ACQUISITION AND SUPPORT WORKFORCE.*—The Secretary of Defense shall accomplish reductions in defense acquisition and support personnel positions during fiscal year 2000 so that the total
6 number of such personnel as of October 1, 2000, is less than
7 the total number of such personnel as of October 1, 1999,
8 by at least 25,000.
9

10 (b) *DEFENSE ACQUISITION AND SUPPORT PERSONNEL DEFINED.*—For purposes of this section, the term “defense
11 acquisition and support personnel” means military and civilian
12 personnel (other than civilian personnel who are employed at a maintenance depot) who are assigned to, or employed in,
13 acquisition organizations of the Department of Defense (as specified in Department of Defense Instruction
14 numbered 5000.58 dated January 14, 1992), and any other
15 organizations which the Secretary may determine to have
16 a predominantly acquisition mission.
17

18 **SEC. 905. CENTER FOR THE STUDY OF CHINESE MILITARY AFFAIRS.**
19

20 (a) *FINDINGS.*—The Congress finds the following:
21

1 (1) *The strategic relationship between the United*
2 *States and the People's Republic of China will be very*
3 *important for future peace and security, not only in*
4 *the Asia-Pacific region but around the world.*

5 (2) *The United States does not view China as an*
6 *enemy, nor consider that the coming century nec-*
7 *essarily will see a new great power competition be-*
8 *tween the two nations.*

9 (3) *The end of the cold war has eliminated what*
10 *had been the one fundamental common strategic in-*
11 *terest of the United States and China, that of con-*
12 *taining the Soviet Union.*

13 (4) *The sustained economic rise, stated geo-*
14 *political ambitions, and increasingly confrontational*
15 *actions of China cast doubt on whether the United*
16 *States will be able to form a satisfactory strategic*
17 *partnership with the People's Republic of China and*
18 *will pose challenges that will require careful manage-*
19 *ment in order to preserve peace and protect the na-*
20 *tional security interests of the United States.*

21 (5) *The ability of the Department of Defense,*
22 *and the United States Government more generally, to*
23 *develop sound security and military strategies is*
24 *hampered by a limited understanding of Chinese stra-*
25 *tegic goals and military capabilities. The low priority*

1 *accorded the study of Chinese strategic and military*
2 *affairs within the Government and within the aca-*
3 *demie community has contributed to this limited un-*
4 *derstanding.*

5 *(6) There is a need for a United States national*
6 *institute for research and assessment of political, stra-*
7 *tegic, and military affairs in the People's Republic of*
8 *China. Such an institute should be capable of pro-*
9 *viding analysis for the purpose of shaping United*
10 *States military strategy and policy with regard to*
11 *China and should be readily accessible to senior lead-*
12 *ers within the Department of Defense, but should*
13 *maintain academic and intellectual independence so*
14 *that that analysis is not first shaped by policy.*

15 *(b) ESTABLISHMENT OF CENTER FOR THE STUDY OF*
16 *CHINESE MILITARY AFFAIRS.—(1) Chapter 108 of title 10,*
17 *United States Code, is amended by adding at the end the*
18 *following new section:*

19 **“§2166. National Defense University: Center for the**
20 **Study of Chinese Military Affairs**

21 *“(a) ESTABLISHMENT.—(1) The Secretary of Defense*
22 *shall establish a Center for the Study of Chinese Military*
23 *Affairs (hereinafter in this section referred to as the ‘Cen-*
24 *ter’) as part of the National Defense University. The Center*

1 *shall be organized as an independent institute under the*
2 *University.*

3 “(2) *The Director of the Center shall be appointed by*
4 *the Secretary of Defense. The Secretary shall appoint as the*
5 *Director an individual who is a distinguished scholar of*
6 *proven academic, management, and leadership credentials*
7 *with a superior record of achievement and publication re-*
8 *garding Chinese political, strategic, and military affairs.*

9 “(b) *MISSION.—The mission of the Center is to study*
10 *the national goals and strategic posture of the People’s Re-*
11 *public of China and the ability of that nation to develop,*
12 *field, and deploy an effective military instrument in sup-*
13 *port of its national strategic objectives.*

14 “(c) *AREAS OF STUDY.—The Center shall conduct re-*
15 *search relating to the People’s Republic of China as follows:*

16 “(1) *To assess the potential of that nation to act*
17 *as a global great power, the Center shall conduct re-*
18 *search that considers the policies and capabilities of*
19 *that nation in a regional and world-wide context, in-*
20 *cluding Central Asia, Southwest Asia, Europe, and*
21 *Latin America, as well as the Asia-Pacific region.*

22 “(2) *To provide a fuller assessment of the areas*
23 *of study referred to in paragraph (1), the Center shall*
24 *conduct research on—*

1 “(A) economic trends relative to strategic
2 goals and military capabilities;

3 “(B) strengths and weaknesses in the sci-
4 entific and technological sector; and

5 “(C) relevant demographic and human re-
6 source factors on progress in the military sphere.

7 “(3) The Center shall conduct research on the
8 armed forces of the People’s Republic of China, taking
9 into account the character of those armed forces and
10 their role in Chinese society and economy, the degree
11 of their technological sophistication, and their organi-
12 zational and doctrinal concepts. That research shall
13 include inquiry into the following matters:

14 “(A) Concepts concerning national interests,
15 objectives, and strategic culture.

16 “(B) Grand strategy, military strategy,
17 military operations, and tactics.

18 “(C) Doctrinal concepts at each of the four
19 levels specified in subparagraph (B).

20 “(D) The impact of doctrine on China’s
21 force structure choices.

22 “(E) The interaction of doctrine and force
23 structure at each level to create an integrated
24 system of military capabilities through procure-

1 *ment, officer education, training, and practice*
2 *and other similar factors.*

3 “(d) *FACULTY OF THE CENTER.—(1) The core faculty*
4 *of the Center should comprise scholars capable of providing*
5 *diverse perspectives on Chinese political, strategic, and*
6 *military thought. Center scholars shall demonstrate the fol-*
7 *lowing competencies and capabilities:*

8 “(A) *Analysis of national strategy, military*
9 *strategy, and doctrine.*

10 “(B) *Analysis of force structure and military ca-*
11 *pabilities.*

12 “(C) *Analysis of—*

13 “(i) *issues relating to weapons of mass de-*
14 *struction, military intelligence, defense econom-*
15 *ics, trade, and international economics; and*

16 “(ii) *the relationship between those issues*
17 *and grand strategy, science and technology, the*
18 *sociology of human resources and demography,*
19 *and political science.*

20 “(2) *A substantial number of Center scholars shall be*
21 *competent in the Chinese language. The Center shall include*
22 *a core of junior scholars capable of providing linguistics*
23 *and translation support to the Center.*

1 “(e) *ACTIVITIES OF THE CENTER.*—*The activities of*
2 *the Center shall include other elements appropriate to its*
3 *mission, including the following:*

4 “(1) *The Center should include an active con-*
5 *ference program with an international reach.*

6 “(2) *The Center should conduct an international*
7 *competition for a Visiting Fellowship in Chinese*
8 *Military Affairs and Chinese Security Issues. The*
9 *term of the fellowship should be for one year, renew-*
10 *able for a second.*

11 “(3) *The Center shall provide funds to support*
12 *at least one trip per analyst per year to China and*
13 *the region and to support visits of Chinese military*
14 *leaders to the Center.*

15 “(4) *The Center shall support well defined, dis-*
16 *tinguished, signature publications.*

17 “(5) *Center scholars shall have appropriate ac-*
18 *cess to intelligence community assessments of Chinese*
19 *military affairs.*

20 “(f) *STUDIES AND REPORTS.*—*The Director may con-*
21 *tract for studies and reports from the private sector to sup-*
22 *plement the work of the Center.”.*

23 (2) *The table of sections at the beginning of such chap-*
24 *ter is amended by adding at the end the following new item:*

“2166. *National Defense University: Center for the Study of Chinese Military Af-*
airs.”.

1 (c) *IMPLEMENTATION REPORT.*—Not later than Janu-
 2 ary 1, 2000, the Secretary of Defense shall submit to Con-
 3 gress a report stating the timetable and organizational plan
 4 for establishing the Center for the Study of Chinese Military
 5 Affairs under section 2166 of title 10, United States Code,
 6 as added by subsection (b).

7 (d) *STARTUP OF CENTER.*—The Secretary shall estab-
 8 lish the Center for the Study of Chinese Military Affairs
 9 under section 2166 of title 10, United States Code, as added
 10 by subsection (b), not later than March 1, 2000, and shall
 11 appoint the first Director of the Center not later than June
 12 1, 2000.

13 **SEC. 906. RESPONSIBILITY WITHIN OFFICE OF THE SEC-**
 14 **RETARY OF DEFENSE FOR MONITORING**
 15 **OPTEMPO AND PERSTEMPO.**

16 Section 136 of title 10, United States Code, is amended
 17 by adding at the end the following new subsection:

18 “(d) *The Under Secretary of Defense for Personnel and*
 19 *Readiness is responsible, subject to the authority, direction,*
 20 *and control of the Secretary of Defense, for the monitoring*
 21 *of the operations tempo and personnel tempo of the armed*
 22 *forces. The Under Secretary shall establish, to the extent*
 23 *practicable, uniform standards within the Department of*
 24 *Defense for terminology and policies relating to deployment*
 25 *of units and personnel away from their assigned duty sta-*

1 tions (including the length of time units or personnel may
2 be away for such a deployment) and shall establish uniform
3 reporting systems for tracking deployments.”.

4 **SEC. 907. REPORT ON MILITARY SPACE ISSUES.**

5 (a) *REPORT.*—The Secretary of Defense shall submit
6 to the Committee on Armed Services of the Senate and the
7 Committee on Armed Services of the House of Representa-
8 tives a report on United States military space policy. The
9 report shall address current and projected United States ef-
10 forts to fully exploit space in preparation for possible con-
11 flicts in 2010 and beyond. The report shall specifically ad-
12 dress the following:

13 (1) *The general organization of the Department*
14 *of Defense for addressing space issues, the functions of*
15 *the various Department of Defense and military agen-*
16 *cies, components, and elements with responsibility for*
17 *military space issues, the practical effect of creating*
18 *a new military service with responsibility for mili-*
19 *tary operations in space, and the advisability of es-*
20 *tablishing an Assistant Secretary of Defense for*
21 *Space.*

22 (2) *The manner in which current national mili-*
23 *tary space policy is incorporated into overall United*
24 *States national space policy.*

1 (3) *The manner in which the Department of De-*
2 *fense is organized to develop doctrine for the military*
3 *use of space.*

4 (4) *The manner in which military space issues*
5 *are addressed by professional military education in-*
6 *stitutions, to include a listing of specific courses of-*
7 *fered at those institutions that focuses on military*
8 *space policy.*

9 (5) *The manner in which space control issues are*
10 *incorporated into current and planned experiments*
11 *and exercises.*

12 (6) *The manner in which military space assets*
13 *are being fully exploited to provide support for*
14 *United States contingency operations.*

15 (7) *United States policy toward the use of com-*
16 *mercial launch vehicles and facilities for the launch*
17 *of military assets.*

18 (8) *The current interagency coordination process*
19 *regarding the operation of military space assets, in-*
20 *cluding identification of interoperability and commu-*
21 *nications issues.*

22 (9) *Policies and procedures for sharing missile*
23 *launch early warning data with United States allies*
24 *and friendly countries.*

1 (10) *Issues regarding the capability to detect*
2 *threats to United States space assets.*

3 (11) *The manner in which the presence of space*
4 *debris is expected to affect United States military*
5 *space launch policy and the future design of military*
6 *spacecraft.*

7 (12) *Whether military space programs should be*
8 *funded separately from other service programs and*
9 *whether the Global Positioning System should be*
10 *funded through a Defense-wide appropriation ac-*
11 *count.*

12 (b) *CLASSIFICATION AND DEADLINE FOR REPORT.—*
13 *The report required by subsection (a) shall be prepared in*
14 *both classified and unclassified form and shall be submitted*
15 *not later than March 1, 2000.*

16 **SEC. 908. EMPLOYMENT AND COMPENSATION OF CIVILIAN**
17 **FACULTY MEMBERS OF DEPARTMENT OF DE-**
18 **FENSE AFRICAN CENTER FOR STRATEGIC**
19 **STUDIES.**

20 (a) *FACULTY.—Subsection (c) of section 1595 of title*
21 *10, United States Code, is amended by adding at the end*
22 *the following new paragraph:*

23 “(6) *The African Center for Strategic Studies.*”.

1 (b) *DIRECTOR AND DEPUTY DIRECTOR.*—Subsection
2 (e) of such section is amended by adding at the end the
3 following new paragraph:

4 “(4) *The African Center for Strategic Studies.*”.

5 **SEC. 909. ADDITIONAL MATTERS FOR ANNUAL REPORT ON**
6 **JOINT WARFIGHTING EXPERIMENTATION.**

7 Section 485(b) of title 10, United States Code, is
8 amended by adding at the end the following new para-
9 graphs:

10 “(5) *With respect to interoperability of equip-*
11 *ment and forces, any recommendations that the com-*
12 *mander considers appropriate, developed on the basis*
13 *of joint warfighting experimentation, for reducing un-*
14 *necessary redundancy of equipment and forces, in-*
15 *cluding guidance regarding the synchronization of the*
16 *fielding of advanced technologies among the armed*
17 *forces to enable the development and execution of joint*
18 *operational concepts.*

19 “(6) *Recommendations for mission needs state-*
20 *ments and operational requirements related to the*
21 *joint experimentation and evaluation process.*

22 “(7) *Recommendations based on the results of*
23 *joint experimentation for the relative priorities for ac-*
24 *quisition programs to meet joint requirements.*”.

1 **SEC. 910. DEFENSE TECHNOLOGY SECURITY ENHANCE-**
2 **MENT.**

3 (a) *REORGANIZATION OF TECHNOLOGY SECURITY*
4 *FUNCTIONS OF DEPARTMENT OF DEFENSE.*—*The Secretary*
5 *of Defense shall establish the Technology Security Direc-*
6 *torate of the Defense Threat Reduction Agency as a separate*
7 *Defense Agency named the Defense Technology Security*
8 *Agency. The Agency shall be under the authority, direction,*
9 *and control of the Under Secretary of Defense for Policy.*

10 (b) *DIRECTOR.*—*The Director of the Defense Tech-*
11 *nology Security Agency shall also serve as Deputy Under*
12 *Secretary of Defense for Technology Security Policy.*

13 (c) *FUNCTIONS.*—*The Director shall advise the Sec-*
14 *retary of Defense and the Deputy Secretary of Defense,*
15 *through the Under Secretary of Defense for Policy, on policy*
16 *issues related to the transfer of strategically sensitive tech-*
17 *nology, including the following:*

18 (1) *Strategic trade.*

19 (2) *Defense cooperative programs.*

20 (3) *Science and technology agreements and ex-*
21 *changes.*

22 (4) *Export of munitions items.*

23 (5) *International Memorandums of Under-*
24 *standing.*

25 (6) *Industrial base and competitiveness concerns.*

26 (7) *Foreign acquisitions.*

1 **TITLE X—GENERAL PROVISIONS**

2 **Subtitle A—Financial Matters**

3 **SEC. 1001. TRANSFER AUTHORITY.**

4 (a) *AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1)*

5 *Upon determination by the Secretary of Defense that such*
6 *action is necessary in the national interest, the Secretary*
7 *may transfer amounts of authorizations made available to*
8 *the Department of Defense in this division for fiscal year*
9 *2000 between any such authorizations for that fiscal year*
10 *(or any subdivisions thereof). Amounts of authorizations so*
11 *transferred shall be merged with and be available for the*
12 *same purposes as the authorization to which transferred.*

13 (2) *The total amount of authorizations that the Sec-*
14 *retary may transfer under the authority of this section may*
15 *not exceed \$2,000,000,000.*

16 (b) *LIMITATIONS.—The authority provided by this sec-*
17 *tion to transfer authorizations—*

18 (1) *may only be used to provide authority for*
19 *items that have a higher priority than the items from*
20 *which authority is transferred; and*

21 (2) *may not be used to provide authority for an*
22 *item that has been denied authorization by Congress.*

23 (c) *EFFECT ON AUTHORIZATION AMOUNTS.—A trans-*
24 *fer made from one account to another under the authority*
25 *of this section shall be deemed to increase the amount au-*

1 *thorized for the account to which the amount is transferred*
2 *by an amount equal to the amount transferred.*

3 (d) *NOTICE TO CONGRESS.—The Secretary shall*
4 *promptly notify Congress of each transfer made under sub-*
5 *section (a).*

6 **SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.**

7 (a) *STATUS OF CLASSIFIED ANNEX.—The Classified*
8 *Annex prepared by the Committee on Armed Services of the*
9 *House of Representatives to accompany its report on the*
10 *bill H.R. 1401 of the One Hundred Sixth Congress and*
11 *transmitted to the President is hereby incorporated into this*
12 *Act.*

13 (b) *CONSTRUCTION WITH OTHER PROVISIONS OF*
14 *ACT.—The amounts specified in the Classified Annex are*
15 *not in addition to amounts authorized to be appropriated*
16 *by other provisions of this Act.*

17 (c) *LIMITATION ON USE OF FUNDS.—Funds appro-*
18 *riated pursuant to an authorization contained in this Act*
19 *that are made available for a program, project, or activity*
20 *referred to in the Classified Annex may only be expended*
21 *for such program, project, or activity in accordance with*
22 *such terms, conditions, limitations, restrictions, and re-*
23 *quirements as are set out for that program, project, or activ-*
24 *ity in the Classified Annex.*

1 (d) *DISTRIBUTION OF CLASSIFIED ANNEX.*—The
 2 *President shall provide for appropriate distribution of the*
 3 *Classified Annex, or of appropriate portions of the annex,*
 4 *within the executive branch of the Government.*

5 **SEC. 1003. AUTHORIZATION OF PRIOR EMERGENCY MILI-**
 6 **TARY PERSONNEL APPROPRIATIONS.**

7 *There is authorized to be appropriated the amount of*
 8 *\$1,838,426,000 appropriated to the Department of Defense*
 9 *for military personnel accounts in section 2012 of the 1999*
 10 *Emergency Supplemental Appropriations Act.*

11 **SEC. 1004. REPEAL OF REQUIREMENT FOR TWO-YEAR BUDG-**
 12 **ET CYCLE FOR THE DEPARTMENT OF DE-**
 13 **FENSE.**

14 *Section 1405 of the Department of Defense Authoriza-*
 15 *tion Act, 1986 (31 U.S.C. 1105 note), is repealed.*

16 **SEC. 1005. CONSOLIDATION OF VARIOUS DEPARTMENT OF**
 17 **THE NAVY TRUST AND GIFT FUNDS.**

18 (a) *CONSOLIDATION OF NAVAL ACADEMY GENERAL*
 19 *GIFT FUND AND MUSEUM FUND.*—(1) *Subsection (a) of sec-*
 20 *tion 6973 of title 10, United States Code, is amended to*
 21 *read as follows:*

22 “(a)(1) *The Secretary of the Navy may accept, hold,*
 23 *administer, and spend gifts and bequests of personal prop-*
 24 *erty, and loans of personal property other than money,*
 25 *made on the condition that the personal property be used*

1 *for the benefit of, or in connection with, the Naval Academy*
2 *or the Naval Academy Museum, its collection, or its serv-*
3 *ices.*

4 “(2) *Gifts or bequests of money, and the proceeds from*
5 *the sales of property received as a gift or bequest, shall be*
6 *deposited in the Treasury in the fund called ‘United States*
7 *Naval Academy Gift and Museum Fund’. The Secretary*
8 *may disburse funds deposited under this paragraph for the*
9 *benefit or use of the Naval Academy or the Naval Academy*
10 *Museum subject to the terms of the gift or bequest.’”.*

11 (2) *Subsection (c) of such section is amended by strik-*
12 *ing “United States Naval Academy general gift fund” both*
13 *places it appears and inserting “United States Naval Acad-*
14 *emy Gift and Museum Fund”.*

15 (3) *Such section is further amended by adding at the*
16 *end the following new subsection:*

17 “(d) *The Secretary shall develop written guidelines to*
18 *be used in determining whether the acceptance of money,*
19 *personal property, or loans of personal property under sub-*
20 *section (a) would—*

21 “(1) *reflect unfavorably upon the ability of the*
22 *Department of the Navy to carry out its responsibil-*
23 *ities in a fair and objective manner;*

24 “(2) *reflect unfavorably upon the ability of any*
25 *employee of the Department of the Navy to carry out*

1 *the employee's official duties in a fair and objective*
2 *manner; or*

3 *“(3) compromise the integrity, or the appearance*
4 *of the integrity, of Navy programs or any employee*
5 *involved in such programs.”.*

6 *(b) REPEAL OF NAVAL ACADEMY MUSEUM FUND.—*
7 *Section 6974 of title 10, United States Code, is repealed.*

8 *(c) REPEAL OF NAVAL HISTORICAL CENTER FUND.—*
9 *Section 7222 of such title is repealed.*

10 *(d) TRANSFER OF FUNDS.—The Secretary of the Navy*
11 *shall transfer—*

12 *(1) all funds in the United States Naval Acad-*
13 *emy Museum Fund as of the date of the enactment of*
14 *this Act to the United States Naval Academy Gift*
15 *and Museum Fund established by section 6973(a) of*
16 *title 10, United States Code, as amended by sub-*
17 *section (a); and*

18 *(2) all funds in the Naval Historical Center*
19 *Fund as of the date of the enactment of this Act to*
20 *the Department of the Navy General Gift Fund estab-*
21 *lished by section 2601(b)(2) of such title.*

22 *(e) CLERICAL AMENDMENTS.—(1) The table of sections*
23 *at the beginning of chapter 603 of title 10, United States*
24 *Code, is amended by striking the item relating to section*
25 *6974.*

1 (2) *The table of sections at the beginning of chapter*
 2 *631 of such title is amended by striking the item relating*
 3 *to section 7222.*

4 **SEC. 1006. SUPPLEMENTAL APPROPRIATIONS REQUEST**
 5 **FOR OPERATIONS IN YUGOSLAVIA.**

6 *If the President determines that it is in the national*
 7 *security interest of the United States to conduct combat or*
 8 *peacekeeping operations in the Federal Republic of Yugo-*
 9 *slavia during fiscal year 2000, the President shall transmit*
 10 *to the Congress a supplemental appropriations request for*
 11 *the Department of Defense for such amounts as are nec-*
 12 *essary for the costs of any such operation.*

13 ***Subtitle B—Naval Vessels and***
 14 ***Shipyards***

15 **SEC. 1011. REVISION TO CONGRESSIONAL NOTICE-AND-**
 16 **WAIT PERIOD REQUIRED BEFORE TRANSFER**
 17 **OF A VESSEL STRICKEN FROM THE NAVAL**
 18 **VESSEL REGISTER.**

19 *Section 7306(d) of title 10, United States Code, is*
 20 *amended to read as follows:*

21 “(d) **CONGRESSIONAL NOTICE-AND-WAIT PERIOD.**—

22 (1) *A transfer under this section may not take effect until—*

23 “(A) *the Secretary submits to Congress notice of*
 24 *the proposed transfer; and*

1 “(B) 30 days of session of Congress have expired
2 following the date on which the notice is sent to Con-
3 gress.

4 “(2) For purposes of paragraph (1)(B)—

5 “(A) the period of a session of Congress is broken
6 only by an adjournment of Congress sine die at the
7 end of the final session of a Congress; and

8 “(B) any day on which either House of Congress
9 is not in session because of an adjournment of more
10 than 3 days to a day certain, or because of an ad-
11 journment sine die at the end of the first session of
12 a Congress, shall be excluded in the computation of
13 such 30-day period.”.

14 **SEC. 1012. AUTHORITY TO CONSENT TO RETRANSFER OF**
15 **FORMER NAVAL VESSEL.**

16 (a) *IN GENERAL.*—Subject to subsection (b), the Presi-
17 dent may consent to the retransfer by the Government of
18 Greece of HS Rodos (ex-USS BOWMAN COUNTY (LST
19 391)) to the USS LST Ship Memorial, Inc., a not-for-profit
20 organization operating under the laws of the State of Penn-
21 sylvania.

22 (b) *CONDITIONS FOR CONSENT.*—The President should
23 not exercise the authority under subsection (a) unless the
24 USS LST Memorial, Inc. agrees—

1 (1) *to use the vessel for public, nonprofit, mu-*
2 *seum-related purposes; and*

3 (2) *to comply with applicable law with respect*
4 *to the vessel, including those requirements related to*
5 *facilitating monitoring by the United States of, and*
6 *mitigating potential environmental hazards associ-*
7 *ated with, aging vessels, and has a demonstrated fi-*
8 *nancial capability to so comply.*

9 **SEC. 1013. REPORT ON NAVAL VESSEL FORCE STRUCTURE**
10 **REQUIREMENTS.**

11 (a) *REQUIREMENT.*—*Not later than February, 1, 2000,*
12 *the Secretary of Defense shall submit to the Committee on*
13 *Armed Service of the Senate and the Committee on Armed*
14 *Services of the House of Representatives a report on naval*
15 *vessel force structure requirements.*

16 (b) *MATTERS TO BE INCLUDED.*—*The report shall*
17 *provide—*

18 (1) *a statement of the naval vessel force structure*
19 *required to carry out the National Military Strategy,*
20 *including that structure required to meet joint and*
21 *combined warfighting requirements and missions re-*
22 *lating to crisis response, overseas presence, and sup-*
23 *port to contingency operations; and*

24 (2) *a statement of the naval vessel force structure*
25 *that is supported and funded in the President's budg-*

1 *et for fiscal year 2001 and in the current future-years*
2 *defense program.*

3 **SEC. 1014. AUXILIARY VESSELS ACQUISITION PROGRAM**
4 **FOR THE DEPARTMENT OF DEFENSE.**

5 *(a) PROGRAM AUTHORIZATION.—(1) Chapter 631 of*
6 *title 10, United States Code, is amended by adding at the*
7 *end the following new section:*

8 **“§ 7233. Auxiliary vessels: extended lease authority**

9 *“(a) AUTHORIZED CONTRACTS.—After September 30,*
10 *1999, the Secretary of the Navy, subject to subsection (b),*
11 *may enter into contracts with private United States ship-*
12 *yards for the construction of new surface vessels to be long-*
13 *term leased by the United States from the shipyard or other*
14 *private person for any of the following:*

15 *“(1) The combat logistics force of the Navy.*

16 *“(2) The strategic sealift force of the Navy.*

17 *“(3) Other auxiliary support vessels for the De-*
18 *partment of Defense.*

19 *“(b) CONTRACTS REQUIRED TO BE AUTHORIZED BY*
20 *LAW.—A contract may be entered into under subsection (a)*
21 *with respect to a specific vessel only if the Secretary is spe-*
22 *cifically authorized by law to enter into such a contract*
23 *with respect to that vessel.*

24 *“(c) FUNDS FOR CONTRACT PAYMENTS.—The Sec-*
25 *retary may make payments for contracts entered into under*

1 subsection (a) and under subsection (g) using funds avail-
2 able for obligation from operation and maintenance ac-
3 counts during the fiscal year for which the payments are
4 required to be made. Any such contract shall provide that
5 the United States is not required to make a payment under
6 the contract (other than a termination payment, if re-
7 quired) before October 1, 2001.

8 “(d) *TERM OF CONTRACT.*—In this section, the term
9 ‘long-term lease’ means a lease, bareboat charter, or condi-
10 tional sale agreement with respect to a vessel the term of
11 which (including any option period) is for a period of 20
12 years or more.

13 “(e) *OPTION TO BUY.*—A contract entered into under
14 subsection (a) may include options for the United States
15 to purchase one or more of the vessels covered by the contract
16 at any time during, or at the end of, the contract period
17 (including any option period) upon payment of an amount
18 equal to the lesser of (1) the unamortized portion of the cost
19 of the vessel plus amounts incurred in connection with the
20 termination of the financing arrangements associated with
21 the vessel, or (2) the fair market value of the vessel.

22 “(f) *DOMESTIC CONSTRUCTION.*—The Secretary shall
23 require in any contract entered into under this section that
24 each vessel to which the contract applies—

1 “(1) shall have been constructed in a shipyard
2 within the United States; and

3 “(2) upon delivery, shall be documented under
4 the laws of the United States.

5 “(g) *VESSEL OPERATION*.—(1) *The Secretary shall op-*
6 *erate a vessel held by the Secretary under a long-term lease*
7 *under this section through a contract with a United States*
8 *domiciled corporation with experience in the operation of*
9 *vessels for the United States. Any such contract shall be for*
10 *a term as determined by the Secretary.*

11 “(2) *The Secretary may provide a crew for any such*
12 *vessel using civil service mariners only after an evaluation*
13 *and competition taking into account—*

14 “(A) *the fully burdened cost of a civil service*
15 *crew over the expected useful life of the vessel;*

16 “(B) *the effect on the private sector manpower*
17 *pool; and*

18 “(C) *the operational requirements of the Depart-*
19 *ment of the Navy.*

20 “(h) *CONTINGENT WAIVER OF OTHER PROVISIONS OF*
21 *LAW*.—*A contract authorized by this section may be entered*
22 *into without regard to section 2401 or 2401a of this title*
23 *if the Secretary of Defense makes the following findings*
24 *with respect to that contract:*

1 “(1) *The need for the vessels or services to be pro-*
 2 *vided under the contract is expected to remain sub-*
 3 *stantially unchanged during the contemplated con-*
 4 *tract or option period.*

5 “(2) *There is a reasonable expectation that*
 6 *throughout the contemplated contract or option period*
 7 *the Secretary of the Navy (or, if the contract is for*
 8 *services to be provided to, and funded by, another*
 9 *military department, the Secretary of that military*
 10 *department) will request funding for the contract at*
 11 *the level required to avoid contract cancellation.*

12 “(3) *The use of such contract or the exercise of*
 13 *such option is in the interest of the national defense.*

14 “(i) *SOURCE OF FUNDS FOR TERMINATION LIABIL-*
 15 *ITY.—If a contract entered into under this section is termi-*
 16 *nated, the costs of such termination may be paid from—*

17 “(1) *amounts originally made available for per-*
 18 *formance of the contract;*

19 “(2) *amounts currently available for operation*
 20 *and maintenance of the type of vessels or services con-*
 21 *cerned and not otherwise obligated; or*

22 “(3) *funds appropriated for those costs.”.*

23 “(2) *The table of sections at the beginning of such chap-*
 24 *ter is amended by adding at the end the following new item:*

“7233. *Auxiliary vessels: extended lease authority.*”.

1 (b) *DEFINITION OF DEPARTMENT OF DEFENSE SEA-*
2 *LIFT VESSEL.*—Section 2218(k)(2) of title 10, United States
3 *Code, is amended—*

4 (1) *by striking “that is—” in the matter pre-*
5 *ceding subparagraph (A) and inserting “that is any*
6 *of the following:”;*

7 (2) *by striking “a” at the beginning of subpara-*
8 *graphs (A), (B), and (E) and inserting “A”;*

9 (3) *by striking “an” at the beginning of sub-*
10 *paragraphs (C) and (D) and inserting “An”;*

11 (4) *by striking the semicolon at the end of sub-*
12 *paragraphs (A), (B), and (C) and inserting a period;*

13 (5) *by striking “; or” at the end of subparagraph*
14 *(D) and inserting a period; and*

15 (6) *by adding at the end the following new sub-*
16 *paragraphs:*

17 “*(F) A large medium-speed roll-on/roll-off*
18 *ship.*”

19 “*(G) A combat logistics force ship.*”

20 “*(H) Any other auxiliary support vessel.*”.

21 **SEC. 1015. AUTHORITY TO PROVIDE ADVANCE PAYMENTS**
22 **FOR THE NATIONAL DEFENSE FEATURES**
23 **PROGRAM.**

24 (a) *IN GENERAL.*—Section 2218 of title 10, United
25 *States Code, is amended—*

1 (1) by redesignating subsection (k) as subsection
2 (l); and

3 (2) by inserting after subsection (j) the following
4 new subsection (k):

5 “(k)(1) The Secretary of Defense, after making a deter-
6 mination of economic soundness for any proposed offer,
7 may provide advance payments to a contractor by lump
8 sum or annual payments (or a combination thereof) for the
9 following costs associated with inclusion or incorporation
10 of defense features in a commercial vessel:

11 “(A) Costs to build, procure, and install the de-
12 fense features in the vessel.

13 “(B) Costs to periodically maintain and test the
14 defense features on the vessel.

15 “(C) Any increased costs of operation or any loss
16 of revenue attributable to the inclusion or incorpora-
17 tion of the defense feature on the vessel.

18 “(D) Any additional costs associated with the
19 terms and conditions of the contract to install and in-
20 corporate defense features.

21 “(2) For any contract under which the United States
22 provides advance payments under paragraph (1) for the
23 costs associated with incorporation or inclusion of defense
24 features in a commercial vessel, the contractor shall provide
25 to the United States such security interests, which may in-

1 *clude a preferred mortgage under section 31322 of title 46,*
 2 *on the vessel as the Secretary may prescribe to project the*
 3 *interests of the United States relating to all costs associated*
 4 *with incorporation or inclusion of defense features in such*
 5 *vessel or vessels.*

6 “(3) *The functions of the Secretary under this sub-*
 7 *section may not be delegated to an officer or employee in*
 8 *a position below the head of the procuring activity, as de-*
 9 *fin ed in section 2304(f)(6)(A) of this title.”.*

10 (b) *EFFECTIVE DATE.*—*Subsection (j) of section 2218*
 11 *of title 10, United States Code, as added by subsection (a),*
 12 *shall apply to contracts entered into after September 30,*
 13 *1999.*

14 ***Subtitle C—Matters Relating to***
 15 ***Counter Drug Activities***

16 ***SEC. 1021. SUPPORT FOR DETECTION AND MONITORING AC-***
 17 ***TIVITIES IN THE EASTERN PACIFIC OCEAN.***

18 (a) *OPERATION CAPER FOCUS.*—*Of the amount au-*
 19 *thorized to be appropriated by section 301(20) for drug*
 20 *interdiction and counter-drug activities, \$6,000,000 shall be*
 21 *available for the purpose of conducting the counter-drug op-*
 22 *eration known as Caper Focus, which targets the maritime*
 23 *movement of cocaine on vessels in the eastern Pacific Ocean.*

24 (b) *FUNDS FOR CONVERSION OF WIDE APERTURE*
 25 *RADAR FACILITY TO OPERATIONAL STATUS.*—*Of the*

1 amount authorized to be appropriated by such section,
2 \$17,500,000 shall be available for the purpose of—

3 (1) converting the Over-The-Horizon Radar fa-
4 cility known as the Wide Aperture Radar Facility in
5 southern California from a research to operational
6 status; and

7 (2) using the facility on a full-time basis to de-
8 tect and track both air and maritime drug traffic in
9 the eastern Pacific Ocean and to monitor the inter-
10 national border in the southwestern United States.

11 (c) CONTRIBUTION OF ASSETS.—The Secretary of the
12 Air Force shall make available for use at the Wide Aperture
13 Radar Facility described in subsection (b) two OTH-B Con-
14 tinental 100 KW transmitters and necessary spare parts
15 to ensure the conversion of the facility to operational status.

16 (d) TEST AGAINST GO-FAST BOATS.—As part of the
17 conversion of the Wide Aperture Radar Facility described
18 in subsection (b) to operational status, the Secretary of De-
19 fense shall evaluate the ability of the facility to detect and
20 track the high-speed maritime vessels typically used in the
21 transportation of illegal drugs by water.

22 (e) PROGRESS REPORT.—Not later than April 15,
23 2000, the Secretary of Defense shall submit a report to Con-
24 gress evaluating the effectiveness of the Wide Aperture

1 *Radar Facility described in subsection (b) in counter-drug*
 2 *detection monitoring and border surveillance.*

3 **SEC. 1022. CONDITION ON DEVELOPMENT OF FORWARD OP-**
 4 **ERATING LOCATIONS FOR UNITED STATES**
 5 **SOUTHERN COMMAND COUNTER-DRUG DE-**
 6 **TECTION AND MONITORING FLIGHTS.**

7 *None of the funds appropriated or otherwise made*
 8 *available to the Department of Defense for any fiscal year*
 9 *may be obligated or expended for the purpose of improving*
 10 *the physical infrastructure at any proposed forward oper-*
 11 *ating location outside the United States from which the*
 12 *United States Southern Command may conduct counter-*
 13 *drug detection and monitoring flights until a formal agree-*
 14 *ment regarding the extent and use of, and host nation sup-*
 15 *port for, the forward operating location is executed by both*
 16 *the host nation and the United States.*

17 **SEC. 1023. UNITED STATES MILITARY ACTIVITIES IN CO-**
 18 **LOMBIA.**

19 *Section 1033(f) of the National Defense Authorization*
 20 *Act for Fiscal Year 1998 (Public Law 105–85; 111 U.S.C.*
 21 *1881) is amended—*

22 *(1) by redesignating paragraph (4) as para-*
 23 *graph (5) and, in such paragraph, by striking “Na-*
 24 *tional Security” and inserting “Armed Services”; and*

1 (2) by inserting after paragraph (3) the fol-
2 lowing new paragraph:

3 “(4) Not later than January 1 of each year, the Sec-
4 retary shall submit to the congressional committees a report
5 detailing the number of United States military personnel
6 deployed or otherwise assigned to duty in Colombia at any
7 time during the preceding year, the length and purpose of
8 the deployment or assignment, and the costs and force pro-
9 tection risks associated with such deployments and assign-
10 ments.”.

11 **SEC. 1024. ASSIGNMENT OF MEMBERS TO ASSIST IMMIGRA-**
12 **TION AND NATURALIZATION SERVICE AND**
13 **CUSTOMS SERVICE.**

14 (a) *ASSIGNMENT AUTHORITY OF SECRETARY OF DE-*
15 *FENSE.*—Chapter 18 of title 10, United States Code, is
16 amended by inserting after section 374 the following new
17 section:

18 **“§374a. Assignment of members to assist border pa-**
19 **trol and control**

20 “(a) *ASSIGNMENT AUTHORIZED.*—Upon submission of
21 a request consistent with subsection (b), the Secretary of De-
22 fense may assign members of the Army, Navy, Air Force,
23 and Marine Corps to assist—

1 “(1) *the Immigration and Naturalization Service*
2 *in preventing the entry of terrorists and drug traf-*
3 *fickers into the United States; and*

4 “(2) *the United States Customs Service in the*
5 *inspection of cargo, vehicles, and aircraft at points of*
6 *entry into the United States to prevent the entry of*
7 *weapons of mass destruction, components of weapons*
8 *of mass destruction, prohibited narcotics or drugs, or*
9 *other terrorist or drug trafficking items.*

10 “(b) *REQUEST FOR ASSIGNMENT.—The assignment of*
11 *members under subsection (a) may occur only if—*

12 “(1) *the assignment is at the request of the Attor-*
13 *ney General, in the case of an assignment to the Im-*
14 *migration and Naturalization Service, or the Sec-*
15 *retary of the Treasury, in the case of an assignment*
16 *to the United States Customs Service; and*

17 “(2) *the request of the Attorney General or the*
18 *Secretary of the Treasury (as the case may be) is ac-*
19 *companied by a certification by the President that the*
20 *assignment of members pursuant to the request is nec-*
21 *essary to respond to a threat to national security*
22 *posed by the entry into the United States of terrorists*
23 *or drug traffickers.*

24 “(c) *TRAINING PROGRAM.—If the assignment of mem-*
25 *bers is requested under subsection (b), the Attorney General*

1 *or the Secretary of the Treasury (as the case may be), to-*
2 *gether with the Secretary of Defense, shall establish a train-*
3 *ing program to ensure that members to be assigned receive*
4 *general instruction regarding issues affecting law enforce-*
5 *ment in the border areas in which the members will perform*
6 *duties under the assignment. A member may not be de-*
7 *ployed at a border location pursuant to an assignment*
8 *under subsection (a) until the member has successfully com-*
9 *pleted the training program.*

10 “(d) *CONDITIONS ON USE.—(1) Whenever a member*
11 *who is assigned under subsection (a) to assist the Immigra-*
12 *tion and Naturalization Service or the United States Cus-*
13 *toms Service is performing duties at a border location pur-*
14 *suant to the assignment, a civilian law enforcement officer*
15 *from the agency concerned shall accompany the member.*

16 “(2) *Nothing in this section shall be construed to—*

17 “(A) *authorize a member assigned under sub-*
18 *section (a) to conduct a search, seizure, or other simi-*
19 *lar law enforcement activity or to make an arrest;*
20 *and*

21 “(B) *supersede section 1385 of title 18 (popu-*
22 *larly known as the ‘Posse Comitatus Act’).*

23 “(e) *NOTIFICATION REQUIREMENTS.—The Attorney*
24 *General or the Secretary of the Treasury (as the case may*
25 *be) shall notify the Governor of the State in which members*

1 *are to be deployed pursuant to an assignment under sub-*
 2 *section (a), and local governments in the deployment area,*
 3 *of the deployment of the members to assist the Immigration*
 4 *and Naturalization Service or the United States Customs*
 5 *Service (as the case may be) and the types of tasks to be*
 6 *performed by the members.*

7 “(f) *REIMBURSEMENT REQUIREMENT.*—Section 377 of
 8 *this title shall apply in the case of members assigned under*
 9 *subsection (a).*

10 “(g) *TERMINATION OF AUTHORITY.*—No assignment
 11 *may be made or continued under subsection (a) after Sep-*
 12 *tember 30, 2002.”.*

13 (b) *CLERICAL AMENDMENT.*—The table of sections at
 14 *the beginning of such chapter is amended by inserting after*
 15 *the item relating to section 374 the following new item:*

“374a. *Assignment of members to assist border patrol and control.*”.

16 ***Subtitle D—Other Matters***

17 ***SEC. 1031. IDENTIFICATION IN BUDGET MATERIALS OF***
 18 ***AMOUNTS FOR DECLASSIFICATION ACTIVI-***
 19 ***TIES AND LIMITATION ON EXPENDITURES***
 20 ***FOR SUCH ACTIVITIES.***

21 (a) *IN GENERAL.*—(1) Chapter 9 of title 10, United
 22 *States Code, is amended by adding at the end the following*
 23 *new section:*

1 **“§ 229. Amounts for declassification of records**

2 “(a) *SPECIFIC IDENTIFICATION IN BUDGET.*—The Sec-
3 retary of Defense shall include in the budget justification
4 materials submitted to Congress in support of the Depart-
5 ment of Defense budget for any fiscal year (as submitted
6 with the budget of the President under section 1105(a) of
7 title 31) specific identification, as a budgetary line item,
8 of the amounts required to carry out programmed activities
9 during that fiscal year to declassify records pursuant to Ex-
10 ecutive Order 12958 (50 U.S.C. 435 note), or any successor
11 Executive order, or to comply with any statutory require-
12 ment to declassify Government records.”.

13 (2) *The table of sections at the beginning of such chap-*
14 *ter is amended by adding at the end the following new item:*

 “229. Amounts for declassification of records.”.

15 (b) *LIMITATION ON EXPENDITURES.*—The total
16 amount expended by the Department of Defense during fis-
17 cal year 2000 to carry out activities to declassify records
18 pursuant to Executive Order 12958 (50 U.S.C. 435 note),
19 or any successor Executive order, or to comply with any
20 statutory requirement to declassify Government records
21 may not exceed \$20,000,000.

1 **SEC. 1032. NOTICE TO CONGRESSIONAL COMMITTEES OF**
2 **COMPROMISE OF CLASSIFIED INFORMATION**
3 **WITHIN DEFENSE PROGRAMS OF THE UNITED**
4 **STATES.**

5 (a) *IN GENERAL.*—*The Secretary of Defense shall no-*
6 *tify the committees specified in subsection (c) of any infor-*
7 *mation, regardless of its origin, that the Secretary receives*
8 *that indicates that classified information relating to any*
9 *defense operation, system, or technology of the United States*
10 *is being, or may have been, disclosed in an unauthorized*
11 *manner to a foreign power or an agent of a foreign power.*

12 (b) *MANNER OF NOTIFICATION.*—*A notification under*
13 *subsection (a) shall be provided, in writing, not later than*
14 *30 days after the date of the initial receipt of such informa-*
15 *tion by the Department of Defense.*

16 (c) *SPECIFIED COMMITTEES.*—*The committees referred*
17 *to in subsection (a) are the Committee on Armed Services*
18 *of the Senate and the Committee on Armed Service of the*
19 *House of Representatives.*

20 (d) *FOREIGN POWER.*—*For purposes of this section,*
21 *the terms “foreign power” and “agent of a foreign power”*
22 *have the meanings given those terms in section 101 of the*
23 *Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.*
24 *1801).*

1 **SEC. 1033. REVISION TO LIMITATION ON RETIREMENT OR**
2 **DISMANTLEMENT OF STRATEGIC NUCLEAR**
3 **DELIVERY SYSTEMS.**

4 (a) *REVISED LIMITATION.*—Subsections (a) and (b) of
5 section 1302 of the National Defense Authorization Act for
6 Fiscal Year 1998 (Public Law 105–85) are amended to read
7 as follows:

8 “(a) *FUNDING LIMITATION.*—(1) *Except as provided*
9 *in paragraph (2), funds available to the Department of De-*
10 *fense may not be obligated or expended for retiring or dis-*
11 *mantling, or for preparing to retire or dismantle, any of*
12 *the following strategic nuclear delivery systems below the*
13 *specified levels:*

14 “(A) *76 B–52H bomber aircraft.*

15 “(B) *18 Trident ballistic missile submarines.*

16 “(C) *500 Minuteman III intercontinental bal-*
17 *listic missiles.*

18 “(D) *50 Peacekeeper intercontinental ballistic*
19 *missiles.*

20 “(2) *The limitation in paragraph (1) shall cease to*
21 *apply upon a certification by the President to Congress of*
22 *the following:*

23 “(A) *That the effectiveness of the United States*
24 *strategic deterrent will not be decreased by reductions*
25 *in strategic nuclear delivery systems.*

1 “(B) That the requirements of the Single Inte-
2 grated Operational Plan can be met with a reduced
3 number of strategic nuclear delivery systems.

4 “(C) That reducing the number of strategic nu-
5 clear delivery systems will not, in the judgment of the
6 President, provide a disincentive for Russia to ratify
7 the START II treaty or serve to undermine future
8 arms control negotiations.

9 “(3) If the Presidents submits the certification de-
10 scribed in paragraph (2), then effective upon the submission
11 of that certification, funds available to the Department of
12 Defense may not be obligated or expended to maintain a
13 United States force structure of strategic nuclear delivery
14 systems with a total capacity in warheads that is less than
15 98 percent of the 6,000 warhead limitation applicable to
16 the United States and in effect under the Strategic Arms
17 Reduction Treaty.

18 “(b) WAIVER AUTHORITY.—If the START II treaty
19 enters into force, the President may waive the application
20 of the limitation in effect under paragraph (1) or (3) of
21 subsection (a), as the case may be, to the extent that the
22 President determines such a waiver to be necessary in order
23 to implement the treaty.”.

24 (b) COVERED SYSTEMS.—(1) Subsection (e) of such
25 section is amended to read as follows:

1 “(e) *STRATEGIC NUCLEAR DELIVERY SYSTEMS DE-*
 2 *FINED.*—*For purposes of this section, the term ‘strategic nu-*
 3 *clear delivery systems’ means the following:*

4 “(1) *B-52H bomber aircraft.*

5 “(2) *Trident ballistic missile submarines.*

6 “(3) *Minuteman III intercontinental ballistic*
 7 *missiles.*

8 “(4) *Peacekeeper intercontinental ballistic mis-*
 9 *siles.’.*”

10 (2) *Subsection (c)(2) of such section is amended by*
 11 *striking “specified in subsection (a)”.*

12 (c) *CONFORMING AMENDMENTS.*—*Such section is fur-*
 13 *ther amended—*

14 (1) *in subsection (c)(2), by striking “during the*
 15 *strategic delivery systems retirement limitation pe-*
 16 *riod” and inserting “during the fiscal year during*
 17 *which the START II Treaty enters into force”;* and

18 (2) *by striking subsection (g).*

19 **SEC. 1034. ANNUAL REPORT BY CHAIRMAN OF JOINT**
 20 **CHIEFS OF STAFF ON THE RISKS IN EXE-**
 21 **CUTING THE MISSIONS CALLED FOR UNDER**
 22 **THE NATIONAL MILITARY STRATEGY.**

23 *Section 153 of title 10, United States Code, is amended*
 24 *by adding at the end the following new subsection:*

1 “(c) *RISKS UNDER NATIONAL MILITARY STRATEGY.*—
2 (1) *Not later than January 1 each year, the Chairman shall*
3 *submit to the Secretary of Defense a report providing the*
4 *Chairman’s assessment of the nature and magnitude of the*
5 *strategic and military risks associated with executing the*
6 *missions called for under the current National Military*
7 *Strategy.*

8 “(2) *The Secretary shall forward the report received*
9 *under paragraph (1) in any year, with the Secretary’s com-*
10 *ments thereon (if any), to Congress with the Secretary’s*
11 *next transmission to Congress of the annual Department*
12 *of Defense budget justification materials in support of the*
13 *Department of Defense component of the budget of the Presi-*
14 *dent submitted under section 1105 of title 31 for the next*
15 *fiscal year. If the Chairman’s assessment in such report in*
16 *any year is that risk associated with executing the missions*
17 *called for under the National Military Strategy is signifi-*
18 *cant, the Secretary shall include with the report as sub-*
19 *mitted to Congress the Secretary’s plan for mitigating that*
20 *risk.*”.

1 **SEC. 1035. REQUIREMENT TO ADDRESS UNIT OPERATIONS**
2 **TEMPO AND PERSONNEL TEMPO IN DEPART-**
3 **MENT OF DEFENSE ANNUAL REPORT.**

4 (a) *REPORTING REQUIREMENTS.*—Chapter 23 of title
5 10, United States Code, is amended by adding at the end
6 the following new section:

7 **“§486. Unit operations tempo and personnel tempo:**
8 **annual report**

9 “(a) *INCLUSION IN ANNUAL REPORT.*—The Secretary
10 of Defense shall include in the annual report required by
11 section 113(c) of this title a description of the operations
12 tempo and personnel tempo of the armed forces.

13 “(b) *SPECIFIC REPORTING REQUIREMENTS.*—To sat-
14 isfy subsection (a), the report shall include the following:

15 “(1) *A description of the methods by which each*
16 *of the armed forces measures operations tempo and*
17 *personnel tempo.*

18 “(2) *A description of the personnel tempo poli-*
19 *cies of each of the armed forces and any changes to*
20 *these policies since the preceding report.*

21 “(3) *A table depicting the active duty end*
22 *strength for each of the armed forces for each of the*
23 *preceding five years and also depicting the number of*
24 *members of each of the armed forces deployed over the*
25 *same period, as determined by the Secretary con-*
26 *cerned.*

1 “(4) *An identification of the active and reserve*
2 *component units of the armed forces participating at*
3 *the battalion, squadron, or an equivalent level (or a*
4 *higher level) in contingency operations, major train-*
5 *ing events, and other exercises and contingencies of*
6 *such a scale that the exercises and contingencies re-*
7 *ceive an official designation, that were conducted dur-*
8 *ing the period covered by the report and the duration*
9 *of their participation.*

10 “(5) *For each of the armed forces, the average*
11 *number of days a member of that armed force was de-*
12 *ployed away from the member’s home station during*
13 *the period covered by the report as compared to recent*
14 *previous years for which such information is avail-*
15 *able.*

16 “(6) *For each of the armed forces, the number of*
17 *days that high demand, low density units (as defined*
18 *by the Chairman of the Joint Chiefs of Staff) were de-*
19 *ployed during the period covered by the report, and*
20 *whether these units met the force goals for limiting*
21 *deployments, as described in the personnel tempo poli-*
22 *cies applicable to that armed force.*

23 “(c) *DEFINITIONS.—In this section:*

24 “(1) *The term ‘operations tempo’ means the rate*
25 *at which units of the armed forces are involved in all*

1 (2) *Sections 301a(f) and 1008 of title 37, United*
2 *States Code.*

3 (3) *Sections 11 and 14 of the Strategic and Crit-*
4 *ical Materials Stock Piling Act (50 U.S.C. 98h-2,*
5 *98h-5).*

6 (4) *Section 4(a) of Public Law 85-804 (50*
7 *U.S.C. 1434(a)).*

8 (5) *Section 10(g) of the Military Selective Serv-*
9 *ice Act (50 U.S.C. App. 460(g)).*

10 (6) *Section 3134 of the National Defense Author-*
11 *ization Act, Fiscal Year 1991 (42 U.S.C. 7274c).*

12 (7) *Section 822(b) of the National Defense Au-*
13 *thorization Act for Fiscal Years 1992 and 1993 (42*
14 *U.S.C. 6687(b)).*

15 (8) *Section 1097 of the National Defense Author-*
16 *ization Act for Fiscal Years 1992 and 1993 (22*
17 *U.S.C. 2751 note).*

18 (9) *Sections 208, 901(b)(2), and 1211 of the Mer-*
19 *chant Marine Act, 1936 (46 App. U.S.C. 1118,*
20 *1241(b)(2), 1291).*

21 (10) *Section 12 of the Act of March 9, 1920*
22 *(popularly known as the “Suits in Admiralty Act”)*
23 *(46 App. U.S.C. 752).*

1 **SEC. 1037. TECHNICAL AND CLERICAL AMENDMENTS.**

2 (a) *TITLE 10, UNITED STATES CODE.*—*Title 10,*
3 *United States Code, is amended as follows:*

4 (1) *Section 136(a) is amended by inserting “ad-*
5 *vice and” after “by and with the”.*

6 (2) *Section 180(d) is amended by striking*
7 *“grade GS–18 of the General Schedule under section*
8 *5332 of title 5” and inserting “Executive Schedule*
9 *Level IV under section 5376 of title 5”.*

10 (3) *Section 192(d) is amended by striking “the*
11 *date of the enactment of this subsection” and insert-*
12 *ing “October 17, 1998”.*

13 (4) *Section 374(b) is amended—*

14 (A) *in paragraph (1), by aligning subpara-*
15 *graphs (C) and (D) with subparagraphs (A) and*
16 *(B); and*

17 (B) *in paragraph (2)(F), by striking the*
18 *second semicolon at the end of clause (i).*

19 (5) *Section 664(i)(2)(A) is amended by striking*
20 *“the date of the enactment of this subsection” and in-*
21 *serting “February 10, 1996”.*

22 (6) *Section 777(d)(1) is amended by striking*
23 *“may not exceed” and all that follows and inserting*
24 *“may not exceed 35.”.*

25 (7) *Section 977(d)(2) is amended by striking*
26 *“the lesser of” and all that follows through “(B)”.*

1 (8) *Section 1073 is amended by inserting “(42*
2 *U.S.C. 14401 et seq.)” before the period at the end of*
3 *the second sentence.*

4 (9) *Section 1076a(j)(2) is amended by striking*
5 *“1 year” and inserting “one year”.*

6 (10) *Section 1370(d) is amended—*

7 (A) *in paragraph (1), by striking “chapter*
8 *1225” and inserting “chapter 1223”; and*

9 (B) *in paragraph (5), by striking “the date*
10 *of the enactment of this paragraph” and insert-*
11 *ing “October 17, 1998,”.*

12 (11) *Section 1401a(b)(2) is amended—*

13 (A) *by striking “MEMBERS” and all that*
14 *follows through “The Secretary shall” and insert-*
15 *ing “MEMBERS.—The Secretary shall”;*

16 (B) *by striking subparagraphs (B) and (C);*
17 *and*

18 (C) *by redesignating clauses (i) and (ii) as*
19 *subparagraphs (A) and (B) and realigning those*
20 *subparagraphs, as so redesignated, so as to be in-*
21 *dedented four ems from the left margin.*

22 (12) *Section 1406(i)(2) is amended by striking*
23 *“on or after the date of the enactment of the Strom*
24 *Thurmond National Defense Authorization Act for*

1 *Fiscal Year 1999*” and inserting “after October 16,
2 1998”.

3 (13) Section 1448(b)(3)(E)(ii) is amended by
4 striking “on or after the date of the enactment of the
5 subparagraph” and inserting “after October 16,
6 1998,”.

7 (14) Section 1501(d) is amended by striking
8 “prescribed” in the first sentence and inserting “de-
9 scribed”.

10 (15) Section 1509(a)(2) is amended by striking
11 “the date of the enactment of the National Defense
12 Authorization Act for Fiscal Year 1998” in subpara-
13 graphs (A) and (B) and inserting “November 18,
14 1997,”.

15 (16) Section 1513(1) is amended by striking “,
16 under the circumstances specified in the last sentence
17 of section 1509(a) of this title” and inserting “who is
18 required by section 1509(a)(1) of this title to be con-
19 sidered a missing person”.

20 (17) Section 2208(l)(2)(A) is amended by insert-
21 ing “of” after “during a period”.

22 (18) Section 2212(f) is amended—

23 (A) in paragraphs (2) and (3), by striking
24 “after the date of the enactment of this section”
25 and inserting “after October 17, 1998,”; and

1 (B) in paragraphs (2), (3) and (4), by
2 striking “as of the date of the enactment of this
3 section” and inserting “as of October 17, 1998”.

4 (19) Section 2302c(b) is amended by striking
5 “section 2303” and inserting “section 2303(a)”.

6 (20) Section 2325(a)(1) is amended by inserting
7 “that occurs after November 18, 1997,” after “of the
8 contractor” in the matter that precedes subparagraph
9 (A).

10 (21) Section 2469a(c)(3) is amended by striking
11 “the date of the enactment of the National Defense
12 Authorization Act for Fiscal Year 1998” and insert-
13 ing “November 18, 1997”.

14 (22) Section 2486(c) is amended by striking “the
15 date of the enactment of the National Defense Author-
16 ization Act for Fiscal Year 1998,” in the second sen-
17 tence and inserting “November 18, 1997”.

18 (23) Section 2492(b) is amended by striking “the
19 date of the enactment of this section” and inserting
20 “October 17, 1998”.

21 (24) Section 2539b(a) is amended by striking
22 “secretaries of the military departments” and insert-
23 ing “Secretaries of the military departments”.

24 (25) Section 2641a is amended—

1 (A) by striking “, United States Code,” in
2 subsection (b)(2); and

3 (B) by striking subsection (d).

4 (26) Section 2692(b) is amended—

5 (A) by striking “apply to—” in the matter
6 preceding paragraph (1) and inserting “apply to
7 the following:”;

8 (B) by striking “the” at the beginning of
9 each of paragraphs (1) through (11) and insert-
10 ing “The”;

11 (C) by striking the semicolon at the end of
12 each of paragraphs (1) through (9) and inserting
13 a period; and

14 (D) by striking “; and” at the end of para-
15 graph (10) and inserting a period.

16 (27) Section 2696 is amended—

17 (A) in subsection (a), by inserting “enacted
18 after December 31, 1997,” after “any provision
19 of law”;

20 (B) in subsection (b)(1), by striking “re-
21 quired by paragraph (1)” and inserting “re-
22 ferred to in subsection (a)”;

23 (C) in subsection (e)(4), by striking “the
24 date of enactment of the National Defense Au-

1 *thorization Act for Fiscal Year 1998” and insert-*
2 *ing “November 18, 1997”.*

3 (28) *Section 2703(c) is amended by striking*
4 *“United States Code,”.*

5 (29) *Section 2837(d)(2)(C) is amended by strik-*
6 *ing “the National Defense Authorization Act for Fis-*
7 *cal Year 1996” and inserting “this section”.*

8 (30) *Section 7315(d)(2) is amended by striking*
9 *“the date of the enactment of the National Defense*
10 *Authorization Act for Fiscal Year 1998” and insert-*
11 *ing “November 18, 1997,”.*

12 (31) *Section 7902(e)(5) is amended by striking*
13 *“, United States Code,”.*

14 (32) *The item relating to section 12003 in the*
15 *table of sections at the beginning of chapter 1201 is*
16 *amended by inserting “in an” after “officers”.*

17 (33) *Section 14301(g) is amended by striking “1*
18 *year” both places it appears and inserting “one*
19 *year”.*

20 (34) *Section 16131(b)(1) is amended by insert-*
21 *ing “in” after “Except as provided”*

22 (b) *PUBLIC LAW 105–261.—Effective as of October 17,*
23 *1998, and as if included therein as enacted, the Strom*
24 *Thurmond National Defense Authorization Act for Fiscal*

1 *Year 1999 (Public Law 105–261; 112 Stat. 1920 et seq.)*

2 *is amended as follows:*

3 (1) *Section 402(b) (112 Stat. 1996) is amended*
4 *by striking the third comma in the first quoted mat-*
5 *ter and inserting a period.*

6 (2) *Section 511(b)(2) (112 Stat. 2007) is amend-*
7 *ed by striking “section 1411” and inserting “section*
8 *1402”.*

9 (3) *Section 513(a) (112 Stat. 2007) is amended*
10 *by striking “section 511” and inserting “section*
11 *512(a)”.*

12 (4) *Section 525(b) (112 Stat. 2014) is amended*
13 *by striking “subsection (i)” and inserting “subsection*
14 *(j)”.*

15 (5) *Section 568 (112 Stat. 2031) is amended by*
16 *striking “1295(c)” in the matter preceding paragraph*
17 *(1) and inserting “1295b(c)”.*

18 (6) *Section 722(c)(1)(D) (112 Stat. 2067) is*
19 *amended by striking “subsection (c)” and inserting*
20 *“subsection (d)”.*

21 (c) *PUBLIC LAW 105–85.—The National Defense Au-*
22 *thorization Act for Fiscal Year 1998 (Public Law 105–85)*
23 *is amended as follows:*

24 (1) *Section 557(b) (111 Stat. 1750) is amended*
25 *by inserting “to” after “with respect”.*

1 (2) *Section 563(b) (111 Stat. 1754) is amended*
2 *by striking “title” and inserting “subtitle”.*

3 (3) *Section 644(d)(2) (111 Stat. 1801) is amend-*
4 *ed by striking “paragraphs (3) and (4)” and insert-*
5 *ing “paragraphs (7) and (8)”.*

6 (4) *Section 934(b) (111 Stat. 1866) is amended*
7 *by striking “of” after “matters concerning”.*

8 *(d) OTHER LAWS.—*

9 (1) *Effective as of April 1, 1996, section 647(b)*
10 *of the National Defense Authorization Act for Fiscal*
11 *Year 1996 (Public Law 104–106; 110 Stat. 370) is*
12 *amended by inserting “of such title” after “Section*
13 *1968(a)”.*

14 (2) *Section 414 of the National Defense Author-*
15 *ization Act for Fiscal Years 1992 and 1993 (Public*
16 *Law 102–190; 10 U.S.C. 12001 note) is amended—*

17 (A) *by striking “pilot” in subsection (a),*
18 *“PILOT” in the heading of subsection (a), and*
19 *“PILOT” in the section heading; and*

20 (B) *in subsection (c)(1)—*

21 (i) *by striking “2,000” in the first sen-*
22 *tence and inserting “5,000”; and*

23 (ii) *by striking the second sentence.*

1 (3) Sections 8334(c) and 8422(a)(3) of title 5,
2 United States Code, are each amended in the item for
3 nuclear materials couriers—

4 (A) by striking “to the day before the date
5 of the enactment of the Strom Thurmond Na-
6 tional Defense Authorization Act for Fiscal Year
7 1999” and inserting “to October 16, 1998”; and

8 (B) by striking “The date of the enactment
9 of the Strom Thurmond National Defense Au-
10 thorization Act for Fiscal Year 1999” and insert-
11 ing “October 17, 1998”.

12 (4) Section 113(b)(2) of title 32, United States
13 Code, is amended by striking “the date of the enact-
14 ment of this subsection” and inserting “October 17,
15 1998”.

16 (5) Section 1007(b) of title 37, United States
17 Code, is amended by striking the second sentence.

18 (6) Section 845(b)(1) of the National Defense Author-
19 ization Act for Fiscal Year 1994 (Public Law 103–160; 10
20 U.S.C. 2371 note) is amended by striking “(e)(2) and (e)(3)
21 of such section 2371” and inserting “(e)(1)(B) and (e)(2)
22 of such section 2371”.

1 **SEC. 1038. CONTRIBUTIONS FOR SPIRIT OF HOPE ENDOW-**
2 **MENT FUND OF UNITED SERVICE ORGANIZA-**
3 **TIONS, INCORPORATED.**

4 (a) *GRANTS AUTHORIZED.*—Subject to subsection (c),
5 the Secretary of Defense may make grants to the United
6 Service Organizations, Incorporated, a federally chartered
7 corporation under chapter 2201 of title 36, United States
8 Code, to contribute funds for the USO's Spirit of Hope En-
9 dowment Fund.

10 (b) *GRANT INCREMENTS.*—The amount of the first
11 grant under subsection (a) may not exceed \$2,000,000. The
12 amount of the second grant under such subsection may not
13 exceed \$3,000,000, and subsequent grants may not exceed
14 \$5,000,000.

15 (c) *MATCHING REQUIREMENT.*—Each grant under
16 subsection (a) may not be made until after the United Serv-
17 ice Organizations, Incorporated, certifies to the Secretary
18 of Defense that sufficient funds have been raised from non-
19 Federal sources for deposit in the Spirit of Hope Endow-
20 ment Fund to match, on a dollar-for-dollar basis, the
21 amount of that grant.

22 (d) *FUNDING.*—Of the amount authorized to be appro-
23 priated by section 301(5) for operation and maintenance
24 for Defense-wide activities, \$25,000,000 shall be available
25 to the Secretary of Defense for the purpose of making grants
26 under subsection (a).

1 **SEC. 1039. CHEMICAL DEFENSE TRAINING FACILITY.**

2 (a) *AUTHORITY TO TRANSFER AGENTS.*—(1) *The Sec-*
3 *retary of Defense may transfer to the Attorney General*
4 *quantities of non-stockpile lethal chemical agents required*
5 *to support training at the Chemical Defense Training Fa-*
6 *cility at the Center for Domestic Preparedness in Fort*
7 *McClellan, Alabama. The quantity of non-stockpile lethal*
8 *chemical agents that may be transferred under this section*
9 *may not exceed that required to support training for emer-*
10 *gency first-response personnel in addressing the health, safe-*
11 *ty and law enforcement concerns associated with potential*
12 *terrorist incidents that might involve the use of lethal chem-*
13 *ical weapons or agents, or other training designated by the*
14 *Attorney General.*

15 (2) *The Secretary of Defense, in coordination with the*
16 *Attorney General, shall determine the amount of non-stock-*
17 *pile lethal chemical agents that shall be transferred under*
18 *this section. Such amount shall be transferred from quan-*
19 *tities of non-stockpile lethal chemical agents that are main-*
20 *tained by the Department of Defense for research, develop-*
21 *ment, test, and evaluation of chemical defense material and*
22 *for live-agent training of chemical defense personnel and*
23 *other individuals by the Department of Defense.*

24 (3) *The Secretary of Defense may not transfer non-*
25 *stockpile lethal chemical agents under this section until—*

1 (A) *the Chemical Defense Training Facility re-*
2 *ferred to in paragraph (1) is transferred from the De-*
3 *partment of Defense to the Department of Justice;*
4 *and*

5 (B) *the Secretary certifies that the Attorney Gen-*
6 *eral is prepared to receive such agents.*

7 (4) *Quantities of non-stockpile lethal chemical agents*
8 *transferred under this section shall meet all applicable re-*
9 *quirements for transportation, storage, treatment, and dis-*
10 *posal of such agents and for any resulting hazardous waste*
11 *products.*

12 (b) *ANNUAL REPORT.—The Secretary of Defense, in*
13 *consultation with Attorney General and the Administrator*
14 *of the Environmental Protection Agency, shall report annu-*
15 *ally to Congress regarding the disposition of non-stockpile*
16 *lethal chemical agents transferred under this section.*

17 (c) *NON-STOCKPILE LETHAL CHEMICAL AGENTS.—In*
18 *this section, the term “non-stockpile lethal chemical agents”*
19 *includes those chemicals in the possession of the Department*
20 *of Defense that are not part of the chemical weapons stock-*
21 *pile and that are applied to research, medical, pharma-*
22 *ceutical, or protective purposes in accordance with Article*
23 *VI of the Conventional Weapons Convention Treaty.*

1 **SEC. 1040. ASIA-PACIFIC CENTER FOR SECURITY STUDIES.**

2 (a) *WAIVER OF CHARGES.*—(1) *The Secretary of De-*
3 *fense may waive reimbursement of the costs of conferences,*
4 *seminars, courses of instruction, or similar educational ac-*
5 *tivities of the Asia-Pacific Center for military officers and*
6 *civilian officials of foreign nations of the Asia-Pacific re-*
7 *gion if the Secretary determines that attendance by such*
8 *persons without reimbursement is in the national security*
9 *interest of the United States.*

10 (2) *In this section, the term “Asia-Pacific Center”*
11 *means the Department of Defense organization within the*
12 *United States Pacific Command known as the Asia-Pacific*
13 *Center for Security Studies.*

14 (b) *AUTHORITY TO ACCEPT FOREIGN GIFTS AND DO-*
15 *NATIONS.*—(1) *Subject to paragraph (2), the Secretary of*
16 *Defense may accept, on behalf of the Asia-Pacific Center,*
17 *foreign gifts or donations in order to defray the costs of,*
18 *or enhance the operation of, the Asia-Pacific Center.*

19 (2) *The Secretary may not accept a gift or donation*
20 *under paragraph (1) if the acceptance of the gift or dona-*
21 *tion would compromise or appear to compromise—*

22 (A) *the ability of the Department of Defense, any*
23 *employee of the Department, or members of the Armed*
24 *Forces to carry out any responsibility or duty of the*
25 *Department in a fair and objective manner; or*

1 (B) *the integrity of any program of the Depart-*
2 *ment of Defense or of any person involved in such a*
3 *program.*

4 (3) *The Secretary shall prescribe written guidance set-*
5 *ting forth the criteria to be used in determining whether*
6 *the acceptance of a foreign gift or donation would have a*
7 *result described in paragraph (2).*

8 (4) *Funds accepted by the Secretary under paragraph*
9 *(1) shall be credited to appropriations available to the De-*
10 *partment of Defense for the Asia-Pacific Center. Funds so*
11 *credited shall be merged with the appropriations to which*
12 *credited and shall be available to the Asia-Pacific Center*
13 *for the same purposes and same period as the appropria-*
14 *tions with which merged.*

15 (5) *If the total amount of funds accepted under para-*
16 *graph (1) in any fiscal year exceeds \$2,000,000, the Sec-*
17 *retary shall notify Congress of the amount of those dona-*
18 *tions for that fiscal year. Any such notice shall list each*
19 *of the contributors of such amounts and the amount of each*
20 *contribution in that fiscal year.*

21 (6) *For purposes of this subsection, a foreign gift or*
22 *donation is a gift or donation of funds, materials (includ-*
23 *ing research materials), property, or services (including lec-*
24 *ture services and faculty services) from a foreign govern-*

1 ment, a foundation or other charitable organization in a
2 foreign country, or an individual in a foreign country.

3 **SEC. 1041. REPORT ON EFFECT OF CONTINUED BALKAN OP-**
4 **ERATIONS ON ABILITY OF UNITED STATES TO**
5 **SUCCESSFULLY MEET OTHER REGIONAL CON-**
6 **TINGENCIES.**

7 (a) *REPORT.*—Not later than 90 days after the date
8 of the enactment of this Act, the Secretary of Defense shall
9 submit to Congress a report describing the effect of contin-
10 ued operations by the Armed Forces in the Balkans region
11 on the ability of the United States, through the period cov-
12 ered by the current Future-Years Defense Plan of the De-
13 partment of Defense, to prosecute to a successful conclusion
14 a major contingency in the Asia-Pacific region or to pros-
15 ecute to a successful conclusion two nearly simultaneous
16 major theater wars, in accordance with the most recent
17 Quadrennial Defense Review.

18 (b) *MATTERS TO BE INCLUDED.*—The report under
19 subsection (a) shall set forth the following:

20 (1) *In light of continued Balkan operations, the*
21 *capabilities and limitations of United States combat,*
22 *combat support, and combat service support forces (at*
23 *national, operational, and tactical levels and oper-*
24 *ating in a joint and coalition environment) to expedi-*

1 *tiously respond to, prosecute, and achieve United*
2 *States strategic objectives in the event of—*

3 *(A) a contingency on the Korean peninsula;*

4 *or*

5 *(B) two nearly simultaneous major theater*
6 *wars.*

7 *(2) The confidence level of the Secretary of De-*
8 *fense in United States military capabilities to suc-*
9 *cessfully prosecute a Pacific contingency, and to suc-*
10 *cessfully prosecute two nearly simultaneous major the-*
11 *ater wars, while remaining engaged at current or*
12 *greater force levels in the Balkans, together with the*
13 *rationale and justification for each such confidence*
14 *level.*

15 *(3) Identification of high-value platforms, sys-*
16 *tems, capabilities, and skills that—*

17 *(A) during a Pacific contingency, would be*
18 *stressed or broken and at what point such stress-*
19 *ing or breaking would occur; and*

20 *(B) during two nearly simultaneous major*
21 *theater wars, would be stressed or broken and at*
22 *what point such stressing or breaking would*
23 *occur.*

1 (4) *During continued military operations in the*
2 *Balkans, the effect on the “operations tempo”, and on*
3 *the “personnel tempo”, of the Armed Forces—*

4 (A) *of a Pacific contingency; and*

5 (B) *of two nearly simultaneous major the-*
6 *ater wars.*

7 (5) *During continued military operations in the*
8 *Balkans, the required type and quantity of high-value*
9 *platforms, systems, capabilities, and skills to pros-*
10 *ecute successfully—*

11 (A) *a Pacific contingency; and*

12 (B) *two nearly simultaneous major theater*
13 *wars.*

14 (c) *CONSULTATION.—In preparing the report under*
15 *this section, the Secretary of Defense shall use the resources*
16 *and expertise of the unified commands, the military depart-*
17 *ments, the combat support agencies, and the defense compo-*
18 *nents of the intelligence community and shall consult with*
19 *non-Department elements of the intelligence community, as*
20 *required, and other such entities within the Department of*
21 *Defense as the Secretary considers necessary.*

22 **SEC. 1042. REPORT ON SPACE LAUNCH FAILURES.**

23 (a) *REPORT REQUIRED.—The Secretary of Defense*
24 *shall submit to the President and the specified congressional*
25 *committees a report on the factors involved in the three re-*

1 cent failures of the Titan IV space launch vehicle and the
2 systemic and management reforms that the Secretary is im-
3 plementing to minimize future failures of that vehicle and
4 future launch systems. The report shall be submitted not
5 later than February 15, 2000. The Secretary shall include
6 in the report all information from the reviews of those fail-
7 ures conducted by the Secretary of the Air Force and launch
8 contractors.

9 (b) *MATTERS TO BE INCLUDED.*—The report shall in-
10 clude the following information:

11 (1) *An explanation for the failure of a Titan*
12 *IVA launch vehicle on August 12, 1998, the failure of*
13 *a Titan IVB launch vehicle on April 9, 1999, and the*
14 *failure of a Titan IVB launch vehicle on April 30,*
15 *1999, as well as any information from civilian*
16 *launches which may provide information on systemic*
17 *problems in current Department of Defense launch*
18 *systems, including, in addition to a detailed technical*
19 *explanation and summary of financial costs for each*
20 *such failure, a one-page summary for each such fail-*
21 *ure indicating any commonality between that failure*
22 *and other military or civilian launch failures.*

23 (2) *A review of management and engineering re-*
24 *sponsibility for the Titan, Inertial Upper Stage, and*
25 *Centaur systems, with an explanation of the respec-*

1 *tive roles of the Government and the private sector in*
2 *ensuring mission success and identification of the re-*
3 *sponsible party (Government or private sector) for*
4 *each major stage in production and launch of the ve-*
5 *hicles.*

6 (3) *A list of all contractors and subcontractors*
7 *for each of the Titan, Inertial Upper Stage, and Cen-*
8 *taur systems and their responsibilities and five-year*
9 *records for meeting program requirements.*

10 (4) *A comparison of the practices of the Depart-*
11 *ment of Defense, the National Aeronautics and Space*
12 *Administration, and the commercial launch industry*
13 *regarding the management and oversight of the pro-*
14 *curement and launch of expendable launch vehicles.*

15 (5) *An assessment of whether consolidation in*
16 *the aerospace industry has affected mission success,*
17 *including whether cost-saving efforts are having an ef-*
18 *fect on quality and whether experienced workers are*
19 *being replaced by less experienced workers for cost-*
20 *saving purposes.*

21 (6) *Recommendations on how Government con-*
22 *tracts with launch service companies could be im-*
23 *proved to protect the taxpayer, together with the Sec-*
24 *retary's assessment of whether the withholding of*
25 *award and incentive fees is a sufficient incentive to*

1 *hold contractors to the highest possible quality stand-*
2 *ards and the Secretary's overall evaluation of the*
3 *award fee system.*

4 (7) *A short summary of what went wrong tech-*
5 *nically and managerially in each launch failure and*
6 *what specific steps are being taken by the Department*
7 *of Defense and space launch contractors to ensure that*
8 *those errors do not reoccur.*

9 (8) *An assessment of the role of the Department*
10 *of Defense in the management and technical oversight*
11 *of the launches that failed and whether the Depart-*
12 *ment of Defense, in that role, contributed to the fail-*
13 *ures.*

14 (9) *An assessment of the effect of the launch fail-*
15 *ures on the schedule for Titan launches, on the sched-*
16 *ule for development and first launch of the Evolved*
17 *Expendable Launch Vehicle, and on the ability of in-*
18 *dustry to meet Department of Defense requirements.*

19 (10) *An assessment of the impact of the launch*
20 *failures on assured access to space by the United*
21 *States, and a consideration of means by which access*
22 *to space by the United States can be better assured.*

23 (11) *An assessment of any systemic problems*
24 *that may exist at the eastern launch range, whether*
25 *these problems contributed to the launch failures, and*

1 *what means would be most effective in addressing*
2 *these problems.*

3 (12) *An assessment of the potential benefits and*
4 *detriments of launch insurance and the impact of*
5 *such insurance on the estimated net cost of space*
6 *launches.*

7 (13) *A review of the responsibilities of the De-*
8 *partment of Defense and industry representatives in*
9 *the launch process, an examination of the incentives*
10 *of the Department and industry representatives*
11 *throughout the launch process, and an assessment of*
12 *whether the incentives are appropriate to maximize*
13 *the probability that launches will be timely and suc-*
14 *cessful.*

15 (14) *Any other observations and recommenda-*
16 *tions that the Secretary considers relevant.*

17 (c) *INTERIM REPORT.*—*Not later than December 15,*
18 *1999, the Secretary shall submit to the specified congres-*
19 *sional committees an interim report on the progress in the*
20 *preparation of the report required by this section, including*
21 *progress with respect to each of the matters required to be*
22 *included in the report under subsection (b).*

23 (d) *SPECIFIED CONGRESSIONAL COMMITTEES.*—*For*
24 *purposes of this section, the term “specified congressional*
25 *committees” means the following:*

1 (1) *The Committee on Armed Services, the Select*
2 *Committee on Intelligence, and the Committee on Ap-*
3 *propriations of the Senate.*

4 (2) *The Committee on Armed Services, the Per-*
5 *manent Select Committee on Intelligence, and the*
6 *Committee on Appropriations of the House of Rep-*
7 *resentatives.*

8 **SEC. 1043. REPORT ON AIRLIFT REQUIREMENTS TO SUP-**
9 **PORT NATIONAL MILITARY STRATEGY.**

10 (a) *REPORT REQUIRED.*—*Not later than June 1, 2000,*
11 *the Secretary of Defense shall submit to Congress a report,*
12 *in both classified and unclassified form, describing the air-*
13 *lift requirements necessary to execute the full range of mis-*
14 *sions called for under the National Military Strategy pre-*
15 *scribed by the Chairman of the Joint Chiefs of Staff under*
16 *the postures of force engagement anticipated through 2015.*

17 (b) *CONTENT OF REPORT.*—*The report shall address*
18 *the following:*

19 (1) *The identity, size, structure, and capabilities*
20 *of the airlift requirements necessary for the full range*
21 *of shaping, preparing, and responding missions de-*
22 *manded under the National Military Strategy.*

23 (2) *The required support and infrastructure re-*
24 *quired to successfully execute the full range of mis-*
25 *sions required under the National Military Strategy,*

1 *on the deployment schedules outlined in the plans of*
2 *the relevant commanders-in-chief from expected and*
3 *increasingly dispersed postures of engagement.*

4 (3) *The anticipated effect of enemy use of weap-*
5 *ons of mass destruction, other asymmetrical attacks,*
6 *expected rates of peacekeeping and other contingency*
7 *missions, and other similar factors on the mobility*
8 *force and its required infrastructure and on mobility*
9 *requirements.*

10 (4) *The effect on mobility requirements of new*
11 *service force structures, such as the Air Force's Air*
12 *Expeditionary Force and the Army's Strike Force,*
13 *and any foreseeable force structure modifications*
14 *through 2015.*

15 (5) *The need to deploy forces strategically and*
16 *employ them tactically using the same airlift plat-*
17 *form.*

18 (6) *The need for an increased airlift platform ca-*
19 *pable of deploying outsize equipment or large volumes*
20 *of supplies and equipment.*

21 (7) *The anticipated role of host nation, foreign,*
22 *and coalition airlift support and requirements*
23 *through 2015.*

1 (8) *Alternatives to the current mobility program*
 2 *or required modifications to the 1998 Air Mobility*
 3 *Master Plan update.*

4 **SEC. 1044. OPERATIONS OF NAVAL ACADEMY DAIRY FARM.**

5 *Section 6976 of title 10, United States Code, is*
 6 *amended—*

7 (1) *by redesignating subsection (c) as subsection*
 8 *(d); and*

9 (2) *by inserting after paragraph (b) the fol-*
 10 *lowing new subsection:*

11 “(c) *LEASE PROCEEDS.—All money received from a*
 12 *lease entered into under subsection (b) shall be retained by*
 13 *the Superintendent of the Naval Academy and shall be*
 14 *available to cover expenses related to the property described*
 15 *in subsection (a), including reimbursing nonappropriated*
 16 *fund instrumentalities of the Naval Academy.”.*

17 **SEC. 1045. INSPECTOR GENERAL INVESTIGATION OF COM-**
 18 **PLIANCE WITH BUY AMERICAN ACT IN PUR-**
 19 **CHASES OF FREE WEIGHT STRENGTH TRAIN-**
 20 **ING EQUIPMENT.**

21 (a) *INVESTIGATION REQUIRED.—The Inspector Gen-*
 22 *eral of the Department of Defense shall conduct an inves-*
 23 *tigation to determine whether the purchases described in*
 24 *subsection (b) are being made in compliance with the Buy*
 25 *American Act (41 U.S.C. 10a et seq.).*

1 (b) *PURCHASES COVERED.*—*The investigation shall*
2 *cover purchases made during the three-year period ending*
3 *on the date of the enactment of this Act of free weights for*
4 *use in strength training by members of the Armed Forces*
5 *stationed at defense installations located in the United*
6 *States (including its territories and possessions).*

7 (c) *REPORT.*—*The Inspector General shall prepare a*
8 *report for the Secretary of Defense on the investigation. Not*
9 *later than six months after the date of the enactment of this*
10 *Act, the Secretary of Defense shall submit to Congress such*
11 *report, together with such additional comments and rec-*
12 *ommendations as the Secretary considers appropriate.*

13 (d) *DEFINITION.*—*For purposes of this section, the*
14 *term “free weights” means dumbbells or solid metallic disks*
15 *balanced on crossbars, designed to be lifted for strength*
16 *training or athletic competition.*

17 **SEC. 1046. PERFORMANCE OF THREAT AND RISK ASSESS-**
18 **MENTS.**

19 *Section 1404 of the Defense Against Weapons of Mass*
20 *Destruction Act of 1999 (title XIV of Public Law 105–261;*
21 *50 U.S.C. 2301 note) is amended to read as follows:*

22 **“SEC. 1404. THREAT AND RISK ASSESSMENTS.**

23 “(a) *THREAT AND RISK ASSESSMENTS.*—(1) *Assist-*
24 *ance to Federal, State, and local agencies provided under*
25 *the program under section 1402 shall include the perform-*

1 *ance of assessments of the threat and risk of terrorist em-*
2 *ployment of weapons of mass destruction against cities and*
3 *other local areas. Such assessments shall be used by Federal,*
4 *State, and local agencies to determine the training and*
5 *equipment requirements under this program and shall be*
6 *performed as a collaborative effort with State and local*
7 *agencies.*

8 “(2) *The Department of Justice, as lead Federal agen-*
9 *cy for crisis management in response to terrorism involving*
10 *weapons of mass destruction, shall conduct any threat and*
11 *risk assessment performed under paragraph (1) in coordi-*
12 *nation with appropriate Federal, State, and local agencies,*
13 *and shall develop procedures and guidance for conduct of*
14 *the threat and risk assessment in consultation with officials*
15 *from the intelligence community.*

16 “(b) *PILOT TEST.—(1) Before prescribing final proce-*
17 *dures and guidance for the performance of threat and risk*
18 *assessments under this section, the Attorney General shall*
19 *conduct a pilot test of any proposed method or model by*
20 *which such assessments are to be performed. The Attorney*
21 *General shall conduct the pilot test in coordination with*
22 *appropriate Federal, State, and local agencies.*

23 “(2) *The pilot test shall be performed in cities or local*
24 *areas selected by the Attorney General in consultation with*
25 *appropriate Federal, State, and local agencies.*

1 “(3) *The pilot test shall be completed not later than*
2 *one month after the date of the enactment of the National*
3 *Defense Authorization Act for Fiscal Year 2000.*”.

4 **TITLE XI—DEPARTMENT OF**
5 **DEFENSE CIVILIAN PERSONNEL**

6 **SEC. 1101. INCREASE OF PAY CAP FOR NONAPPROPRIATED**
7 **FUND SENIOR EXECUTIVE EMPLOYEES.**

8 *Section 5373 of title 5, United States Code, is*
9 *amended—*

10 (1) *in the first sentence, by striking “Except as*
11 *provided” and inserting “(a) Except as provided in*
12 *subsection (b) and”; and*

13 (2) *by adding at the end the following new sub-*
14 *section:*

15 “(b) *Subsection (a) shall not affect the authority of the*
16 *Secretary of Defense or the Secretary of a military depart-*
17 *ment to fix the pay of a civilian employee paid from non-*
18 *appropriated funds, except that the annual rate of basic*
19 *pay (including any portion of such pay attributable to com-*
20 *parability with private-sector pay in a locality) of such an*
21 *employee may not be fixed at a rate greater than the rate*
22 *for level III of the Executive Schedule.*”.

1 **SEC. 1102. RESTORATION OF LEAVE FOR CERTAIN DEPART-**
2 **MENT OF DEFENSE EMPLOYEES WHO DEPLOY**
3 **TO A COMBAT ZONE OUTSIDE THE UNITED**
4 **STATES.**

5 Section 6304(d) of title 5, United States Code, is
6 amended by adding at the end the following new paragraph:

7 “(4)(A) For purposes of this subsection, the deployment
8 of an emergency essential employee of the Department of
9 Defense to a combat zone outside the United States shall
10 be deemed an exigency of the public business, and any leave
11 that is lost by an employee as a result of such deployment
12 (regardless of whether such leave was scheduled) shall be—

13 “(i) restored to the employee; and

14 “(ii) credited and available in accordance with
15 paragraph (2).

16 “(B) For purposes of this paragraph, the term ‘Depart-
17 ment of Defense emergency essential employee’—

18 “(i) means a civilian employee of the Depart-
19 ment of Defense, including a nonappropriated fund
20 instrumentality employee (as defined by section
21 1587(a)(1) of title 10) whose assigned duties and re-
22 sponsibilities would be necessary during a period that
23 follows the evacuation of nonessential personnel dur-
24 ing a declared emergency or the outbreak of combat
25 operations or war; and

1 “(ii) includes an employee who is hired on a
2 temporary or permanent basis.”.

3 **SEC. 1103. EXPANSION OF GUARD-AND-RESERVE PURPOSES**
4 **FOR WHICH LEAVE UNDER SECTION 6323 OF**
5 **TITLE 5, UNITED STATES CODE, MAY BE USED.**

6 (a) *IN GENERAL.*—Section 6323 of title 5, United
7 States Code, is amended in the first sentence by inserting
8 “, inactive-duty training (as defined in section 101 of title
9 37),” after “active duty”.

10 (b) *APPLICABILITY.*—The amendment made by sub-
11 section (a) shall not apply with respect to any inactive-
12 duty training (as defined in such amendment) occurring
13 before the date of the enactment of this Act.

14 **SEC 1104. TEMPORARY AUTHORITY TO PROVIDE EARLY RE-**
15 **TIREMENT AND SEPARATION INCENTIVES**
16 **FOR CERTAIN CIVILIAN EMPLOYEES.**

17 (a) *EARLY RETIREMENT INCENTIVE.*—(1) An em-
18 ployee of the Department of Defense is entitled to an annu-
19 ity under chapter 83 or 84 of title 5, United States Code,
20 as applicable, if the employee—

21 (A) has been employed continuously by the De-
22 partment of Defense for more than 30 days before the
23 date that the Secretary of Defense made the deter-
24 mination under subparagraph (D);

1 (B) is serving under an appointment that is not
2 time-limited;

3 (C) is not in receipt of a decision notice of invol-
4 untary separation for misconduct or unacceptable
5 performance;

6 (D) is separated voluntarily;

7 (E) has completed 25 years of service or is at
8 least 50 years of age and has completed 20 years of
9 service; and

10 (F) retires under this subsection before October 1,
11 2000.

12 (2) As used in this subsection, the terms “employee”
13 and “annuity” shall have the same meaning as the meaning
14 of those terms as used in chapters 83 and 84 of title 5,
15 United States Code, as applicable.

16 (b) VOLUNTARY SEPARATION INCENTIVE.—(1) The
17 Secretary of Defense may, to restructure the workforce to
18 meet mission needs, correct skill imbalances, or reduce high-
19 grade, managerial, or supervisory positions, offer separa-
20 tion pay to an employee under this subsection subject to
21 such limitations or conditions as the Secretary may require.
22 Such separation pay—

23 (A) shall be paid, at the option of the employee,
24 in a lump sum or equal installment payments;

25 (B) shall be equal to the lesser of—

1 (i) an amount equal to the amount the em-
2 ployee would be entitled to receive under section
3 5595(c) of title 5, United States Code, if the em-
4 ployee were entitled to payment under such sec-
5 tion; or

6 (ii) \$25,000;

7 (C) shall not be a basis for payment, and shall
8 not be included in the computation, of any other type
9 of Government benefit;

10 (D) shall not be taken into account for purposes
11 of determining the amount of any severance pay to
12 which an individual may be entitled under section
13 5595 of title 5, United States Code, based on any
14 other separation; and

15 (E) shall terminate, upon reemployment in the
16 Federal Government, during receipt of installment
17 payments.

18 (2) For purposes of this subsection, the term “em-
19 ployee” means an employee serving under an appointment
20 without time limitation, who has been currently employed
21 for a continuous period of at least 12 months, except that
22 such term does not include—

23 (A) a reemployed annuitant under sub-
24 chapter III of chapter 83, chapter 84, or another

1 *retirement system for employees of the Govern-*
2 *ment; or*

3 *(B) an employee having a disability on the*
4 *basis of which such employee is or would be eli-*
5 *gible for disability retirement under any of the*
6 *retirement systems referred to in subparagraph*
7 *(A).*

8 *(c) ADDITIONAL CONTRIBUTIONS TO RETIREMENT*
9 *FUND.—(1) In addition to any other payments which it*
10 *is required to make under subchapter III of chapter 83 of*
11 *title 5, United States Code, the Department of Defense shall*
12 *remit to the Office of Personnel Management for deposit in*
13 *the Treasury of the United States to the credit of the Civil*
14 *Service Retirement and Disability Fund an amount equal*
15 *to 26 percent of the final basic pay of each employee of*
16 *the Department of Defense who is covered under subchapter*
17 *III of chapter 83 or chapter 84 of title 5, United States*
18 *Code, to whom a voluntary separation incentive has been*
19 *paid under this section.*

20 *(2) For purposes of this subsection, the term “final*
21 *basic pay”, with respect to an employee, means the total*
22 *amount of basic pay which would be payable for a year*
23 *of service by such employee, computed using the employee’s*
24 *final rate of basic pay, with appropriate adjustments if the*
25 *employee last served on other than a full-time basis.*

1 (d) *APPLICABILITY.*—*The provisions in this section*
2 *shall only apply with respect to a civilian employee of the*
3 *Department of Defense who—*

4 (1) *is employed at the military base designated*
5 *by the Secretary of Defense under subsection (e), or*
6 *who is identified by the Secretary as part of a com-*
7 *petitive area of the civilian personnel service popu-*
8 *lation of such military base, during the period begin-*
9 *ning on October 1, 1999, and ending on October 1,*
10 *2000;*

11 (2) *is one of 300 employees designated by the*
12 *Secretary of the military department with jurisdic-*
13 *tion over the designated base; and*

14 (3) *elects to receive an annuity or separation in-*
15 *centive pursuant to such provisions during such pe-*
16 *riod.*

17 (e) *DESIGNATION OF MILITARY BASE.*—*Not later than*
18 *30 days after the date of the enactment of this Act, the Sec-*
19 *retary of Defense shall designate a military base to which*
20 *the provisions of this section shall apply. The base des-*
21 *ignated by the Secretary shall—*

22 (1) *be a base that is undergoing a major work-*
23 *force restructuring to meet mission needs, correct skill*
24 *imbalances, or reduce high-grade, managerial, super-*
25 *visory, or similar positions; and*

1 (2) *employ the largest number of scientists and*
2 *engineers of any other base of the military depart-*
3 *ment that has jurisdiction over the base.*

4 **SEC. 1105. EXTENSION OF AUTHORITY TO CONTINUE**
5 **HEALTH INSURANCE COVERAGE FOR CER-**
6 **TAIN DEPARTMENT OF DEFENSE EMPLOYEES.**

7 (a) *EXTENSION OF AUTHORITY.—Clauses (i) and (ii)*
8 *of section 8905a(d)(4)(B) of title 5, United States Code, are*
9 *amended to read as follows:*

10 “(i) *October 1, 2003; or*

11 “(ii) *February 1, 2004, if specific notice of such*
12 *separation was given to such individual before Octo-*
13 *ber 1, 2003.”.*

14 (b) *OFFSET.—Of the amount authorized to be appro-*
15 *priated in section 301(5) for Defense-wide activities—*

16 (1) *\$9,100,000 shall be available to continue*
17 *health insurance coverage pursuant to the authority*
18 *provided in section 8905a(d)(4)(B) of title 5, United*
19 *States Code (as amended by subsection (a)); and*

20 (2) *the amount available for the Defense Con-*
21 *tract Audit Agency shall be reduced by \$9,100,000.*

1 **TITLE XII—MATTERS RELATING**
2 **TO OTHER NATIONS**

3 **SEC. 1201. REPORT ON STRATEGIC STABILITY UNDER**
4 **START III.**

5 (a) *REPORT.*—Not later than September 1, 2000, the
6 Secretary of Defense shall submit to the Committee on
7 Armed Services of the Senate and the Committee on Armed
8 Service of the House of Representatives a report, to be pre-
9 pared by the Defense Science Board in consultation with
10 the Director of Central Intelligence, on the strategic sta-
11 bility of the future nuclear balance between (1) the United
12 States, and (2) Russia and other potential nuclear adver-
13 saries.

14 (b) *MATTERS TO BE INCLUDED.*—The Secretary shall
15 include in the report the following:

16 (1) *The policy guidance defining the military-*
17 *political objectives of the United States against poten-*
18 *tial nuclear adversaries under various nuclear con-*
19 *flict scenarios.*

20 (2) *The target sets and damage goals of the*
21 *United States against potential nuclear adversaries*
22 *under various nuclear conflict scenarios and how*
23 *those target sets and damage goals relate to the*
24 *achievement of the military-political objectives identi-*
25 *fied under paragraph (1).*

1 (3) *The strategic nuclear force posture of the*
2 *United States and of Russia that may emerge under*
3 *a further Strategic Arms Reduction Treaty (referred*
4 *to as “START III”) and how capable the United*
5 *States forces envisioned under that posture would be*
6 *for the achievement of the damage goals and the mili-*
7 *tary objectives against potential nuclear adversaries*
8 *referred to in paragraphs (1) and (2).*

9 (4) *The Secretary’s assessment of (A) whether*
10 *Russian strategic forces under a START III treaty*
11 *would, or would not, likely be smaller, more vulner-*
12 *able, and less capable of launch-on-tactical-warning*
13 *than at present, and (B) in light of such assessment,*
14 *whether incentives for Russia to carry out a first*
15 *strike against the United States during a future crisis*
16 *probably would, or would not, be greater than at*
17 *present under a START III treaty.*

18 (5) *The Secretary’s assessment of (A) whether*
19 *China and so-called nuclear rogue states probably*
20 *will, or will not, remain incapable in the foreseeable*
21 *future of carrying out a launch-on-tactical-warning*
22 *and be more vulnerable to United States conventional*
23 *or nuclear attack than at present, and (B) in light*
24 *of such assessment, whether incentives for China and*
25 *nuclear rogue states to carry out a first strike against*

1 *the United States during a future crisis probably*
2 *would, or would not, be greater than at present.*

3 (6) *The Secretary's assessment of whether*
4 *asymmetries between the United States and Russia*
5 *that are favorable to Russia in active and passive de-*
6 *fenses may be a significant strategic advantage to*
7 *Russia under a START III treaty.*

8 (7) *The Secretary's assessment of whether*
9 *asymmetries between the United States and Russia*
10 *that are highly favorable to Russia in tactical nuclear*
11 *weapons might erode strategic stability.*

12 (8) *The Secretary's assessment of whether a com-*
13 *bination of Russia and China against the United*
14 *States in a nuclear conflict could erode strategic sta-*
15 *bility under a START III treaty.*

16 (9) *The Secretary's assessment of whether doc-*
17 *trinal asymmetries between the United States and*
18 *Russia, such as the expansion by Russia of the*
19 *warfighting role of nuclear weapons while the United*
20 *States is de-emphasizing the utility and purpose of*
21 *nuclear weapons, could erode strategic stability.*

22 (c) *CLASSIFICATION.*—*The report shall be submitted in*
23 *classified form and, to the extent possible, in unclassified*
24 *form.*

1 **SEC. 1202. ONE-YEAR EXTENSION OF**
2 **COUNTERPROLIFERATION AUTHORITIES FOR**
3 **SUPPORT OF UNITED NATIONS WEAPONS IN-**
4 **SPECTION REGIME IN IRAQ.**

5 *Effective October 1, 1999, section 1505(f) of the Weap-*
6 *ons of Mass Destruction Control Act of 1992 (22 U.S.C.*
7 *5859a(f)) is amended by striking “1999” and inserting*
8 *“2000”.*

9 **SEC. 1203. LIMITATION ON MILITARY-TO-MILITARY EX-**
10 **CHANGES WITH CHINA’S PEOPLE’S LIBERA-**
11 **TION ARMY.**

12 *(a) LIMITATION.—The Secretary of Defense may not*
13 *authorize any military-to-military exchange or contact de-*
14 *scribed in subsection (b) to be conducted by the Armed*
15 *Forces with representatives of the People’s Liberation Army*
16 *of the People’s Republic of China.*

17 *(b) COVERED EXCHANGES AND CONTACTS.—Sub-*
18 *section (a) applies to any military-to-military exchange or*
19 *contact that includes any of the following:*

20 *(1) Force projection operations.*

21 *(2) Nuclear operations.*

22 *(3) Field operations.*

23 *(4) Logistics.*

24 *(5) Chemical and biological defense and other ca-*
25 *pabilities related to weapons of mass destruction.*

26 *(6) Surveillance, and reconnaissance operations.*

1 (7) *Joint warfighting experiments and other ac-*
2 *tivities related to warfare.*

3 (8) *Military space operations.*

4 (9) *Other warfighting capabilities of the Armed*
5 *Forces.*

6 (10) *Arms sales or military-related technology*
7 *transfers.*

8 (11) *Release of classified or restricted informa-*
9 *tion.*

10 (12) *Access to a Department of Defense labora-*
11 *tory.*

12 (c) *EXCEPTIONS.—Subsection (a) does not apply to*
13 *any search and rescue exercise or any humanitarian exer-*
14 *cise.*

15 (d) *CERTIFICATION BY SECRETARY.—The Secretary of*
16 *Defense shall submit to the Committee on Armed Services*
17 *of the Senate and the Committee on Armed Service of the*
18 *House of Representatives, not later than December 31 of*
19 *each year, a certification in writing as to whether or not*
20 *any military-to-military exchange or contact during that*
21 *calendar year was conducted in violation of subsection (a).*

22 (e) *ANNUAL REPORT.—Not later than June 1 each*
23 *year, the Secretary of Defense shall submit to the Committee*
24 *on Armed Services of the Senate and the Committee on*
25 *Armed Service of the House of Representatives a report pro-*

1 *viding the Secretary's assessment of the current state of*
2 *military-to-military contacts with the People's Liberation*
3 *Army. The report shall include the following:*

4 (1) *A summary of all such military-to-military*
5 *contacts during the period since the last such report,*
6 *including a summary of topics discussed and ques-*
7 *tions asked by the Chinese participants in those con-*
8 *tacts.*

9 (2) *A description of the military-to-military con-*
10 *tacts scheduled for the next 12-month period and a*
11 *five-year plan for those contacts.*

12 (3) *The Secretary's assessment of the benefits the*
13 *Chinese expect to gain from those military-to-military*
14 *contacts.*

15 (4) *The Secretary's assessment of the benefits the*
16 *Department of Defense expects to gain from those*
17 *military-to-military contacts.*

18 (5) *The Secretary's assessment of how military-*
19 *to-military contacts with the People's Liberation*
20 *Army fit into the larger security relationship between*
21 *United States and the People's Republic of China.*

22 **SEC. 1204. REPORT ON ALLIED CAPABILITIES TO CON-**
23 **TRIBUTE TO MAJOR THEATER WARS.**

24 (a) *REPORT.*—*The Secretary of Defense shall prepare*
25 *a report, in both classified and unclassified form, on the*

1 *current military capabilities of allied nations to contribute*
2 *to the successful conduct of the major theater wars as antici-*
3 *pated in the Quadrennial Defense Review of 1997.*

4 (b) *MATTERS TO BE INCLUDED.*—*The report shall set*
5 *forth the following:*

6 (1) *The identity, size, structure, and capabilities*
7 *of the armed forces of the allies expected to participate*
8 *in the major theater wars anticipated in the Quad-*
9 *rennial Defense Review.*

10 (2) *The priority accorded in the national mili-*
11 *tary strategies and defense programs of the antici-*
12 *pated allies to contributing forces to United States-led*
13 *coalitions in such major theater wars.*

14 (3) *The missions currently being conducted by*
15 *the armed forces of the anticipated allies and the abil-*
16 *ity of the allied armed forces to conduct simulta-*
17 *neously their current missions and those anticipated*
18 *in the event of major theater war.*

19 (4) *Any Department of Defense assumptions*
20 *about the ability of allied armed forces to deploy or*
21 *redeploy from their current missions in the event of*
22 *a major theater war, including any role United*
23 *States Armed Forces would play in assisting and sus-*
24 *taining such a deployment or redeployment.*

1 (5) *Any Department of Defense assumptions*
2 *about the combat missions to be executed by such al-*
3 *lied forces in the event of major theater war.*

4 (6) *The readiness of allied armed forces to exe-*
5 *cute any such missions.*

6 (7) *Any risks to the successful execution of the*
7 *military missions called for under the National Mili-*
8 *tary Strategy of the United States related to the ca-*
9 *pacilities of allied armed forces.*

10 (c) *SUBMISSION OF REPORT.—The report shall be sub-*
11 *mitted to Congress not later than June 1, 2000.*

12 **SEC. 1205. LIMITATION ON FUNDS FOR BOSNIA PEACE-**
13 **KEEPING OPERATIONS FOR FISCAL YEAR**
14 **2000.**

15 (a) *LIMITATION.—(1) Of the amounts authorized to be*
16 *appropriated by section 301(24) of this Act for the Overseas*
17 *Contingency Operations Transfer Fund, no more than*
18 *\$1,824,400,000 may be obligated for incremental costs of*
19 *the Armed Forces for Bosnia peacekeeping operations.*

20 (2) *The President may waive the limitation in para-*
21 *graph (1) after submitting to Congress the following:*

22 (A) *The President's written certification that the*
23 *waiver is necessary in the national security interests*
24 *of the United States.*

1 (B) *The President's written certification that ex-*
2 *ercising the waiver will not adversely affect the readi-*
3 *ness of United States military forces.*

4 (C) *A report setting forth the following:*

5 (i) *The reasons that the waiver is necessary*
6 *in the national security interests of the United*
7 *States.*

8 (ii) *The specific reasons that additional*
9 *funding is required for the continued presence of*
10 *United States military forces participating in,*
11 *or supporting, Bosnia peacekeeping operations*
12 *for fiscal year 2000.*

13 (iii) *A discussion of the impact on the mili-*
14 *tary readiness of United States Armed Forces of*
15 *the continuing deployment of United States mili-*
16 *tary forces participating in, or supporting, Bos-*
17 *nia peacekeeping operations.*

18 (D) *A supplemental appropriations request for*
19 *the Department of Defense for such amounts as are*
20 *necessary for the additional fiscal year 2000 costs as-*
21 *sociated with United States military forces partici-*
22 *pating in, or supporting, Bosnia peacekeeping oper-*
23 *ations.*

24 (b) *BOSNIA PEACEKEEPING OPERATIONS DEFINED.—*

25 *For the purposes of this section, the term "Bosnia peace-*

1 *keeping operations” has the meaning given such term in*
2 *section 1204(e) of the Strom Thurmond National Defense*
3 *Authorization Act for Fiscal Year 1999 (Public Law 105–*
4 *261; 112 Stat. 2112).*

5 **SEC. 1206. LIMITATION ON DEPLOYMENT OF UNITED**
6 **STATES ARMED FORCES IN HAITI.**

7 (a) *LIMITATION ON DEPLOYMENT.—Except as pro-*
8 *vided in subsection (b), no funds available to the Depart-*
9 *ment of Defense may be expended for the deployment of*
10 *United States Armed Forces in Haiti.*

11 (b) *EXCEPTIONS.—Subsection (a) does not apply to the*
12 *deployment of United States Armed Forces in Haiti for any*
13 *of the following purposes:*

14 (1) *Deployment pursuant to Operation Uphold*
15 *Democracy until December 31, 1999.*

16 (2) *Deployment for periodic, noncontinuous the-*
17 *ater engagement activities on or after January 1,*
18 *2000.*

19 (3) *Deployment for a limited, customary pres-*
20 *ence necessary to ensure the security of United States*
21 *diplomatic facilities in Haiti and to carry out defense*
22 *liaison activities under the auspices of the United*
23 *States embassy.*

24 (c) *REPORT REQUIREMENT.—Whenever there is a de-*
25 *ployment of United States Armed Forces described in sub-*

1 *section (b)(2), the President shall, not later than 48 hours*
 2 *after the deployment, transmit a written report regarding*
 3 *the deployment to the Committee on Armed Services and*
 4 *the Committee on International Relations of the House of*
 5 *Representatives and the Committee on Armed Services and*
 6 *the Committee on Foreign Relations of the Senate.*

7 *(d) RULE OF CONSTRUCTION.—Nothing in this section*
 8 *shall be construed to restrict in any way the authority of*
 9 *the President in emergency circumstances to protect the*
 10 *lives of United States citizens or to protect United States*
 11 *facilities or property in Haiti.*

12 **SEC. 1207. GOALS FOR THE CONFLICT WITH THE FEDERAL**
 13 **REPUBLIC OF YUGOSLAVIA.**

14 *(a) FINDING.—Article I, section 8 of the United States*
 15 *Constitution provides that: “The Congress shall have Power*
 16 *To . . . provide for the common Defence . . . To declare*
 17 *War. . . To raise and support Armies . . . To provide and*
 18 *maintain a Navy . . . To make Rules for the Government*
 19 *and Regulation of the land and naval Forces . . .”.*

20 *(b) GOALS FOR THE CONFLICT WITH YUGOSLAVIA.—*
 21 *Congress declares the following to be the goals of the United*
 22 *States for the conflict with the Federal Republic of Yugo-*
 23 *slavia:*

24 *(1) Cessation by the Federal Republic of Yugo-*
 25 *slavia of all military action against the people of*

1 *Kosovo and termination of the violence and repression*
2 *against the people of Kosovo.*

3 (2) *Withdrawal of all military, police, and para-*
4 *military forces of the Federal Republic of Yugoslavia*
5 *from Kosovo.*

6 (3) *Agreement by the Government of the Federal*
7 *Republic of Yugoslavia to the stationing of an inter-*
8 *national military presence in Kosovo to ensure the*
9 *peace.*

10 (4) *Agreement by the Government of the Federal*
11 *Republic of Yugoslavia to the unconditional and safe*
12 *return to Kosovo of all refugees and displaced persons.*

13 (5) *Agreement by the Government of the Federal*
14 *Republic of Yugoslavia to allow humanitarian aid or-*
15 *ganizations to have unhindered access to these refu-*
16 *gees and displaced persons.*

17 (6) *Agreement by the Government of the Federal*
18 *Republic of Yugoslavia to work for the establishment*
19 *of a political framework agreement for Kosovo which*
20 *is in conformity with international law.*

21 (7) *President Slobodan Milosevic will be held ac-*
22 *countable for his actions while President of the Fed-*
23 *eral Republic of Yugoslavia in initiating four armed*
24 *conflicts and taking actions leading to the deaths of*
25 *tens of thousands of people and responsibility for*

1 *murder, rape, terrorism, destruction, and ethnic*
2 *cleansing.*

3 (8) *Bringing to justice through the International*
4 *Criminal Tribunal of Yugoslavia individuals in the*
5 *Federal Republic of Yugoslavia who are guilty of war*
6 *crimes in Kosovo.*

7 **SEC. 1208. REPORT ON THE SECURITY SITUATION ON THE**
8 **KOREAN PENINSULA.**

9 (a) *REPORT.*—*Not later than February 1, 2000, the*
10 *Secretary of Defense shall submit to the appropriate con-*
11 *gressional committees a report on the security situation on*
12 *the Korean peninsula. The report shall be submitted in both*
13 *classified and unclassified form.*

14 (b) *MATTERS TO BE INCLUDED.*—*The Secretary shall*
15 *include in the report under subsection (a) the following:*

16 (1) *A net assessment analysis of the warfighting*
17 *capabilities of the Combined Forces Command (CFC)*
18 *of the United States and the Republic of Korea com-*
19 *pared with the armed forces of North Korea.*

20 (2) *An assessment of challenges posed by the*
21 *armed forces of North Korea to the defense of the Re-*
22 *public of Korea and to United States forces deployed*
23 *to the region.*

24 (3) *An assessment of the current status and the*
25 *future direction of weapons of mass destruction pro-*

1 *grams and ballistic missile programs of North Korea,*
 2 *including a determination as to whether or not North*
 3 *Korea—*

4 *(A) is continuing to pursue a nuclear weap-*
 5 *ons program;*

6 *(B) is seeking equipment and technology*
 7 *with which to enrich uranium; and*

8 *(C) is pursuing an offensive biological*
 9 *weapons program.*

10 *(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In*
 11 *this section, the term “appropriate congressional commit-*
 12 *tees” means—*

13 *(1) the Committee on International Relations*
 14 *and the Committee on Armed Services of the House*
 15 *of Representatives; and*

16 *(2) the Committee on Foreign Relations and the*
 17 *Committee on Armed Services of the Senate.*

18 **SEC. 1209. ANNUAL REPORT ON MILITARY POWER OF THE**

19 **PEOPLE’S REPUBLIC OF CHINA.**

20 *(a) ANNUAL REPORT.—The Secretary of Defense shall*
 21 *prepare an annual report, in both classified and unclassi-*
 22 *fied form, on the current and future military strategy and*
 23 *capabilities of the People’s Republic of China. The report*
 24 *shall address the current and probable future course of mili-*
 25 *tary-technological development in the People’s Liberation*

1 *Army and the tenets and probable development of Chinese*
2 *grand strategy, security strategy, and military strategy,*
3 *and of military organizations and operational concepts,*
4 *through 2020.*

5 (b) *MATTERS TO BE INCLUDED.*—*The report shall in-*
6 *clude analyses and forecasts of the following:*

7 (1) *The goals of Chinese grand strategy, security*
8 *strategy, and military strategy.*

9 (2) *Trends in Chinese political grand strategy*
10 *meant to establish the People’s Republic of China as*
11 *the leading political power in the Asia-Pacific region*
12 *and as a political and military presence in other re-*
13 *gions of the world.*

14 (3) *The size, location, and capabilities of Chinese*
15 *strategic, land, sea, and air forces.*

16 (4) *Developments in Chinese military doctrine,*
17 *focusing on (but not limited to) efforts to exploit a*
18 *transformation in military affairs or to conduct pre-*
19 *emptive strikes.*

20 (5) *Efforts, including technology transfers and*
21 *espionage, by the People’s Republic of China to de-*
22 *velop, acquire, or gain access to information, commu-*
23 *nication, space, and other advanced technologies that*
24 *would enhance military capabilities.*

1 (c) *SUBMISSION OF REPORT.*—*The report under this*
 2 *section shall be submitted to Congress not later than March*
 3 *15 each year.*

4 **TITLE XIII—COOPERATIVE**
 5 **THREAT REDUCTION WITH**
 6 **STATES OF THE FORMER SO-**
 7 **VIET UNION**

8 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
 9 **DUCTION PROGRAMS AND FUNDS.**

10 (a) *SPECIFICATION OF CTR PROGRAMS.*—*For pur-*
 11 *poses of section 301 and other provisions of this Act, Coop-*
 12 *erative Threat Reduction programs are the programs speci-*
 13 *fied in section 1501(b) of the National Defense Authoriza-*
 14 *tion Act for Fiscal Year 1997 (Public Law 104–201; 110*
 15 *Stat. 2731; 50 U.S.C. 2362 note).*

16 (b) *FISCAL YEAR 2000 COOPERATIVE THREAT REDUC-*
 17 *TION FUNDS DEFINED.*—*As used in this title, the term “fis-*
 18 *cal year 2000 Cooperative Threat Reduction funds” means*
 19 *the funds appropriated pursuant to the authorization of ap-*
 20 *propriations in section 301 for Cooperative Threat Reduc-*
 21 *tion programs.*

22 (c) *AVAILABILITY OF FUNDS.*—*Funds appropriated*
 23 *pursuant to the authorization of appropriations in section*
 24 *301, and any other funds appropriated after the date of*
 25 *the enactment of this Act, for Cooperative Threat Reduction*

1 *programs shall be available for obligation for three fiscal*
2 *years.*

3 **SEC. 1302. FUNDING ALLOCATIONS.**

4 *(a) FUNDING FOR SPECIFIC PURPOSES.—Of the*
5 *\$444,100,000 authorized to be appropriated to the Depart-*
6 *ment of Defense for fiscal year 2000 in section 301(23) for*
7 *Cooperative Threat Reduction programs, not more than the*
8 *following amounts may be obligated for the purposes speci-*
9 *fied:*

10 *(1) For strategic offensive arms elimination in*
11 *Russia, \$177,300,000.*

12 *(2) For strategic nuclear arms elimination in*
13 *Ukraine, \$43,000,000.*

14 *(3) For activities to support warhead dismantlement*
15 *processing in Russia, \$9,300,000.*

16 *(4) For security enhancements at chemical weapons*
17 *storage sites in Russia, \$24,600,000.*

18 *(5) For weapons transportation security in Rus-*
19 *sia, \$15,200,000.*

20 *(6) For planning, design, and construction of a*
21 *storage facility for Russian fissile material,*
22 *\$60,900,000.*

23 *(7) For weapons storage security in Russia,*
24 *\$90,000,000.*

1 (8) *For development of a cooperative program*
2 *with the Government of Russia to eliminate the pro-*
3 *duction of weapons grade plutonium at Russian reac-*
4 *tors, \$20,000,000.*

5 (9) *For biological weapons proliferation preven-*
6 *tion activities in Russia, \$2,000,000.*

7 (10) *For activities designated as Other Assess-*
8 *ments/Administrative Support, \$1,800,000.*

9 (b) *REPORT ON OBLIGATION OR EXPENDITURE OF*
10 *FUNDS FOR OTHER PURPOSES.—No fiscal year 2000 Coop-*
11 *erative Threat Reduction funds may be obligated or ex-*
12 *pended for a purpose other than a purpose listed in para-*
13 *graphs (1) through (10) of subsection (a) until 30 days after*
14 *the date that the Secretary of Defense submits to Congress*
15 *a report on the purpose for which the funds will be obligated*
16 *or expended and the amount of funds to be obligated or ex-*
17 *pended. Nothing in the preceding sentence shall be construed*
18 *as authorizing the obligation or expenditure of fiscal year*
19 *2000 Cooperative Threat Reduction funds for a purpose for*
20 *which the obligation or expenditure of such funds is specifi-*
21 *cally prohibited under this title.*

22 (c) *LIMITED AUTHORITY TO VARY INDIVIDUAL*
23 *AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any*
24 *case in which the Secretary of Defense determines that it*
25 *is necessary to do so in the national interest, the Secretary*

1 *may obligate amounts appropriated for fiscal year 2000 or*
2 *any subsequent fiscal year for a purpose listed in any of*
3 *the paragraphs in subsection (a) in excess of the amount*
4 *specifically authorized for such purpose. However, the total*
5 *amount obligated for Cooperative Threat Reduction pro-*
6 *grams for such fiscal year may not, by reason of the use*
7 *of the authority provided in the preceding sentence, exceed*
8 *the total amount authorized for such programs for such fis-*
9 *cal year.*

10 (2) *An obligation of funds for a purpose stated in any*
11 *of the paragraphs in subsection (a) in excess of the specific*
12 *amount authorized for such purpose may be made using*
13 *the authority provided in paragraph (1) only after—*

14 (A) *the Secretary submits to Congress notifica-*
15 *tion of the intent to do so together with a complete*
16 *discussion of the justification for doing so; and*

17 (B) *15 days have elapsed following the date of*
18 *the notification.*

19 (3) *The Secretary may not, under the authority pro-*
20 *vided in paragraph (1), obligate amounts for the purposes*
21 *stated in any of paragraphs (3) through (10) of subsection*
22 *(a) in excess of 115 percent of the amount specifically au-*
23 *thorized for such purposes.*

1 **SEC. 1303. PROHIBITION ON USE OF FUNDS FOR SPECIFIED**
2 **PURPOSES.**

3 (a) *IN GENERAL.*—No fiscal year 2000 Cooperative
4 Threat Reduction funds, and no funds appropriated for Co-
5 operative Threat Reduction programs after the date of the
6 enactment of this Act, may be obligated or expended for any
7 of the following purposes:

8 (1) *Conducting with Russia any peacekeeping*
9 *exercise or other peacekeeping-related activity.*

10 (2) *Provision of housing.*

11 (3) *Provision of assistance to promote environ-*
12 *mental restoration.*

13 (4) *Provision of assistance to promote job re-*
14 *training.*

15 (b) *LIMITATION WITH RESPECT TO DEFENSE CONVER-*
16 *SION ASSISTANCE.*—None of the funds appropriated pursu-
17 ant to this Act, and no funds appropriated to the Depart-
18 ment of Defense in any other Act enacted after the date of
19 the enactment of this Act, may be obligated or expended
20 for the provision of assistance to Russia or any other state
21 of the former Soviet Union to promote defense conversion.

22 (c) *LIMITATION WITH RESPECT TO CONVENTIONAL*
23 *WEAPONS.*—No fiscal year 2000 Cooperative Threat Reduc-
24 tion funds, and no funds appropriated for Cooperative
25 Threat Reduction programs after the date of the enactment
26 of this Act, may be obligated or expended for elimination

1 *of conventional weapons or the delivery vehicles of such*
2 *weapons.*

3 **SEC. 1304. LIMITATIONS ON USE OF FUNDS FOR FISSILE**
4 **MATERIAL STORAGE FACILITY.**

5 *(a) LIMITATIONS ON USE OF FISCAL YEAR 2000*
6 *FUNDS.—No fiscal year 2000 Cooperative Threat Reduction*
7 *funds may be used—*

8 *(1) for construction of a second wing for the stor-*
9 *age facility for Russian fissile material referred to in*
10 *section 1302(6); or*

11 *(2) for design or planning with respect to such*
12 *facility until 15 days after the date that the Secretary*
13 *of Defense submits to Congress notification that Rus-*
14 *sia and the United States have signed a written*
15 *transparency agreement that provides that the United*
16 *States may verify that material stored at the facility*
17 *is of weapons origin.*

18 *(b) LIMITATION ON CONSTRUCTION.—No funds appro-*
19 *priated for Cooperative Threat Reduction programs may be*
20 *used for construction of the storage facility referred to in*
21 *subsection (a) until the Secretary of Defense submits to*
22 *Congress the following:*

23 *(1) A certification that additional capacity is*
24 *necessary at such facility for storage of Russian*
25 *weapons-origin fissile material.*

1 (2) *A detailed cost estimate for a second wing for*
2 *the facility.*

3 **SEC. 1305. LIMITATION ON USE OF FUNDS FOR CHEMICAL**
4 **WEAPONS DESTRUCTION.**

5 *No fiscal year 2000 Cooperative Threat Reduction*
6 *funds, and no funds appropriated for Cooperative Threat*
7 *Reduction programs after the date of the enactment of this*
8 *Act, may be obligated or expended for planning, design, or*
9 *construction of a chemical weapons destruction facility in*
10 *Russia.*

11 **SEC. 1306. LIMITATION ON USE OF FUNDS FOR BIOLOGICAL**
12 **WEAPONS PROLIFERATION PREVENTION AC-**
13 **TIVITIES.**

14 *No fiscal year 2000 Cooperative Threat Reduction*
15 *funds may be obligated or expended for biological weapons*
16 *proliferation prevention activities in Russia until the Sec-*
17 *retary of Defense submits to the congressional defense com-*
18 *mittees the reports described in sections 1305 and 1308 of*
19 *the Strom Thurmond National Defense Authorization Act*
20 *for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2164,*
21 *2166).*

1 **SEC. 1307. LIMITATION ON USE OF FUNDS UNTIL SUBMIS-**
2 **SION OF REPORT AND MULTIYEAR PLAN.**

3 *No fiscal year 2000 Cooperative Threat Reduction*
4 *funds may be obligated or expended until the Secretary of*
5 *Defense submits to Congress—*

6 (1) *a report describing—*

7 (A) *with respect to each purpose listed in*
8 *section 1302, whether the Department of Defense*
9 *is the appropriate executive agency to carry out*
10 *Cooperative Threat Reduction programs for such*
11 *purpose, and if so, why; and*

12 (B) *for any purpose that the Secretary de-*
13 *termines is not appropriately carried out by the*
14 *Department of Defense, a plan for migrating re-*
15 *sponsibility for carrying out such purpose to the*
16 *appropriate agency; and*

17 (2) *an updated version of the multiyear plan for*
18 *fiscal year 2000 required to be submitted under sec-*
19 *tion 1205 of the National Defense Authorization Act*
20 *for Fiscal Year 1995 (Public Law 103–337; 108 Stat.*
21 *2883).*

22 **SEC. 1308. REQUIREMENT TO SUBMIT REPORT.**

23 *Not later than December 31, 1999, the Secretary of De-*
24 *fense shall submit to Congress a report including—*

25 (1) *an explanation of the strategy of the Depart-*
26 *ment of Defense for encouraging states of the former*

1 *Soviet Union that receive funds through Cooperative*
2 *Threat Reduction programs to contribute financially*
3 *to the threat reduction effort;*

4 *(2) a prioritization of the projects carried out by*
5 *the Department of Defense under Cooperative Threat*
6 *Reduction programs; and*

7 *(3) an identification of any limitations that the*
8 *United States has imposed or will seek to impose, ei-*
9 *ther unilaterally or through negotiations with recipi-*
10 *ent states, on the level of assistance provided by the*
11 *United States for each of such projects.*

12 **SEC. 1309. REPORT ON EXPANDED THREAT REDUCTION INI-**
13 **TIATIVE.**

14 *Not later than December 31, 1999, the President shall*
15 *submit to Congress a report on the Expanded Threat Reduc-*
16 *tion Initiative. Such report shall include a description of*
17 *the plans for ensuring effective coordination between execu-*
18 *tive agencies in carrying out the Expanded Threat Reduc-*
19 *tion Initiative to minimize duplication of efforts.*

1 **TITLE** **XIV—PROLIFERATION**
2 **AND EXPORT CONTROL MAT-**
3 **TERS**

4 **SEC. 1401. REPORT ON COMPLIANCE BY THE PEOPLE'S RE-**
5 **PUBLIC OF CHINA AND OTHER COUNTRIES**
6 **WITH THE MISSILE TECHNOLOGY CONTROL**
7 **REGIME.**

8 (a) *REPORT REQUIRED.*—Not later than October 31,
9 1999, the President shall transmit to Congress a report on
10 the compliance, or lack of compliance (both as to acquiring
11 and transferring missile technology), by the People's Repub-
12 lic of China, with the Missile Technology Control Regime,
13 and on any actual or suspected transfer by Russia or any
14 other country of missile technology to the People's Republic
15 of China in violation of the Missile Technology Control Re-
16 gime. The report shall include a list specifying each actual
17 or suspected violation of the Missile Technology Control Re-
18 gime by the People's Republic of China, Russia, or other
19 country and, for each such violation, a description of the
20 remedial action (if any) taken by the United States or any
21 other country.

22 (b) *MATTERS TO BE INCLUDED.*—The report under
23 subsection (a) shall also include information concerning—

24 (1) *actual or suspected use by the People's Re-*
25 *public of China of United States missile technology;*

1 (2) *actual or suspected missile proliferation ac-*
2 *tivities by the People's Republic of China;*

3 (3) *actual or suspected transfer of missile tech-*
4 *nology by Russia or other countries to the People's*
5 *Republic of China: and*

6 (4) *United States actions to enforce the Missile*
7 *Technology Control Regime with respect to the Peo-*
8 *ple's Republic of China, including actions to prevent*
9 *the transfer of missile technology from Russia and*
10 *other countries to the People's Republic of China.*

11 **SEC. 1402. ANNUAL REPORT ON TECHNOLOGY TRANSFERS**

12 **TO THE PEOPLE'S REPUBLIC OF CHINA.**

13 (a) *ANNUAL REPORT.*—*The President shall transmit*
14 *to Congress an annual report on transfers to the People's*
15 *Republic of China by the United States and other countries*
16 *of technology with potential military applications, during*
17 *the 1-year period preceding the transmittal of the report.*

18 (b) *INITIAL REPORT.*—*The initial report under this*
19 *section shall be transmitted not later than October 31, 1999.*

20 **SEC. 1403. REPORT ON IMPLEMENTATION OF TRANSFER OF**

21 **SATELLITE EXPORT CONTROL AUTHORITY.**

22 *Not later than August 31, 1999, the President shall*
23 *transmit to Congress a report on the implementation of sub-*
24 *section (a) of section 1513 of the Strom Thurmond National*
25 *Defense Authorization Act for Fiscal Year 1999 (Public*

1 *Law 105–261; 112 Stat. 2174; 22 U.S.C. 2778 note), trans-*
2 *ferring satellites and related items from the Commerce Con-*
3 *trol List of dual-use items to the United States Munitions*
4 *List. The report shall update the information provided in*
5 *the report under subsection (d) of that section.*

6 **SEC. 1404. SECURITY IN CONNECTION WITH SATELLITE EX-**
7 **PORT LICENSING.**

8 (a) *SECURITY AT FOREIGN LAUNCHES.*—*As a condi-*
9 *tion of the export license for any satellite to be launched*
10 *outside the jurisdiction of the United States, the Secretary*
11 *of State shall require the following:*

12 (1) *That the technology transfer control plan re-*
13 *quired by section 1514(a)(1) of the Strom Thurmond*
14 *National Defense Authorization Act for Fiscal Year*
15 *1999 (Public Law 105–261; 112 Stat. 2175; 22*
16 *U.S.C. 2778 note) be prepared by the Department of*
17 *Defense, and agreed to by the licensee, and that the*
18 *plan set forth the security arrangements for the*
19 *launch of the satellite, both before and during launch*
20 *operations, and include enhanced security measures if*
21 *the launch site is within the jurisdiction of the Peo-*
22 *ple’s Republic of China or any other country that is*
23 *subject to section 1514 of the Strom Thurmond Na-*
24 *tional Defense Authorization Act for Fiscal Year*
25 *1999.*

1 (2) *That each person providing security for the*
2 *launch of that satellite—*

3 (A) *be employed by, or under a contract*
4 *with, the Department of Defense;*

5 (B) *have received appropriate training in*
6 *the regulations prescribed by the Secretary of*
7 *State known as the International Trafficking in*
8 *Arms Regulations (hereafter in this section re-*
9 *ferred to as “ITAR”);*

10 (C) *have significant experience and exper-*
11 *tise with satellite launches; and*

12 (D) *have been investigated in a manner at*
13 *least as comprehensive as the investigation re-*
14 *quired for the issuance of a security clearance at*
15 *the level designated as “Secret”.*

16 (3) *That the number of such persons providing*
17 *security for the launch of the satellite shall be suffi-*
18 *cient to maintain 24-hour security of the satellite and*
19 *related launch vehicle and other sensitive technology.*

20 (4) *That the licensee agree to reimburse the De-*
21 *partment of Defense for all costs associated with the*
22 *provision of security for the launch of the satellite.*

23 (b) *DEFENSE DEPARTMENT MONITORS.—The Sec-*
24 *retary of Defense shall—*

1 (1) *ensure that persons assigned as space launch*
2 *campaign monitors are provided sufficient training*
3 *and have adequate experience in the ITAR and have*
4 *significant experience and expertise with satellite*
5 *technology, launch vehicle technology, and launch op-*
6 *erations technology;*

7 (2) *ensure that adequate numbers of such mon-*
8 *itors are assigned to space launch campaigns so that*
9 *24-hour, 7-day per week coverage is provided;*

10 (3) *take steps to ensure, to the maximum extent*
11 *possible, the continuity of service by monitors for the*
12 *entire space launch campaign period (from satellite*
13 *marketing to launch and, if necessary, completion of*
14 *a launch failure analysis); and*

15 (4) *adopt measures designed to make service as*
16 *a space launch campaign monitor an attractive ca-*
17 *reer opportunity.*

18 **SEC. 1405. REPORTING OF TECHNOLOGY PASSED TO PEO-**
19 **PLE'S REPUBLIC OF CHINA AND OF FOREIGN**
20 **LAUNCH SECURITY VIOLATIONS.**

21 (a) **MONITORING OF INFORMATION.**—*The Secretary of*
22 *Defense shall require that space launch monitors of the De-*
23 *partment of Defense assigned to monitor launches in the*
24 *People's Republic of China maintain records of all informa-*
25 *tion authorized to be transmitted to the People's Republic*

1 of China, including copies of any documents authorized for
2 such transmission, and reports on launch-related activities.

3 (b) *TRANSMISSION TO OTHER AGENCIES.*—The Sec-
4 retary of Defense shall ensure that records under subsection
5 (a) are transmitted on a current basis to appropriate ele-
6 ments of the Department of Defense and to the Department
7 of State, the Department of Commerce, and the Central In-
8 telligence Agency.

9 (c) *RETENTION OF RECORDS.*—Records described in
10 subsection (a) shall be retained for at least the period of
11 the statute of limitations for violations of the Arms Export
12 Control Act.

13 (d) *GUIDELINES.*—The Secretary of Defense shall pre-
14 scribe guidelines providing space launch monitors of the De-
15 partment of Defense with the responsibility and the ability
16 to report serious security violations, problems, or other
17 issues at an overseas launch site directly to the headquarters
18 office of the responsible Department of Defense component.

19 **SEC. 1406. REPORT ON NATIONAL SECURITY IMPLICATIONS**
20 **OF EXPORTING HIGH-PERFORMANCE COM-**
21 **PUTERS TO THE PEOPLE'S REPUBLIC OF**
22 **CHINA.**

23 (a) *REVIEW.*—The Secretary of Energy, the Secretary
24 of Defense, and the Secretary of State, in consultation with
25 other appropriate departments and agencies, shall conduct

1 *a comprehensive review of the national security implica-*
2 *tions of exporting high-performance computers to the Peo-*
3 *ple's Republic of China. As part of the review, the Secretary*
4 *shall conduct empirical testing of the extent to which na-*
5 *tional security-related operations can be performed using*
6 *clustered, massively-parallel processing or other combina-*
7 *tions of computers.*

8 **(b) REPORT.**—*The Secretary of Energy shall submit*
9 *to Congress a report on the results of the review under sub-*
10 *section (a). The report shall be submitted not later than*
11 *six months after the date of the enactment of this Act and*
12 *shall be updated not later than the end of each subsequent*
13 *1-year period.*

14 **SEC. 1407. END-USE VERIFICATION FOR USE BY PEOPLE'S**
15 **REPUBLIC OF CHINA OF HIGH-PERFORMANCE**
16 **COMPUTERS.**

17 **(a) REVISED HPC VERIFICATION SYSTEM.**—*The*
18 *President shall seek to enter into an agreement with the*
19 *People's Republic of China to revise the existing verification*
20 *system with the People's Republic of China with respect to*
21 *end-use verification for high-performance computers ex-*
22 *ported or to be exported to the People's Republic of China*
23 *so as to provide for an open and transparent system pro-*
24 *viding for effective end-use verification for such computers*
25 *and, at a minimum, providing for on-site inspection of the*

1 *end-use and end-user of such computers, without notice, by*
2 *United States nationals designated by the United States*
3 *Government. The President shall transmit a copy of the*
4 *agreement to Congress.*

5 **(b) DEFINITION.**—*As used in this section and section*
6 *1406, the term “high performance computer” means a com-*
7 *puter which, by virtue of its composite theoretical perform-*
8 *ance level, would be subject to section 1211 of the National*
9 *Defense Authorization Act for Fiscal Year 1998 (50 U.S.C.*
10 *App. 2404 note).*

11 **(c) ADJUSTMENT OF COMPOSITE THEORETICAL PER-**
12 **FORMANCE LEVELS FOR POST-SHIPMENT VERIFICATION.**—
13 *Section 1213 of the National Defense Authorization Act for*
14 *Fiscal Year 1998 is amended by adding at the end the fol-*
15 *lowing:*

16 **“(e) ADJUSTMENT OF PERFORMANCE LEVELS.**—*When-*
17 *ever a new composite theoretical performance level is estab-*
18 *lished under section 1211(d), that level shall apply for pur-*
19 *poses of subsection (a) of this section in lieu of the level*
20 *set forth in that subsection.”.*

21 **SEC. 1408. PROCEDURES FOR REVIEW OF EXPORT OF CON-**
22 **TROLLED TECHNOLOGIES AND ITEMS.**

23 **(a) RECOMMENDATIONS FOR PRIORITIZATION OF NA-**
24 **TIONAL SECURITY CONCERNS.**—*The President shall submit*
25 *to Congress the President’s recommendations for the estab-*

1 *lishment of a mechanism to identify, on a continuing basis,*
2 *those controlled technologies and items the export of which*
3 *is of greatest national security concern relative to other con-*
4 *trolled technologies and items.*

5 **(b) RECOMMENDATIONS FOR EXECUTIVE DEPARTMENT**
6 **APPROVALS FOR EXPORTS OF GREATEST NATIONAL SECU-**
7 **RITY CONCERN.**—*With respect to controlled technologies*
8 *and items identified under subsection (a), the President*
9 *shall submit to Congress the President's recommendations*
10 *for the establishment of a mechanism to identify procedures*
11 *for export of such technologies and items so as to provide—*

12 (1) *that the period for review by an executive de-*
13 *partment or agency of a license application for any*
14 *such export shall be extended to a period longer than*
15 *that otherwise required when such longer period is*
16 *considered necessary by the head of that department*
17 *or agency for national security purposes; and*

18 (2) *that a license for such an export may be ap-*
19 *proved only with the agreement of each executive de-*
20 *partment or agency that reviewed the application for*
21 *the license, subject to appeal procedures to be estab-*
22 *lished by the President.*

23 **(c) RECOMMENDATIONS FOR STREAMLINED LICENSING**
24 **PROCEDURES FOR OTHER EXPORTS.**—*With respect to con-*
25 *trolled technologies and items other than those identified*

1 *under subsection (a), the President shall submit to Congress*
2 *the President’s recommendations for modifications to licens-*
3 *ing procedures for export of such technologies and items so*
4 *as to streamline the licensing process and provide greater*
5 *transparency, predictability, and certainty.*

6 **SEC. 1409. NOTICE OF FOREIGN ACQUISITION OF UNITED**
7 **STATES FIRMS IN NATIONAL SECURITY IN-**
8 **DUSTRIES.**

9 *Section 721(b) of the Defense Production Act of 1950*
10 *(50 U.S.C. 2170(b)) is amended—*

11 *(1) by inserting “(1)” before “The President”;*

12 *(2) by redesignating paragraphs (1) and (2) as*
13 *subparagraphs (A) and (B), respectively; and*

14 *(3) by adding at the end the following:*

15 *“(2) Whenever a person engaged in interstate com-*
16 *merce in the United States is the subject of a merger, acqui-*
17 *sition, or takeover described in paragraph (1), that person*
18 *shall promptly notify the President, or the President’s des-*
19 *ignee, of such planned merger, acquisition, or takeover.*
20 *Whenever any executive department or agency becomes*
21 *aware of any such planned merger, acquisition, or takeover,*
22 *the head of that department or agency shall promptly notify*
23 *the President, or the President’s designee, of such planned*
24 *merger, acquisition, or takeover.”.*

1 **SEC. 1410. FIVE-AGENCY INSPECTORS GENERAL EXAMINA-**
2 **TION OF COUNTERMEASURES AGAINST AC-**
3 **QUISITION BY THE PEOPLE'S REPUBLIC OF**
4 **CHINA OF MILITARILY SENSITIVE TECH-**
5 **NOLOGY.**

6 *Not later than January 1, 2000, the Inspectors General*
7 *of the Departments of State, Defense, the Treasury, and*
8 *Commerce and the Inspector General of the Central Intel-*
9 *ligence Agency shall submit to Congress a report on the ade-*
10 *quacy of current export controls and counterintelligence*
11 *measures to protect against the acquisition by the People's*
12 *Republic of China of militarily sensitive United States tech-*
13 *nology. Such report shall include a description of measures*
14 *taken to address any deficiencies found in such export con-*
15 *trols and counterintelligence measures.*

16 **SEC. 1411. OFFICE OF TECHNOLOGY SECURITY IN DEPART-**
17 **MENT OF DEFENSE.**

18 *(a) ENHANCED MULTILATERAL EXPORT CONTROLS.—*

19 *(1) NEW INTERNATIONAL CONTROLS.—The Presi-*
20 *dent shall work (in the context of the scheduled 1999*
21 *review of the Wassenaar Arrangement and otherwise)*
22 *to establish new binding international controls on*
23 *technology transfers that threaten international peace*
24 *and United States national security.*

25 *(2) IMPROVED SHARING OF INFORMATION.—The*
26 *President shall take appropriate actions (in the con-*

1 *text of the scheduled 1999 review of the Wassenaar*
2 *Arrangement and otherwise) to improve the sharing*
3 *of information by nations that are major exporters of*
4 *technology so that the United States can track move-*
5 *ments of technology and enforce technology controls*
6 *and re-export requirements.*

7 *(b) OFFICE OF TECHNOLOGY SECURITY.—(1) There is*
8 *hereby established in the Department of Defense an Office*
9 *of Technology Security. The Office shall support United*
10 *States Government efforts to—*

11 *(1) establish new binding international controls*
12 *on technology transfers that threaten international*
13 *peace and United States national security; and*

14 *(2) improve the sharing of information by na-*
15 *tions that are major exporters of technology so that*
16 *the United States can track movements of technology*
17 *and enforce technology controls and re-export require-*
18 *ments.*

19 **SEC. 1412. ANNUAL AUDIT OF DEPARTMENT OF DEFENSE**
20 **AND DEPARTMENT OF ENERGY POLICIES**
21 **WITH RESPECT TO TECHNOLOGY TRANSFERS**
22 **TO THE PEOPLE'S REPUBLIC OF CHINA.**

23 *(a) ANNUAL AUDIT.—The Inspectors General of the*
24 *Department of Defense and the Department of Energy, in*
25 *consultation with the Director of Central Intelligence and*

1 *the Director of the Federal Bureau of Investigation, shall*
2 *each conduct an annual audit of the policies and procedures*
3 *of the Department of Defense and the Department of En-*
4 *ergy, respectively, with respect to the export of technologies*
5 *and the transfer of scientific and technical information, to*
6 *the People's Republic of China in order to assess the extent*
7 *to which the Department of Defense or the Department of*
8 *Energy, as the case may be, is carrying out its activities*
9 *to ensure that any technology transfer, including a transfer*
10 *of scientific or technical information, will not measurably*
11 *improve the weapons systems or space launch capabilities*
12 *of the People's Republic of China.*

13 **(b) REPORT TO CONGRESS.**—*The Inspectors General*
14 *of the Department of Defense and the Department of Energy*
15 *shall each submit to Congress a report each year describing*
16 *the results of the annual audit under subsection (a).*

17 **SEC. 1413. RESOURCES FOR EXPORT LICENSE FUNCTIONS.**

18 **(a) OFFICE OF DEFENSE TRADE CONTROLS.**—

19 **(1) IN GENERAL.**—*The Secretary of State shall*
20 *take the necessary steps to ensure that, in any fiscal*
21 *year, adequate resources are allocated to the functions*
22 *of the Office of Defense Trade Controls of the Depart-*
23 *ment of State relating to the review and processing of*
24 *export license applications so as to ensure that those*

1 *functions are performed in a thorough and timely*
2 *manner.*

3 (2) *AVAILABILITY OF EXISTING APPROPRIA-*
4 *TIONS.—The Secretary of State shall take the nec-*
5 *essary steps to ensure that those funds made available*
6 *under the heading “Administration of Foreign Af-*
7 *airs, Diplomatic and Consular Programs” in title IV*
8 *of the Departments of Commerce, Justice, and State,*
9 *the Judiciary, and Related Agencies Appropriations*
10 *Act, 1999, as contained in the Omnibus Consolidated*
11 *and Emergency Supplemental Appropriations Act,*
12 *1999 (Public Law 105-277) are made available, upon*
13 *the enactment of this Act, to the Office of Defense*
14 *Trade Controls of the Department of State to carry*
15 *out the purposes of the Office.*

16 (b) *DEFENSE THREAT REDUCTION AGENCY.—The Sec-*
17 *retary of Defense shall take the necessary steps to ensure*
18 *that, in any fiscal year, adequate resources are allocated*
19 *to the functions of the Defense Threat Reduction Agency of*
20 *the Department of Defense relating to the review of export*
21 *license applications so as to ensure that those functions are*
22 *performed in a thorough and timely manner.*

1 **SEC. 1414. NATIONAL SECURITY ASSESSMENT OF EXPORT**
2 **LICENSES.**

3 (a) *REPORT TO CONGRESS.*—*The Secretary of Defense,*
4 *in consultation with the Joint Chiefs of Staff, shall provide*
5 *to Congress a report assessing the cumulative impact of in-*
6 *dividual licenses granted by the United States for exports,*
7 *goods, or technology to countries of concern.*

8 (b) *CONTENTS OF REPORT.*—*Each report under sub-*
9 *section (a) shall include an assessment of—*

10 (1) *the cumulative impact of exports of tech-*
11 *nology on improving the military capabilities of*
12 *countries of concern;*

13 (2) *the impact of exports of technology which*
14 *would be harmful to United States military capabili-*
15 *ties, as well as countermeasures necessary to overcome*
16 *the use of such technology; and*

17 (3) *those technologies, systems, and components*
18 *which have applications to conventional military and*
19 *strategic capabilities.*

20 (c) *TIMING OF REPORTS.*—*The first report under sub-*
21 *section (a) shall be submitted to Congress not later than*
22 *1 year after the date of the enactment of this Act, and shall*
23 *assess the cumulative impact of exports to countries of con-*
24 *cern in the previous 5-year period. Subsequent reports*
25 *under subsection (a) shall be submitted to Congress at the*
26 *end of each 1-year period after the submission of the first*

1 *report. Each such subsequent report shall include an assess-*
2 *ment of the cumulative impact of technology exports based*
3 *on analyses contained in previous reports under this sec-*
4 *tion.*

5 *(d) SUPPORT OF OTHER FEDERAL AGENCIES.—The*
6 *Secretary of Commerce, the Secretary of State, and the*
7 *heads of other departments and agencies shall make avail-*
8 *able to the Secretary of Defense information necessary to*
9 *carry out this section, including information on export li-*
10 *censing.*

11 *(e) DEFINITION.—As used in this section, the term*
12 *“country of concern” means—*

13 *(1) a country the government of which the Sec-*
14 *retary of State has determined, for purposes of section*
15 *6(j) of the Export Administration Act of 1979 or*
16 *other applicable law, to have repeatedly provided sup-*
17 *port for acts of international terrorism; and*

18 *(2) a country on the list of covered countries*
19 *under section 1211(b) of the National Defense Author-*
20 *ization Act for Fiscal Year 1998 (50 U.S.C. App.*
21 *2404 note).*

1 **DIVISION B—MILITARY CON-**
 2 **STRUCTION AUTHORIZA-**
 3 **TIONS**

4 **SEC. 2001. SHORT TITLE.**

5 *This division may be cited as the “Military Construc-*
 6 *tion Authorization Act for Fiscal Year 2000”.*

7 **TITLE XXI—ARMY**

8 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 9 **ACQUISITION PROJECTS.**

10 *(a) INSIDE THE UNITED STATES.—Using amounts ap-*
 11 *propriated pursuant to the authorization of appropriations*
 12 *in section 2104(a)(1), the Secretary of the Army may ac-*
 13 *quire real property and carry out military construction*
 14 *projects for the installations and locations inside the United*
 15 *States, and in the amounts, set forth in the following table:*

Army: Inside the United States

State	Installation or location	Amount
Alabama	Redstone Arsenal	\$9,800,000
Alaska	Fort Richardson	\$14,600,000
	Fort Wainwright	\$32,500,000
California	Fort Irwin	\$32,400,000
	Presidio of Monterey	\$7,100,000
Colorado	Fort Carson	\$4,400,000
	Peterson Air Force Base	\$25,000,000
District of Columbia	Fort McNair	\$1,250,000
	Walter Reed Medical Center	\$6,800,000
Georgia	Fort Benning	\$48,400,000
	Fort Stewart	\$71,700,000
Hawaii	Schofield Barracks	\$95,000,000
Kansas	Fort Leavenworth	\$34,100,000
	Fort Riley	\$3,900,000
Kentucky	Blue Grass Army Depot	\$6,000,000
	Fort Campbell	\$39,900,000
	Fort Knox	\$1,300,000
Louisiana	Fort Polk	\$6,700,000
Maryland	Fort Meade	\$22,450,000
Massachusetts	Westover Air Reserve Base	\$4,000,000
Missouri	Fort Leonard Wood	\$27,100,000
New York	Fort Drum	\$23,000,000
North Carolina	Fort Bragg	\$125,400,000

Army: Inside the United States—Continued

State	Installation or location	Amount
Oklahoma	Sunny Point Military Ocean Terminal ..	\$3,800,000
	Fort Sill	\$33,200,000
Pennsylvania	McAlester Army Ammunition	\$16,600,000
	Carlisle Barracks	\$5,000,000
South Carolina	Letterkenny Army Depot	\$3,650,000
	Fort Jackson	\$7,400,000
Texas	Fort Bliss	\$52,350,000
	Fort Hood	\$84,500,000
Virginia	Fort Belvoir	\$3,850,000
	Fort Eustis	\$43,800,000
	Fort Myer	\$2,900,000
	Fort Story	\$8,000,000
Washington	Fort Lewis	\$23,400,000
CONUS Various	CONUS Various	\$36,400,000
	<i>Total</i>	\$967,550,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2104(a)(2), the Secretary of the Army may
4 acquire real property and carry out military construction
5 projects for the locations outside the United States, and in
6 the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Ansbach	\$21,000,000
	Bamberg	\$23,200,000
	Mannheim	\$4,500,000
Korea	Camp Casey	\$31,000,000
	Camp Howze	\$3,050,000
	Camp Stanley	\$3,650,000
	<i>Total</i>	\$86,400,000

7 SEC. 2102. FAMILY HOUSING.

8 (a) *CONSTRUCTION AND ACQUISITION.*—Using
9 amounts appropriated pursuant to the authorization of ap-
10 propriations in section 2104(a)(5)(A), the Secretary of the
11 Army may construct or acquire family housing units (in-

1 tary family housing functions of the Department of the
2 Army in the total amount of \$2,384,417,000 as follows:

3 (1) For military construction projects inside the
4 United States authorized by section 2101(a),
5 \$879,550,000.

6 (2) For the military construction projects outside
7 the United States authorized by section 2101(b),
8 \$86,400,000.

9 (3) For unspecified minor construction projects
10 authorized by section 2805 of title 10, United States
11 Code, \$9,500,000.

12 (4) For architectural and engineering services
13 and construction design under section 2807 of title
14 10, United States Code, \$87,205,000.

15 (5) For military family housing functions:

16 (A) For construction and acquisition, plan-
17 ning and design and improvement of military
18 family housing and facilities, \$80,200,000.

19 (B) For support of military family housing
20 (including the functions described in section
21 2833 of title 10, United States Code),
22 \$1,089,812,000.

23 (6) For the construction of the United States
24 Disciplinary Barracks, Fort Leavenworth, Kansas,
25 authorized in section 2101(a) of the Military Con-

1 *struction Authorization Act for Fiscal Year 1998 (di-*
2 *vision B of Public Law 105–85; 111 Stat. 1967),*
3 *\$18,800,000.*

4 (7) *For the construction of the force XXI soldier*
5 *development center, Fort Hood, Texas, authorized in*
6 *section 2101(a) of the Military Construction Author-*
7 *ization Act for Fiscal Year 1998 (division B of Public*
8 *Law 105–85; 111 Stat. 1966), \$14,000,000.*

9 (8) *For the construction of the railhead facility,*
10 *Fort Hood, Texas, authorized in section 2101(a) of*
11 *the Military Construction Authorization Act for Fis-*
12 *cal Year 1999 (division B of Public Law 105–261;*
13 *112 Stat. 2182), \$14,800,000.*

14 (9) *For the construction of the cadet development*
15 *center, United States Military Academy, West Point,*
16 *New York, authorized in section 2101(a) of the Mili-*
17 *tary Construction Authorization Act for Fiscal Year*
18 *1999 (division B of Public Law 105–261; 112 Stat.*
19 *2182), \$28,500,000.*

20 (10) *For the construction of the whole barracks*
21 *complex renewal, Fort Campbell, Kentucky, author-*
22 *ized in section 2101(a) of the Military Construction*
23 *Authorization Act for Fiscal year 1999 (division B of*
24 *Public Law 105–261; 112 Stat. 2182), \$32,000,000.*

1 (11) *For the construction of the multi-purpose*
2 *digital training range, Fort Knox, Kentucky, author-*
3 *ized in section 2101(a) of the Military Construction*
4 *Authorization Act for Fiscal Year 1999 (division B of*
5 *Public Law 105–261; 112 Stat. 2182), \$16,000,000.*

6 (12) *For the construction of the power plant, Roi*
7 *Namur Island, Kwajalein Atoll, Kwajalein, author-*
8 *ized in section 2101(b) of the Military Construction*
9 *Authorization Act for Fiscal Year 1999 (division B of*
10 *Public Law 105–261; 112 Stat. 2183), \$35,400,000.*

11 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
12 *PROJECTS.—Notwithstanding the cost variations author-*
13 *ized by section 2853 of title 10, United States Code, and*
14 *any other cost variation authorized by law, the total cost*
15 *of all projects carried out under section 2101 of this Act*
16 *may not exceed—*

17 (1) *the total amount authorized to be appro-*
18 *priated under paragraphs (1) and (2) of subsection*
19 *(a);*

20 (2) *\$46,000,000 (the balance of the amount au-*
21 *thorized under section 2101(a) for the construction of*
22 *the whole barracks complex renewal at Schofield Bar-*
23 *racks, Hawaii);*

24 (3) *\$22,000,000 (the balance of the amount au-*
25 *thorized under section 2101(a) for the construction of*

1 *the whole barracks complex renewal at Fort Bragg,*
 2 *North Carolina);*

3 (4) \$10,000,000 (*the balance of the amount au-*
 4 *thorized under section 2101(a) for the construction of*
 5 *tank trail erosion mitigation at the Yakima Training*
 6 *Center, Fort Lewis, Washington); and*

7 (5) \$10,100,000 (*the balance of the amount au-*
 8 *thorized under section 2101(a) for the construction of*
 9 *a tactical equipment shop at Fort Sill, Oklahoma).*

10 (c) *ADJUSTMENT.—The total amount authorized to be*
 11 *appropriated pursuant to paragraphs (1) through (12) of*
 12 *subsection (a) is the sum of the amounts authorized to be*
 13 *appropriated in such paragraphs reduced by \$7,750,000,*
 14 *which represents the combination of project savings in mili-*
 15 *tary construction resulting from favorable bids, reduced*
 16 *overhead charges, and cancellations due to force structure*
 17 *changes.*

18 **TITLE XXII—NAVY**

19 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND** 20 **ACQUISITION PROJECTS.**

21 (a) *INSIDE THE UNITED STATES.—Using amounts ap-*
 22 *propriated pursuant to the authorization of appropriations*
 23 *in section 2204(a)(1), the Secretary of the Navy may ac-*
 24 *quire real property and carry out military construction*

- 1 projects for the installations and locations inside the United
 2 States, and in the amounts, set forth in the following table:
Navy: Inside the United States

State	Installation or location	Amount
<i>Arizona</i>	<i>Marine Corps Air Station, Yuma</i>	<i>\$24,220,000</i>
	<i>Navy Detachment, Camp Navajo</i>	<i>\$7,560,000</i>
<i>California</i>	<i>Marine Corps Air-Ground Combat Center, Twentynine Palms</i>	<i>\$34,760,000</i>
	<i>Marine Corps Base, Camp Pendleton</i>	<i>\$38,460,000</i>
	<i>Marine Corps Logistics Base, Barstow</i>	<i>\$4,670,000</i>
	<i>Marine Corps Recruit Depot, San Diego</i>	<i>\$3,200,000</i>
	<i>Naval Air Station, Lemoore</i>	<i>\$24,020,000</i>
	<i>Naval Air Station, North Island</i>	<i>\$54,420,000</i>
	<i>Naval Air Warfare Center, China Lake</i> ..	<i>\$4,000,000</i>
	<i>Naval Air Warfare Center, Corona</i>	<i>\$7,070,000</i>
	<i>Naval Air Warfare Center, Point Magu</i> ..	<i>\$6,190,000</i>
	<i>Naval Hospital, San Diego</i>	<i>\$21,590,000</i>
	<i>Naval Hospital, Twentynine Palms</i>	<i>\$7,640,000</i>
	<i>Naval Postgraduate School</i>	<i>\$5,100,000</i>
<i>Florida</i>	<i>Naval Air Station, Whiting Field, Milton</i>	<i>\$5,350,000</i>
	<i>Naval Station, Mayport</i>	<i>\$9,560,000</i>
<i>Georgia</i>	<i>Marine Corps Logistics Base, Albany</i>	<i>\$6,260,000</i>
<i>Hawaii</i>	<i>Marine Corps Air Station, Kaneohe Bay</i>	<i>\$5,790,000</i>
	<i>Naval Shipyard, Pearl Harbor</i>	<i>\$10,610,000</i>
	<i>Naval Station, Pearl Harbor</i>	<i>\$18,600,000</i>
	<i>Naval Submarine Base, Pearl Harbor</i>	<i>\$29,460,000</i>
<i>Idaho</i>	<i>Naval Surface Warfare Center, Bayview</i>	<i>\$10,040,000</i>
<i>Illinois</i>	<i>Naval Training Center, Great Lakes</i>	<i>\$57,290,000</i>
<i>Indiana</i>	<i>Naval Surface Warfare Center, Crone</i>	<i>\$7,270,000</i>
<i>Maine</i>	<i>Naval Air Station, Brunswick</i>	<i>\$16,890,000</i>
<i>Maryland</i>	<i>Naval Air Warfare Center, Patuxent River</i>	<i>\$4,560,000</i>
	<i>Naval Surface Warfare Center, Indian Head</i>	<i>\$10,070,000</i>
<i>Mississippi</i>	<i>Naval Air Station, Meridian</i>	<i>\$7,280,000</i>
	<i>Naval Construction Battalion Center Gulfport</i>	<i>\$19,170,000</i>
<i>Nevada</i>	<i>Naval Air Station, Fallon</i>	<i>\$7,000,000</i>
<i>New Jersey</i>	<i>Naval Air Warfare Center Aircraft Division, Lakehurst</i>	<i>\$15,710,000</i>
<i>North Carolina</i>	<i>Marine Corps Air Station, New River</i>	<i>\$5,470,000</i>
	<i>Marine Corps Base, Camp Lejeune</i>	<i>\$21,380,000</i>
<i>Pennsylvania</i>	<i>Navy Ships Parts Control Center, Mechanicsburg</i>	<i>\$2,990,000</i>
	<i>Norfolk Naval Shipyard Detachment, Philadelphia.</i>	<i>\$13,320,000</i>
<i>South Carolina</i>	<i>Naval Weapons Station, Charleston</i>	<i>\$7,640,000</i>
	<i>Marine Corps Air Station, Beaufort</i>	<i>\$18,290,000</i>
<i>Texas</i>	<i>Naval Station, Ingleside</i>	<i>\$11,780,000</i>
<i>Virginia</i>	<i>Marine Corps Combat Development Command, Quantico</i>	<i>\$20,820,000</i>
	<i>Naval Air Station, Oceana</i>	<i>\$11,490,000</i>
	<i>Naval Shipyard, Norfolk</i>	<i>\$17,630,000</i>
	<i>Naval Station, Norfolk</i>	<i>\$69,550,000</i>
	<i>Naval Weapons Station, Yorktown</i>	<i>\$25,040,000</i>
	<i>Tactical Training Group Atlantic, Dam Neck</i>	<i>\$10,310,000</i>
<i>Washington</i>	<i>Naval Ordnance Center Pacific Division Detachment, Port Hadlock</i>	<i>\$3,440,000</i>

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Naval Undersea Warfare Center, Keyport	\$6,700,000
	Puget Sound Naval Shipyard, Bremerton	\$15,610,000
	Strategic Weapons Facility Pacific, Bremerton	\$6,300,000
	<i>Total</i>	\$751,570,000

1 **(b) OUTSIDE THE UNITED STATES.**—Using amounts
2 appropriated pursuant to the authorization of appropri-
3 ations in section 2204(a)(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the locations outside the United States, and in
6 the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Administrative Support Unit,	\$83,090,000
Diego Garcia	Naval Support Facility, Diego Garcia	\$8,150,000
Greece	Naval Support Activity, Souda Bay	\$6,380,000
Italy	Naval Support Activity, Naples	\$26,750,000
	<i>Total</i>	\$124,370,000

7 **SEC. 2202. FAMILY HOUSING.**

8 **(a) CONSTRUCTION AND ACQUISITION.**—Using
9 amounts appropriated pursuant to the authorization of ap-
10 propriations in section 2204(a)(5)(A), the Secretary of the
11 Navy may construct or acquire family housing units (in-
12 cluding land acquisition) at the installations, for the pur-
13 poses, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or location	Purpose	Amount
Hawaii	Marine Corps Air Station, Kaneohe Bay	100 Units	\$26,615,000
	Naval Base Pearl Harbor ...	133 Units	\$30,168,000
	Naval Base Pearl Harbor ...	96 Units	\$19,167,000
		<i>Total</i>	\$75,950,000

1 (2) *For military construction projects outside the*
2 *United States authorized by section 2201(b),*
3 *\$124,370,000.*

4 (3) *For unspecified minor construction projects*
5 *authorized by section 2805 of title 10, United States*
6 *Code, \$7,342,000.*

7 (4) *For architectural and engineering services*
8 *and construction design under section 2807 of title*
9 *10, United States Code, \$70,010,000.*

10 (5) *For military family housing functions:*

11 (A) *For construction and acquisition, plan-*
12 *ning and design and improvement of military*
13 *family housing and facilities, \$256,015,000.*

14 (B) *For support of military housing (in-*
15 *cluding functions described in section 2833 of*
16 *title 10, United States Code), \$895,070,000.*

17 (6) *For the construction of berthing wharf, Naval*
18 *Station Norfolk, Virginia, authorized by section*
19 *2201(a) of the Military Construction Authorization*
20 *Act for Fiscal Year 1999 (division B of Public Law*
21 *105–261; 112 Stat. 2189), \$12,690,000.*

22 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
23 *PROJECTS.—Notwithstanding the cost variations author-*
24 *ized by section 2853 of title 10, United States Code, and*
25 *any other cost variation authorized by law, the total cost*

1 of all projects carried out under section 2201 of this Act
2 may not exceed—

3 (1) the total amount authorized to be appro-
4 priated under paragraphs (1) and (2) of subsection
5 (a); and

6 (2) \$13,660,000 (the balance of the amount au-
7 thorized under section 2201(a) for the construction of
8 a berthing wharf at Naval Air Station, North Island,
9 California).

10 (c) *ADJUSTMENT.*—The total amount authorized to be
11 appropriated pursuant to paragraphs (1) through (6) of
12 subsection (a) is the sum of the amounts authorized to be
13 appropriated in such paragraphs reduced by \$19,300,000,
14 which represents the combination of project savings in mili-
15 tary construction resulting from favorable bids, reduced
16 overhead charges, and cancellations due to force structure
17 changes.

18 **SEC. 2205. AUTHORIZATION TO ACCEPT ELECTRICAL SUB-**
19 **STATION IMPROVEMENTS, GUAM.**

20 The Secretary of the Navy may accept from the Guam
21 Power Authority various improvements to electrical trans-
22 formers at the Agana and Harmon Substations in Guam,
23 which are valued at approximately \$610,000 and are to be
24 performed in accordance with plans and specifications ac-
25 ceptable to the Secretary.

1 **SEC. 2206. CORRECTION IN AUTHORIZED USE OF FUNDS,**
 2 **MARINE CORPS COMBAT DEVELOPMENT COM-**
 3 **MAND, QUANTICO, VIRGINIA.**

4 *The Secretary of the Navy may carry out a military*
 5 *construction project involving infrastructure development*
 6 *at the Marine Corps Combat Development Command,*
 7 *Quantico, Virginia, in the amount of \$8,900,000, using*
 8 *amounts appropriated pursuant to the authorization of ap-*
 9 *propriations in section 2204(a)(1) of the Military Construc-*
 10 *tion Authorization Act for Fiscal Year 1997 (division B*
 11 *of Public Law 104–201; 110 Stat. 2769) for a military con-*
 12 *struction project involving a sanitary landfill at that in-*
 13 *stallation, as authorized by section 2201(a) of that Act (110*
 14 *Stat. 2767).*

15 **TITLE XXIII—AIR FORCE**

16 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 17 **LAND ACQUISITION PROJECTS.**

18 *(a) INSIDE THE UNITED STATES.—Using amounts ap-*
 19 *propriated pursuant to the authorization of appropriations*
 20 *in section 2304(a)(1), the Secretary of the Air Force may*
 21 *acquire real property and carry out military construction*
 22 *projects for the installations and locations inside the United*
 23 *States, and in the amounts, set forth in the following table:*

Air Force: Inside the United States

<i>State</i>	<i>Installation or location</i>	<i>Amount</i>
<i>Alabama</i>	<i>Maxwell Air Force Base</i>	<i>\$10,600,000</i>
<i>Alaska</i>	<i>Eielson Air Force Base</i>	<i>\$24,100,000</i>
	<i>Elmendorf Air Force Base</i>	<i>\$32,800,000</i>

Air Force: Inside the United States—Continued

<i>State</i>	<i>Installation or location</i>	<i>Amount</i>
<i>Arizona</i>	<i>Davis-Monthan Air Force Base</i>	\$7,800,000
<i>Arkansas</i>	<i>Little Rock Air Force Base</i>	\$7,800,000
<i>California</i>	<i>Beale Air Force Base</i>	\$8,900,000
	<i>Edwards Air Force Base</i>	\$5,500,000
	<i>Travis Air Force Base</i>	\$11,200,000
<i>Colorado</i>	<i>Peterson Air Force Base</i>	\$40,000,000
	<i>Schriever Air Force Base</i>	\$16,100,000
	<i>U.S. Air Force Academy</i>	\$17,500,000
<i>CONUS Classified</i>	<i>Classified Location</i>	\$16,870,000
<i>Florida</i>	<i>Eglin Air Force Base</i>	\$18,300,000
	<i>Eglin Auxiliary Field 9</i>	\$18,800,000
	<i>MacDill Air Force Base</i>	\$5,500,000
	<i>Patrick Air Force Base</i>	\$17,800,000
	<i>Tyndall Air Force Base</i>	\$10,800,000
<i>Georgia</i>	<i>Fort Benning</i>	\$3,900,000
	<i>Moody Air Force Base</i>	\$5,950,000
	<i>Robins Air Force Base</i>	\$3,350,000
<i>Hawaii</i>	<i>Hickam Air Force Base</i>	\$3,300,000
<i>Idaho</i>	<i>Mountain Home Air Force Base</i>	\$17,000,000
<i>Kansas</i>	<i>McConnell Air Force Base</i>	\$9,600,000
<i>Kentucky</i>	<i>Fort Campbell</i>	\$6,300,000
<i>Mississippi</i>	<i>Columbus Air Force Base</i>	\$5,100,000
	<i>Keesler Air Force Base</i>	\$27,000,000
<i>Missouri</i>	<i>Whiteman Air Force Base</i>	\$24,900,000
<i>Nebraska</i>	<i>Offutt Air Force Base</i>	\$8,300,000
<i>Nevada</i>	<i>Nellis Air Force Base</i>	\$18,600,000
<i>New Jersey</i>	<i>McGuire Air Force Base</i>	\$11,800,000
<i>New York</i>	<i>Rome Research Site</i>	\$3,002,000
<i>New Mexico</i>	<i>Kirtland Air Force Base</i>	\$14,000,000
<i>North Carolina</i>	<i>Fort Bragg</i>	\$4,600,000
	<i>Pope Air Force Base</i>	\$7,700,000
<i>North Dakota</i>	<i>Minot Air Force Base</i>	\$3,000,000
<i>Ohio</i>	<i>Wright-Patterson Air Force Base</i>	\$35,100,000
<i>Oklahoma</i>	<i>Tinker Air Force Base</i>	\$23,800,000
	<i>Vance Air Force Base</i>	\$12,600,000
<i>South Carolina</i>	<i>Charleston Air Force Base</i>	\$18,200,000
<i>Tennessee</i>	<i>Arnold Air Force Base</i>	\$7,800,000
<i>Texas</i>	<i>Dyess Air Force Base</i>	\$5,400,000
	<i>Lackland Air Force Base</i>	\$13,400,000
	<i>Laughlin Air Force Base</i>	\$3,250,000
	<i>Randolph Air Force Base</i>	\$3,600,000
<i>Utah</i>	<i>Hill Air Force Base</i>	\$4,600,000
<i>Virginia</i>	<i>Langley Air Force Base</i>	\$6,300,000
<i>Washington</i>	<i>Fairchild Air Force Base</i>	\$15,550,000
	<i>McChord Air Force Base</i>	\$7,900,000
	<i>Total</i>	\$635,272,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2304(a)(2), the Secretary of the Air Force
4 may acquire real property and carry out military construc-
5 tion projects for the installations and locations outside the

1 *United States, and in the amounts, set forth in the following*
 2 *table:*

Air Force: Outside the United States

Country	Installation or location	Amount
<i>Guam</i>	<i>Andersen Air Force Base</i>	\$8,900,000
<i>Italy</i>	<i>Aviano Air Base</i>	\$3,700,000
<i>Korea</i>	<i>Osan Air Base</i>	\$19,600,000
<i>Portugal</i>	<i>Lajes Field, Azores</i>	\$1,800,000
<i>United Kingdom</i>	<i>Ascension Island</i>	\$2,150,000
	<i>Royal Air Force Feltwell</i>	\$3,000,000
	<i>Royal Air Force Lakenheath</i>	\$18,200,000
	<i>Royal Air Force Mildenhall</i>	\$17,600,000
	<i>Royal Air Force Molesworth</i>	\$1,700,000
	<i>Total</i>	\$76,650,000

3 **SEC. 2302. FAMILY HOUSING.**

4 (a) *CONSTRUCTION AND ACQUISITION.—Using*
 5 *amounts appropriated pursuant to the authorization of ap-*
 6 *propriations in section 2304(a)(5)(A), the Secretary of the*
 7 *Air Force may construct or acquire family housing units*
 8 *(including land acquisition) at the installations, for the*
 9 *purposes, and in the amounts set forth in the following*
 10 *table:*

Air Force: Family Housing

State	Installation or location	Purpose	Amount
<i>Arizona</i>	<i>Davis-Monthan Air Force Base</i>	<i>64 Units</i>	\$10,000,000
<i>California</i>	<i>Beale Air Force Base</i>	<i>60 Units</i>	\$8,500,000
	<i>Edwards Air Force Base</i>	<i>188 Units</i>	\$32,790,000
	<i>Vandenberg Air Force Base.</i>	<i>91 Units</i>	\$16,800,000
<i>District of Columbia</i>	<i>Bolling Air Force Base</i>	<i>72 Units</i>	\$9,375,000
<i>Florida</i>	<i>Eglin Air Force Base</i>	<i>130 Units</i>	\$14,080,000
	<i>MacDill Air Force Base</i>	<i>54 Units</i>	\$9,034,000
<i>Kansas</i>	<i>McConnell Air Force Base.</i>	<i>Safety Improvements.</i>	\$1,363,000
<i>Mississippi</i>	<i>Columbus Air Force Base</i>	<i>100 Units</i>	\$12,290,000
<i>Montana</i>	<i>Malmstrom Air Force Base</i>	<i>34 Units</i>	\$7,570,000
<i>Nebraska</i>	<i>Offutt Air Force Base</i>	<i>72 Units</i>	\$12,352,000
<i>New Mexico</i>	<i>Holloman Air Force Base.</i>	<i>76 Units</i>	\$9,800,000
<i>North Carolina</i>	<i>Seymour Johnson Air Force Base</i>	<i>78 Units</i>	\$12,187,000

Air Force: Family Housing—Continued

State	Installation or location	Purpose	Amount
North Dakota	Grand Forks Air Force Base	42 Units	\$10,050,000
	Minot Air Force Base ...	72 Units	\$10,756,000
Texas	Lackland Air Force Base	48 Units	\$7,500,000
Portugal	Lajes Field, Azores	75 Units	\$12,964,000
		Total	\$197,411,000

1 **(b) PLANNING AND DESIGN.**—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2304(a)(5)(A), the Secretary of the Air Force may
4 carry out architectural and engineering services and con-
5 struction design activities with respect to the construction
6 or improvement of military family housing units in an
7 amount not to exceed \$17,093,000.

8 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
9 **UNITS.**

10 Subject to section 2825 of title 10, United States Code,
11 and using amounts appropriated pursuant to the author-
12 ization of appropriations in section 2304(a)(5)(A), the Sec-
13 retary of the Air Force may improve existing military fam-
14 ily housing units in an amount not to exceed \$124,492,000.

15 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
16 **FORCE.**

17 **(a) IN GENERAL.**—Funds are hereby authorized to be
18 appropriated for fiscal years beginning after September 30,
19 1999, for military construction, land acquisition, and mili-

1 *tary family housing functions of the Department of the Air*
2 *Force in the total amount of \$1,874,053,000 as follows:*

3 *(1) For military construction projects inside the*
4 *United States authorized by section 2301(a),*
5 *\$605,272,000.*

6 *(2) For military construction projects outside the*
7 *United States authorized by section 2301(b),*
8 *\$76,650,000.*

9 *(3) For unspecified minor construction projects*
10 *authorized by section 2805 of title 10, United States*
11 *Code, \$8,741,000.*

12 *(4) For architectural and engineering services*
13 *and construction design under section 2807 of title*
14 *10, United States Code, \$32,104,000.*

15 *(5) For military housing functions:*

16 *(A) For construction and acquisition, plan-*
17 *ning and design and improvement of military*
18 *family housing and facilities, \$338,996,000.*

19 *(B) For support of military family housing*
20 *(including functions described in section 2833 of*
21 *title 10, United States Code), \$821,892,000.*

22 *(b) LIMITATION ON TOTAL COST OF CONSTRUCTION*
23 *PROJECTS.—Notwithstanding the cost variations author-*
24 *ized by section 2853 of title 10, United States Code, and*
25 *any other cost variation authorized by law, the total cost*

1 of all projects carried out under section 2301 of this Act
2 may not exceed the total amount authorized to be appro-
3 priated under paragraphs (1) and (2) of subsection (a).

4 (c) *ADJUSTMENT.*—The total amount authorized to be
5 appropriated pursuant to paragraphs (1) through (5) of
6 subsection (a) is the sum of the amounts authorized to be
7 appropriated in such paragraphs reduced by \$9,602,000,
8 which represents the combination of project savings in mili-
9 tary construction resulting from favorable bids, reduced
10 overhead charges, and cancellations due to force structure
11 changes.

12 **SEC. 2305. PLAN FOR COMPLETION OF PROJECT TO CON-**
13 **SOLIDATE AIR FORCE RESEARCH LABORA-**
14 **TORY, ROME RESEARCH SITE, NEW YORK.**

15 (a) *PLAN REQUIRED.*—Not later than January 1,
16 2000, the Secretary of the Air Force shall submit to Con-
17 gress a plan for the completion of multi-phase efforts to con-
18 solidate research and technology development activities con-
19 ducted at the Air Force Research Laboratory located at the
20 Rome Research Site at former Griffiss Air Force Base in
21 Rome, New York. The plan shall include details on how the
22 Air Force will complete the multi-phase construction and
23 renovation of the consolidated building 2/3 complex at the
24 Rome Research Site, by January 1, 2005, including the cost
25 of the project and options for financing it.

1 (b) *RELATION TO STATE CONTRIBUTIONS.*—Nothing
 2 in this section shall be construed to limit or expand the
 3 authority of the Secretary of a military department to ac-
 4 cept funds from a State for the purpose of consolidating
 5 military functions within a military installation.

6 **TITLE XXIV—DEFENSE** 7 **AGENCIES**

8 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 9 **TION AND LAND ACQUISITION PROJECTS.**

10 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
 11 propriated pursuant to the authorization of appropriations
 12 in section 2405(a)(1), the Secretary of Defense may acquire
 13 real property and carry out military construction projects
 14 for the installations and locations inside the United States,
 15 and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
<i>Chemical Demilitarization</i>	<i>Blue Grass Army Depot, Kentucky</i>	\$206,800,000
	<i>Defense Education Activity</i>	\$2,874,000
<i>Defense Logistics Agency</i>	<i>Marine Corps Base, Camp LeJeune,</i> <i>North Carolina</i>	\$10,570,000
	<i>Defense Distribution New Cum-</i> <i>berland, Pennsylvania</i>	\$5,000,000
	<i>Elmendorf Air Force Base, Alaska</i>	\$23,500,000
	<i>Eielson Air Force Base, Alaska</i>	\$26,000,000
	<i>Fairchild Air Force Base, Washington</i>	\$12,400,000
	<i>Various Locations</i>	\$1,300,000
	<i>Defense Manpower Data</i>	
<i>Center</i>	<i>Presidio, Monterey, California</i>	\$28,000,000
<i>National Security Agency</i> ..	<i>Fort Meade, Maryland</i>	\$2,946,000
<i>Special Operations Com-</i> <i>mand</i>	<i>Fleet Combat Training Center, Dam</i> <i>Neck, Virginia</i>	\$4,700,000
	<i>Fort Benning, Georgia</i>	\$10,200,000
	<i>Fort Bragg, North Carolina</i>	\$20,100,000
	<i>Mississippi Army Ammunition Plant,</i> <i>Mississippi</i>	\$9,600,000
	<i>Naval Amphibious Base, Coronado, Cali-</i> <i>fornia</i>	\$6,000,000
<i>TRICARE Management</i>		
<i>Agency</i>	<i>Andrews Air Force Base, Maryland</i>	\$3,000,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
	<i>Cheatham Annex, Virginia</i>	\$1,650,000
	<i>Davis-Monthan Air Force Base, Arizona</i>	\$10,000,000
	<i>Fort Lewis, Washington</i>	\$5,500,000
	<i>Fort Riley, Kansas</i>	\$6,000,000
	<i>Fort Sam Houston, Texas</i>	\$5,800,000
	<i>Fort Wainwright, Alaska</i>	\$133,000,000
	<i>Los Angeles Air Force Base, California</i> ..	\$13,600,000
	<i>Marine Corps Air Station, Cherry Point, North Carolina</i>	\$3,500,000
	<i>Moody Air Force Base, Georgia</i>	\$1,250,000
	<i>Naval Air Station, Jacksonville, Florida</i>	\$3,780,000
	<i>Naval Air Station, Norfolk, Virginia</i>	\$4,050,000
	<i>Naval Air Station, Patuxent River, Maryland</i>	\$4,150,000
	<i>Naval Air Station, Pensacola, Florida</i>	\$4,300,000
	<i>Naval Air Station, Whidbey Island, Washington</i>	\$4,700,000
	<i>Patrick Air Force Base, Florida</i>	\$1,750,000
	<i>Travis Air Force Base, California</i>	\$7,500,000
	<i>Wright-Patterson Air Force Base, Ohio</i> ..	\$3,900,000
	<i>Total</i>	\$587,420,000

1 **(b) OUTSIDE THE UNITED STATES.**—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2405(a)(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations and locations outside the
6 United States, and in the amounts, set forth in the following
7 table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
<i>Drug Interdiction and Counter-Drug Activities</i>	<i>Manta, Ecuador</i>	\$25,000,000
	<i>Curacao, Netherlands Antilles</i>	\$11,100,000
<i>Defense Education Activity</i>	<i>Andersen Air Force Base, Guam</i>	\$44,170,000
	<i>Naval Station Rota, Spain</i>	\$17,020,000
	<i>Royal Air Force, Feltwell, United King- dom</i>	\$4,570,000
	<i>Royal Air Force, Lakenheath, United Kingdom</i>	\$3,770,000
<i>Defense Logistics Agency</i>	<i>Andersen Air Force Base, Guam</i>	\$24,300,000
	<i>Moron Air Base, Spain</i>	\$15,200,000
<i>National Security Agency</i> ..	<i>Royal Air Force, Menwith Hill Station, United Kingdom</i>	\$500,000
<i>Tri-Care Management Agency</i>	<i>Naval Security Group Activity, Sabana Seca, Puerto Rico</i>	\$4,000,000

Defense Agencies: Outside the United States—Continued

Agency	Installation or location	Amount
	Ramstein Air Force Base, Germany	\$7,100,000
	Royal Air Force, Lakenheath, United Kingdom	\$7,100,000
	Yongsan, Korea	\$41,120,000
	Total	\$204,950,000

1 **SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING**2 **UNITS.**

3 *Subject to section 2825 of title 10, United States Code,*
4 *and using amounts appropriated pursuant to the author-*
5 *ization of appropriation in section 2405(a)(8)(A), the Sec-*
6 *retary of Defense may improve existing military family*
7 *housing units in an amount not to exceed \$50,000.*

8 **SEC. 2403. MILITARY HOUSING IMPROVEMENT PROGRAM.**

9 *Of the amount authorized to be appropriated by sec-*
10 *tion 2405(a)(8)(C), \$78,756,000 shall be available for credit*
11 *to the Department of Defense Family Housing Fund estab-*
12 *lished by section 2883(a)(1) of title 10, United States Code.*

13 **SEC. 2404. ENERGY CONSERVATION PROJECTS.**

14 *Using amounts appropriated pursuant to the author-*
15 *ization of appropriations in section 2405(a)(6), the Sec-*
16 *retary of Defense may carry out energy conservation*
17 *projects under section 2865 of title 10, United States Code,*
18 *in the amount of \$6,558,000.*

1 **SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE**
2 **AGENCIES.**

3 (a) *IN GENERAL.*—Funds are hereby authorized to be
4 appropriated for fiscal years beginning after September 30,
5 1999, for military construction, land acquisition, and mili-
6 tary family housing functions of the Department of Defense
7 (other than the military departments), in the total amount
8 of \$1,618,965,000 as follows:

9 (1) *For military construction projects inside the*
10 *United States authorized by section 2401(a),*
11 *\$288,420,000.*

12 (2) *For military construction projects outside the*
13 *United States authorized by section 2401(b),*
14 *\$204,950,000.*

15 (3) *For unspecified minor construction projects*
16 *under section 2805 of title 10, United States Code,*
17 *\$18,618,000.*

18 (4) *For contingency construction projects of the*
19 *Secretary of Defense under section 2804 of title 10,*
20 *United States Code, \$938,000.*

21 (5) *For architectural and engineering services*
22 *and construction design under section 2807 of title*
23 *10, United States Code, \$49,024,000.*

24 (6) *For Energy Conservation projects authorized*
25 *by section 2404 of this Act, \$6,558,000.*

1 (7) *For base closure and realignment activities*
2 *as authorized by the Defense Base Closure and Re-*
3 *alignment Act of 1990 (part A of title XXIX of Public*
4 *Law 101–510; 10 U.S.C. 2687 note), \$705,911,000.*

5 (8) *For military family housing functions:*

6 (A) *For improvement of military family*
7 *housing and facilities, \$50,000.*

8 (B) *For support of military housing (in-*
9 *cluding functions described in section 2833 of*
10 *title 10, United States Code), \$41,440,000 of*
11 *which not more than \$35,639,000 may be obli-*
12 *gated or expended for the leasing of military*
13 *family housing units worldwide.*

14 (C) *For credit to the Department of Defense*
15 *Family Housing Improvement Fund as author-*
16 *ized by section 2403 of this Act, \$78,756,000.*

17 (9) *For the construction of the Ammunition De-*
18 *militarization Facility, Anniston Army Depot, Ala-*
19 *bama, authorized in section 2101(a) of the Military*
20 *Construction Authorization Act for Fiscal Year 1991*
21 *(division B of Public Law 101–510; 104 Stat. 1758),*
22 *section 2101(a) of the Military Construction Author-*
23 *ization Act for Fiscal Year 1992 and 1993 (division*
24 *B of Public Law 102–190; 105 Stat. 1508), section*
25 *2101(a) of the Military Construction Authorization*

1 *Act for Fiscal Year 1993 (division B of Public Law*
2 *102-484; 106 Stat. 2586); and section 2401 of the*
3 *Military Construction Authorization Act for Fiscal*
4 *Year 1995 (division B of Public Law 103-337, 108*
5 *Stat. 3040), \$7,000,000.*

6 *(10) For the construction of the Ammunition De-*
7 *militarization Facility, Pine Bluff Arsenal, Arkansas,*
8 *authorized in section 2401 of Military Construction*
9 *Authorization Act for Fiscal Year 1995 (division B of*
10 *Public Law 103-337; 108 Stat. 3040), as amended by*
11 *section 2407 of the National Defense Authorization*
12 *Act for Fiscal Year 1996 (division B of Public Law*
13 *104-106; 110 Stat. 539), section 2408 of the Military*
14 *Construction Authorization Act for Fiscal Year 1998*
15 *(division B of Public Law 105-85; 111 Stat. 1982),*
16 *and section 2406 of the Military Construction Author-*
17 *ization Act for Fiscal Year 1999 (division B of Public*
18 *Law 105-261; 112 Stat. 2197), \$61,800,000.*

19 *(11) For the construction of the Ammunition De-*
20 *militarization Facility, Umatilla Army Depot, Or-*
21 *egon, authorized in section 2401 of the Military Con-*
22 *struction Authorization Act for Fiscal Year 1995 (di-*
23 *vision B of Public Law 103-337; 108 Stat. 3040), as*
24 *amended by section 2407 of the Military Construction*
25 *Authorization Act for Fiscal Year 1996 (division B of*

1 *Public Law 104–106; 110 Stat. 539*), section 2408 of
2 *the Military Construction Authorization Act for Fis-*
3 *cal Year 1998 (division B of Public Law 105–85; 111*
4 *Stat. 1982)*; and section 2406 of *the Military Con-*
5 *struction Authorization Act for Fiscal Year 1999 (di-*
6 *vision B of Public Law 105–261; 112 Stat. 2197)*,
7 \$35,900,000.

8 (12) *For the construction of the Ammunition De-*
9 *militarization Facility, Aberdeen Proving Ground,*
10 *Maryland, authorized in section 2401(a) of the Mili-*
11 *tary Construction Authorization Act for Fiscal Year*
12 *1999 (division B of Public Law 105–261; 112 Stat.*
13 *2193)*, \$66,600,000.

14 (13) *For the construction of the Ammunition De-*
15 *militarization Facility at Newport Army Depot, In-*
16 *diana, authorized in section 2401(a) of the Military*
17 *Construction Authorization Act for Fiscal Year 1999*
18 *(division B of Public Law 105–261; 112 Stat. 2193)*,
19 \$61,200,000.

20 (14) *For the construction of the Ammunition De-*
21 *militarization Facility, Pueblo Army Depot, Colo-*
22 *rado, authorized in section 2401(a) of the Military*
23 *Construction Authorization Act for Fiscal Year 1997*
24 *(division B of Public Law 104–201; 110 Stat. 2775)*,
25 *as amended by section 2406 of this Act*, \$11,800,000.

1 (b) *LIMITATION OF TOTAL COST OF CONSTRUCTION*
2 *PROJECTS.*—*Notwithstanding the cost variation authorized*
3 *by section 2853 of title 10, United States Code, and any*
4 *other cost variations authorized by law, the total cost of*
5 *all projects carried out under section 2401 of this Act may*
6 *not exceed—*

7 (1) *the total amount authorized to be appro-*
8 *priated under paragraphs (1) and (2) of subsection*
9 *(a);*

10 (2) *\$115,000,000 (the balance of the amount au-*
11 *thorized under section 2401(a) for the construction of*
12 *a replacement hospital at Fort Wainwright, Alaska);*
13 *and*

14 (3) *\$184,000,000 (the balance of the amount au-*
15 *thorized under section 2401(a) for the construction of*
16 *a chemical demilitarization facility at Blue Grass*
17 *Army Depot, Kentucky).*

18 (c) *ADJUSTMENT.*—*The total amount authorized to be*
19 *appropriated pursuant to paragraphs (1) through (14) of*
20 *subsection (a) is the sum of the amounts authorized to be*
21 *appropriated in such paragraphs reduced by \$20,000,000,*
22 *which represents the combination of project savings in mili-*
23 *tary construction resulting from favorable bids, reduced*
24 *overhead charges, and cancellations due to force structure*
25 *changes.*

1 **SEC. 2406. INCREASE IN FISCAL YEAR 1997 AUTHORIZATION**
 2 **FOR MILITARY CONSTRUCTION PROJECTS AT**
 3 **PUEBLO CHEMICAL ACTIVITY, COLORADO.**

4 *The table in section 2401(a) of the Military Construc-*
 5 *tion Authorization Act for Fiscal Year 1997 (division B*
 6 *of Public Law 104–201; 110 Stat. 2775), is amended—*

7 *(1) in the item relating to Pueblo Chemical Ac-*
 8 *tivity, Colorado, under the agency heading relating to*
 9 *Chemical Demilitarization Program by striking*
 10 *“\$179,000,000” in the amount column and inserting*
 11 *“\$203,500,000”; and*

12 *(2) by striking the amount identified as the total*
 13 *in the amount column and inserting “\$549,954,000”.*

14 *(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of*
 15 *that Act (110 Stat. 2779) is amended by striking*
 16 *“\$179,000,000” and inserting “\$203,500,000”.*

17 **SEC. 2407. CONDITION ON OBLIGATION OF MILITARY CON-**
 18 **STRUCTION FUNDS FOR DRUG INTERDICTION**
 19 **AND COUNTER-DRUG ACTIVITIES.**

20 *In addition to the conditions specified in section 1022*
 21 *on the development of forward operating locations for*
 22 *United States Southern Command counter-drug detection*
 23 *and monitoring flights, amounts appropriated pursuant to*
 24 *the authorization of appropriations in section 2405(a)(2)*
 25 *for the projects set forth in the table in section 2401(b)*
 26 *under the heading “Drug Interdiction and Counter-Drug*

1 *Activities” may not be obligated until after the end of the*
2 *30-day period beginning on the date on which the Secretary*
3 *of Defense submits to Congress a report describing in detail*
4 *the purposes for which the amounts will be obligated and*
5 *expended.*

6 **TITLE XXV—NORTH ATLANTIC**
7 **TREATY ORGANIZATION SE-**
8 **CURITY INVESTMENT PRO-**
9 **GRAM**

10 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
11 **ACQUISITION PROJECTS.**

12 *The Secretary of Defense may make contributions for*
13 *the North Atlantic Treaty Organization Security Invest-*
14 *ment program as provided in section 2806 of title 10,*
15 *United States Code, in an amount not to exceed the sum*
16 *of the amount authorized to be appropriated for this pur-*
17 *pose in section 2502 and the amount collected from the*
18 *North Atlantic Treaty Organization as a result of construc-*
19 *tion previously financed by the United States.*

20 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

21 *Funds are hereby authorized to be appropriated for fis-*
22 *cal years beginning after September 30, 1999, for contribu-*
23 *tions by the Secretary of Defense under section 2806 of title*
24 *10, United States Code, for the share of the United States*
25 *of the cost of projects for the North Atlantic Treaty Organi-*

1 zation Security Investment program authorized by section
2 2501, in the amount of \$191,000,000.

3 **TITLE XXVI—GUARD AND**
4 **RESERVE FORCES FACILITIES**

5 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
6 **TION AND LAND ACQUISITION PROJECTS.**

7 *There are authorized to be appropriated for fiscal*
8 *years beginning after September 30, 1999, for the costs of*
9 *acquisition, architectural and engineering services, and*
10 *construction of facilities for the Guard and Reserve Forces,*
11 *and for contributions therefor, under chapter 1803 of title*
12 *10, United States Code (including the cost of acquisition*
13 *of land for those facilities), the following amounts:*

14 (1) *For the Department of the Army—*

15 (A) *for the Army National Guard of the*
16 *United States, \$123,878,000; and*

17 (B) *for the Army Reserve, \$92,515,000.*

18 (2) *For the Department of the Navy, for the*
19 *Naval and Marine Corps Reserve, \$21,574,000.*

20 (3) *For the Department of the Air Force—*

21 (A) *for the Air National Guard of the*
22 *United States, \$151,170,000; and*

23 (B) *for the Air Force Reserve, \$48,564,000.*

1 **TITLE XXVII—EXPIRATION AND**
2 **EXTENSION OF AUTHORIZA-**
3 **TIONS**

4 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
5 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
6 **LAW.**

7 (a) *EXPIRATION OF AUTHORIZATIONS AFTER THREE*
8 *YEARS.*—*Except as provided in subsection (b), all author-*
9 *izations contained in titles XXI through XXVI for military*
10 *construction projects, land acquisition, family housing*
11 *projects and facilities, and contributions to the North At-*
12 *lantic Treaty Organization Security Investment program*
13 *(and authorizations of appropriations therefor) shall expire*
14 *on the later of—*

15 (1) *October 1, 2002; or*

16 (2) *the date of the enactment of an Act author-*
17 *izing funds for military construction for fiscal year*
18 *2003.*

19 (b) *EXCEPTION.*—*Subsection (a) shall not apply to au-*
20 *thorizations for military construction projects, land acqui-*
21 *sition, family housing projects and facilities, and contribu-*
22 *tions to the North Atlantic Treaty Organization Security*
23 *Investment program (and authorizations of appropriations*
24 *therefor), for which appropriated funds have been obligated*
25 *before the later of—*

1 (1) *October 1, 2002; or*

2 (2) *the date of the enactment of an Act author-*
 3 *izing funds for fiscal year 2003 for military construc-*
 4 *tion projects, land acquisition, family housing*
 5 *projects and facilities, or contributions to the North*
 6 *Atlantic Treaty Organization Security Investment*
 7 *program.*

8 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 9 **FISCAL YEAR 1997 PROJECTS.**

10 (a) *EXTENSIONS.*—*Notwithstanding section 2701 of*
 11 *the Military Construction Authorization Act for Fiscal Year*
 12 *1997 (division B of Public Law 104–201; 110 Stat. 2782),*
 13 *authorizations for the projects set forth in the tables in sub-*
 14 *section (b), as provided in section 2101, 2201, 2202, or 2601*
 15 *of that Act and amended by section 2406 of this Act, shall*
 16 *remain in effect until October 1, 2000, or the date of the*
 17 *enactment of an Act authorizing funds for military con-*
 18 *struction for fiscal year 2001, whichever is later.*

19 (b) *TABLES.*—*The tables referred to in subsection (a)*
 20 *are as follows:*

Army: Extension of 1997 Project Authorization

<i>State</i>	<i>Installation or loca- tion</i>	<i>Project</i>	<i>Amount</i>
<i>Colorado</i>	<i>Pueblo Army Depot</i>	<i>Ammunition Demilitariza- tion Facility</i>	<i>\$203,500,000</i>

Navy: Extension of 1997 Project Authorization

State	Installation or location	Project	Amount
Virginia	Marine Corps Combat Development Command	Infrastructure Development	\$8,900,000

Navy: Extension of 1997 Family Housing Authorizations

State	Installation or location	Family Housing	Amount
Florida	Mayport Naval Station	100 units	\$10,000,000
Maine	Brunswick Naval Air Station	92 units	\$10,925,000
North Carolina	Camp Lejuene	94 units	\$10,110,000
South Carolina	Beaufort Marine Corps Air Station	140 units	\$14,000,000
Texas	Corpus Christi Naval Complex	104 units	\$11,675,000
.....	Kingsville Naval Air Station	48 units	\$7,550,000
Washington	Everett Naval Station ..	100 units	\$15,015,000

Army National Guard: Extension of 1997 Project Authorization

State	Installation or location	Project	Amount
Mississippi	Camp Shelby	Multi-Purpose Range (Phase II)	\$5,000,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATION OF CERTAIN**
2 **FISCAL YEAR 1996 PROJECTS.**

3 (a) *EXTENSIONS.*—Notwithstanding section 2701 of
4 the Military Construction Authorization Act for Fiscal Year
5 1996 (division B of Public Law 104–106; 110 Stat. 541),
6 authorizations for the projects set forth in the tables in sub-
7 section (b), as provided in section 2202 or 2601 of that Act
8 and extended by section 2702 of the Military Construction
9 Authorization Act for Fiscal Year 1999 (division B of Pub-
10 lic Law 105–261; 112 Stat. 2199), shall remain in effect
11 until October 1, 2000, or the date of the enactment of an

1 *Act authorizing funds for military construction for fiscal*
 2 *year 2001, whichever is later.*

3 (b) *TABLES.—The tables referred to in subsection (a)*
 4 *are as follows:*

Navy: Extension of 1996 Family Housing Authorization

<i>State</i>	<i>Installation or location</i>	<i>Family Housing</i>	<i>Amount</i>
<i>California</i>	<i>Camp Pendleton</i>	<i>138 units</i>	<i>\$20,000,000</i>

Army National Guard: Extension of 1996 Project Authorizations

<i>State</i>	<i>Installation or location</i>	<i>Project</i>	<i>Amount</i>
<i>Mississippi</i>	<i>Camp Shelby</i>	<i>Multipurpose Range Complex (Phase I)</i>	<i>\$5,000,000</i>
<i>Missouri</i>	<i>National Guard Training Site, Jefferson City</i>	<i>Multipurpose Range</i>	<i>\$2,236,000</i>

5 ***SEC. 2704. EFFECTIVE DATE.***

6 *Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall*
 7 *take effect on the later of—*

- 8 (1) *October 1, 1999; or*
- 9 (2) *the date of the enactment of this Act.*

10 ***TITLE XXVIII—GENERAL***
 11 ***PROVISIONS***

12 ***Subtitle A—Military Construction***
 13 ***Program and Military Family***
 14 ***Housing Changes***

15 ***SEC. 2801. CONTRIBUTIONS FOR NORTH ATLANTIC TREATY***
 16 ***ORGANIZATIONS SECURITY INVESTMENT.***

17 *Section 2806(a) of title 10, United States Code, is*
 18 *amended by inserting before the period at the end the fol-*

1 *lowing: “, including support for the actual implementation*
 2 *of a military operations plan approved by the North Atlan-*
 3 *tic Council”.*

4 **SEC. 2802. DEVELOPMENT OF FORD ISLAND, HAWAII.**

5 *(a) CONDITIONAL AUTHORITY TO DEVELOP.—(1) Sub-*
 6 *chapter I of chapter 169 of title 10, United States Code,*
 7 *is amended by adding at the end the following new section:*

8 **“§2814. Special authority for development of Ford Is-**
 9 **land, Hawaii**

10 *“(a) IN GENERAL.—(1) Subject to paragraph (2), the*
 11 *Secretary of the Navy may exercise any authority or com-*
 12 *bination of authorities in this section for the purpose of de-*
 13 *veloping or facilitating the development of Ford Island, Ha-*
 14 *waii, to the extent that the Secretary determines the devel-*
 15 *opment is compatible with the mission of the Navy.*

16 *“(2) The Secretary of the Navy may not exercise any*
 17 *authority under this section until—*

18 *“(A) the Secretary submits to the appropriate*
 19 *committees of Congress a master plan for the develop-*
 20 *ment of Ford Island, Hawaii; and*

21 *“(B) a period of 30 calendar days has elapsed*
 22 *following the date on which the notification is re-*
 23 *ceived by those committees.*

24 *“(b) CONVEYANCE AUTHORITY.—(1) The Secretary of*
 25 *the Navy may convey to any public or private person or*

1 *entity all right, title, and interest of the United States in*
2 *and to any real property (including any improvements*
3 *thereon) or personal property under the jurisdiction of the*
4 *Secretary in the State of Hawaii that the Secretary*
5 *determines—*

6 “(A) *is excess to the needs of the Navy and all*
7 *of the other armed forces; and*

8 “(B) *will promote the purpose of this section.*

9 “(2) *A conveyance under this subsection may include*
10 *such terms and conditions as the Secretary considers appro-*
11 *priate to protect the interests of the United States.*

12 “(c) *LEASE AUTHORITY.—(1) The Secretary of the*
13 *Navy may lease to any public or private person or entity*
14 *any real property or personal property under the jurisdic-*
15 *tion of the Secretary in the State of Hawaii that the Sec-*
16 *retary determines—*

17 “(A) *is excess to the needs of the Navy and all*
18 *of the other armed forces; and*

19 “(B) *will promote the purpose of this section.*

20 “(2) *A lease under this subsection shall be subject to*
21 *section 2667(b)(1) of this title and may include such others*
22 *terms as the Secretary considers appropriate to protect the*
23 *interests of the United States.*

24 “(3) *A lease of real property under this subsection may*
25 *provide that, upon termination of the lease term, the lessee*

1 *shall have the right of first refusal to acquire the real prop-*
2 *erty covered by the lease if the property is then conveyed*
3 *under subsection (b).*

4 “(4)(A) *The Secretary may provide property support*
5 *services to or for real property leased under this subsection.*

6 “(B) *To the extent provided in appropriations Acts,*
7 *any payment made to the Secretary for services provided*
8 *under this paragraph shall be credited to the appropriation,*
9 *account, or fund from which the cost of providing the serv-*
10 *ices was paid.*

11 “(d) *ACQUISITION OF LEASEHOLD INTEREST BY SEC-*
12 *RETARY.—(1) The Secretary of the Navy may acquire a*
13 *leasehold interest in any facility constructed under sub-*
14 *section (f) as consideration for a transaction authorized by*
15 *this section upon such terms as the Secretary considers ap-*
16 *propriate to promote the purpose of this section.*

17 “(2) *The term of a lease under paragraph (1) may not*
18 *exceed 10 years, unless the Secretary of Defense approves*
19 *a term in excess of 10 years for purposes of this section.*

20 “(3) *A lease under this subsection may provide that,*
21 *upon termination of the lease term, the United States shall*
22 *have the right of first refusal to acquire the facility covered*
23 *by the lease.*

24 “(4) *The Secretary of the Navy may enter into a lease*
25 *under this subsection only if the lease is specifically author-*

1 ized by a law enacted after the date of the enactment of
2 this section.

3 “(e) *REQUIREMENT FOR COMPETITION.*—The Sec-
4 retary of the Navy shall use competitive procedures for pur-
5 poses of selecting the recipient of real or personal property
6 under subsection (b) and the lessee of real or personal prop-
7 erty under subsection (c).

8 “(f) *CONSIDERATION.*—(1) *As consideration for the*
9 *conveyance of real or personal property under subsection*
10 *(b), or for the lease of real or personal property under sub-*
11 *section (c), the Secretary of the Navy shall accept cash, real*
12 *property, personal property, or services, or any combina-*
13 *tion thereof, in an aggregate amount equal to not less than*
14 *the fair market value of the real or personal property con-*
15 *veyed or leased.*

16 “(2) *Subject to subsection (i), the services accepted by*
17 *the Secretary under paragraph (1) may include the fol-*
18 *lowing:*

19 “(A) *The construction or improvement of facili-*
20 *ties at Ford Island.*

21 “(B) *The restoration or rehabilitation of real*
22 *property at Ford Island.*

23 “(C) *The provision of property support services*
24 *for property or facilities at Ford Island.*

1 “(g) *NOTICE AND WAIT REQUIREMENTS.*—*The Sec-*
2 *retary of the Navy may not carry out a transaction author-*
3 *ized by this section until—*

4 “(1) *the Secretary submits to the appropriate*
5 *committees of Congress a notification of the trans-*
6 *action, including—*

7 “(A) *a detailed description of the trans-*
8 *action; and*

9 “(B) *a justification for the transaction*
10 *specifying the manner in which the transaction*
11 *will meet the purposes of this section; and*

12 “(2) *a period of 30 calendar days has elapsed*
13 *following the date on which the notification is re-*
14 *ceived by those committees.*

15 “(h) *FORD ISLAND IMPROVEMENT ACCOUNT.*—(1)
16 *There is established on the books of the Treasury an account*
17 *to be known as the ‘Ford Island Improvement Account’.*

18 “(2) *There shall be deposited into the account the fol-*
19 *lowing amounts:*

20 “(A) *Amounts authorized and appropriated to*
21 *the account.*

22 “(2) *Except as provided in subsection (c)(4)(B),*
23 *the amount of any cash payment received by the Sec-*
24 *retary for a transaction under this section.*

1 “(i) *USE OF ACCOUNT.—(1) Subject to paragraph (2),*
2 *to the extent provided in advance in appropriation Acts,*
3 *funds in the Ford Island Improvement Account may be used*
4 *as follows:*

5 “(A) *To carry out or facilitate the carrying out*
6 *of a transaction authorized by this section.*

7 “(B) *To carry out improvements of property or*
8 *facilities at Ford Island.*

9 “(C) *To obtain property support services for*
10 *property or facilities at Ford Island.*

11 “(2) *To extent that the authorities provided under sub-*
12 *chapter IV of this chapter are available to the Secretary*
13 *of the Navy, the Secretary may not use the authorities in*
14 *this section to acquire, construct, or improve family housing*
15 *units, military unaccompanied housing units, or ancillary*
16 *supporting facilities related to military housing.*

17 “(3)(A) *The Secretary may transfer funds from the*
18 *Ford Island Improvement Account to the following funds:*

19 “(i) *The Department of Defense Family Housing*
20 *Improvement Fund established by section 2883(a)(1)*
21 *of this title.*

22 “(ii) *The Department of Defense Military Unac-*
23 *companied Housing Improvement Fund established*
24 *by section 2883(a)(2) of this title.*

1 “(B) Amounts transferred under subparagraph (A) to
2 a fund referred to in that subparagraph shall be available
3 in accordance with the provisions of section 2883 of this
4 title for activities authorized under subchapter IV of this
5 chapter at Ford Island.

6 “(j) *INAPPLICABILITY OF CERTAIN PROPERTY MAN-*
7 *AGEMENT LAWS.*—*Except as otherwise provided in this sec-*
8 *tion, transactions under this section shall not be subject to*
9 *the following:*

10 “(1) Sections 2667 and 2696 of this title.

11 “(2) Section 501 of the Stewart B. McKinney
12 Homeless Assistance Act (42 U.S.C. 11411).

13 “(3) Sections 202 and 203 of the Federal Prop-
14 erty and Administrative Services Act of 1949 (40
15 U.S.C. 483, 484).

16 “(k) *SCORING.*—*Nothing in this section shall be con-*
17 *strued to waive the applicability to any lease entered into*
18 *under this section of the budget scorekeeping guidelines used*
19 *to measure compliance with the Balanced Budget Emer-*
20 *gency Deficit Control Act of 1985.*

21 “(l) *PROPERTY SUPPORT SERVICE DEFINED.*—*In this*
22 *section, the term ‘property support service’ means the fol-*
23 *lowing:*

24 “(1) Any utility service or other service listed in
25 section 2686(a) of this title.

1 “(2) Any other service determined by the Sec-
2 retary to be a service that supports the operation and
3 maintenance of real property, personal property, or
4 facilities.”.

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

 “2814. Special authority for development of Ford Island, Hawaii.”.

8 (b) CONFORMING AMENDMENTS.—Section 2883(c) of
9 title 10, United States Code, is amended—

10 (1) in paragraph (1), by adding at the end the
11 following new subparagraph:

12 “(E) Any amounts that the Secretary of the Navy
13 transfers to that Fund pursuant to section 2814(i)(3) of this
14 title, subject to the restrictions on the use of the transferred
15 amounts specified in that section.”; and

16 (2) in paragraph (2), by adding at the end the
17 following new subparagraph:

18 “(E) Any amounts that the Secretary of the Navy
19 transfers to that Fund pursuant to section 2814(i)(3) of this
20 title, subject to the restrictions on the use of the transferred
21 amounts specified in that section.”.

1 **SEC. 2803. RESTRICTION ON AUTHORITY TO ACQUIRE OR**
2 **CONSTRUCT ANCILLARY SUPPORTING FACILI-**
3 **TIES FOR HOUSING UNITS.**

4 *Section 2881 of title 10, United States Code, is*
5 *amended—*

6 *(1) by inserting “(a) AUTHORITY TO ACQUIRE*
7 *OR CONSTRUCT.—” before “Any project”; and*

8 *(2) by adding at the end the following new sub-*
9 *section:*

10 *“(b) RESTRICTION.—The ancillary supporting facili-*
11 *ties authorized by subsection (a) may not be in direct com-*
12 *petition with any resale activities provided by the Defense*
13 *Commissary Agency or the Army and Air Force Exchange*
14 *Service, the Navy Exchange Service Command, Marine*
15 *Corps exchanges, or any other nonappropriated fund in-*
16 *strumentality of the United States under the jurisdiction*
17 *of the armed forces which is conducted for the morale, wel-*
18 *fare and recreation of members of the armed forces.”.*

19 **SEC. 2804. PLANNING AND DESIGN FOR MILITARY CON-**
20 **STRUCTION PROJECTS FOR RESERVE COMPO-**
21 **NENTS.**

22 *Section 18233(f)(1) of title 10, United States Code, is*
23 *amended by inserting “design,” after “planning,”.*

1 **SEC. 2805. LIMITATIONS ON AUTHORITY TO CARRY OUT**
 2 **SMALL PROJECTS FOR ACQUISITION OF FA-**
 3 **CILITIES FOR RESERVE COMPONENTS.**

4 (a) *UNSPECIFIED MINOR CONSTRUCTION PROJECTS*
 5 *TO CORRECT LIFE, HEALTH, OR SAFETY THREATS.*—Sub-
 6 *section (a)(2) of section 18233a of title 10, United States*
 7 *Code, is amended by adding at the end the following new*
 8 *subparagraph:*

9 “(C) *An unspecified minor construction project*
 10 *intended solely to correct a deficiency that is life-*
 11 *threatening, health-threatening, or safety-threatening,*
 12 *except that the expenditure or contribution for the*
 13 *project may not exceed \$3,000,000.”*

14 (b) *USE OF OPERATION AND MAINTENANCE FUNDS TO*
 15 *CORRECT LIFE, HEALTH, OR SAFETY THREATS.*—Sub-
 16 *section (b) of such section is amended by inserting after*
 17 *“or less” the following: “(or \$1,000,000 or less if the project*
 18 *is intended solely to correct a deficiency that is life-threat-*
 19 *ening, health-threatening, or safety-threatening).”*

20 **SEC. 2806. EXPANSION OF ENTITIES ELIGIBLE TO PARTICI-**
 21 **PATE IN ALTERNATIVE AUTHORITY FOR AC-**
 22 **QUISITION AND IMPROVEMENT OF MILITARY**
 23 **HOUSING.**

24 (a) *DEFINITION OF ELIGIBLE ENTITY.*—*Section 2871*
 25 *of title 10, United States Code, is amended—*

1 (1) *by redesignating paragraphs (5) through (7)*
 2 *as paragraphs (6) through (8) respectively; and*

3 (2) *by inserting after paragraph (4) the fol-*
 4 *lowing new paragraph:*

5 “(5) *The term ‘eligible entity’ means any indi-*
 6 *vidual, corporation, firm, partnership, company,*
 7 *State or local government, or housing authority of a*
 8 *State or local government.”.*

9 (b) *GENERAL AUTHORITY.*—*Section 2872 of such title*
 10 *is amended by striking “private persons” and inserting “el-*
 11 *igible entities”.*

12 (c) *DIRECT LOANS AND LOAN GUARANTEES.*—*Section*
 13 *2873 of such title is amended—*

14 (1) *in subsection (a)(1)—*

15 (A) *by striking “persons in the private sec-*
 16 *tor” and inserting “an eligible entity”; and*

17 (B) *by striking “such persons” and insert-*
 18 *ing “the eligible entity”; and*

19 (2) *in subsection (b)(1)—*

20 (A) *by striking “any person in the private*
 21 *sector” and inserting “an eligible entity”; and*

22 (B) *by striking “the person” and inserting*
 23 *“the eligible entity”.*

24 (d) *INVESTMENTS.*—*Section 2875 of such title is*
 25 *amended—*

1 (1) *in subsection (a), by striking “nongovern-*
2 *mental entities” and inserting “an eligible entity”;*

3 (2) *in subsection (c)—*

4 (A) *by striking “a nongovernmental entity”*
5 *both places it appears and inserting “an eligible*
6 *entity”;* *and*

7 (B) *by striking “the entity” each place it*
8 *appears and inserting “the eligible entity”;*

9 (3) *in subsection (d), by striking “nongovern-*
10 *mental” and inserting “eligible”;* *and*

11 (4) *in subsection (e), by striking “a nongovern-*
12 *mental entity” and inserting “an eligible entity”.*

13 (e) *RENTAL GUARANTEES.—Section 2876 of such title*
14 *is amended by striking “private persons” and inserting “el-*
15 *igible entities”.*

16 (f) *DIFFERENTIAL LEASE PAYMENTS.—Section 2877*
17 *of such title is amended by striking “private”.*

18 (g) *CONVEYANCE OR LEASE OF EXISTING PROPERTY*
19 *AND FACILITIES.—Section 2878(a) of such title is amended*
20 *by striking “private persons” and inserting “eligible enti-*
21 *ties”.*

22 (h) *CLERICAL AMENDMENTS.—(1) The heading of sec-*
23 *tion 2875 of such title is amended to read as follows:*

1 **“§2875. Investments”.**

2 (2) *The table of sections at the beginning of subchapter*
 3 *IV of chapter 169 of such title is amended by striking the*
 4 *item relating to such section and inserting the following*
 5 *new item:*

“2875. Investments.”.

6 ***Subtitle B—Real Property and***
 7 ***Facilities Administration***

8 **SEC. 2811. EXTENSION OF AUTHORITY FOR LEASE OF LAND**
 9 **FOR SPECIAL OPERATIONS ACTIVITIES.**

10 *Section 2680(d) of title 10, United States Code, is*
 11 *amended by striking “September 30, 2000” and inserting*
 12 *“September 30, 2005”.*

13 **SEC. 2812. UTILITY PRIVATIZATION AUTHORITY.**

14 (a) *EXTENDED CONTRACTS FOR UTILITY SERVICES.—*
 15 *Subsection (c) of section 2688 of title 10, United States*
 16 *Code, is amended by adding at the end the following new*
 17 *paragraph:*

18 “(3) *A contract for the receipt of utility services as*
 19 *consideration under paragraph (1), or any other contract*
 20 *for utility services entered into by the Secretary concerned*
 21 *in connection with the conveyance of a utility system under*
 22 *this section, may be for a period not to exceed 50 years.”.*

23 (b) *DEFINITION OF UTILITY SYSTEM.—Subsection*
 24 *(g)(2)(B) of such section is amended by striking “Ease-*
 25 *ments” and inserting “Real property, easements,”.*

1 (c) *FUNDS TO FACILITATE PRIVATIZATION.*—*Such sec-*
 2 *tion is further amended—*

3 (1) *by redesignating subsections (g) and (h) as*
 4 *subsections (i) and (j); and*

5 (2) *by inserting after subsection (f) the following*
 6 *new subsection:*

7 “(g) *ASSISTANCE FOR CONSTRUCTION, REPAIR, OR*
 8 *REPLACEMENT OF UTILITY SYSTEMS.*—*In lieu of carrying*
 9 *out a military construction project to construct, repair, or*
 10 *replace a utility system, the Secretary concerned may use*
 11 *funds authorized and appropriated for the project to facili-*
 12 *tate the conveyance of the utility system under this section*
 13 *by making a contribution toward the cost of construction,*
 14 *repair, or replacement of the utility system by the entity*
 15 *to which the utility system is being conveyed. The Secretary*
 16 *concerned shall consider any such contribution in the eco-*
 17 *nomics analysis required under subsection (e).”*

18 **SEC. 2813. ACCEPTANCE OF FUNDS TO COVER ADMINISTRA-**
 19 **TIVE EXPENSES RELATING TO CERTAIN REAL**
 20 **PROPERTY TRANSACTIONS.**

21 Section 2695(b) of title 10, United States Code, is
 22 *amended—*

23 (1) *by inserting “involving real property under*
 24 *the control of the Secretary of a military department”*
 25 *after “transactions”; and*

1 (2) *by adding at the end the following new para-*
2 *graph:*

3 “(4) *The disposal of real property of the United*
4 *States for which the Secretary will be the disposal*
5 *agent.*”.

6 **SEC. 2814. STUDY AND REPORT ON IMPACTS TO MILITARY**
7 **READINESS OF PROPOSED LAND MANAGE-**
8 **MENT CHANGES ON PUBLIC LANDS IN UTAH.**

9 (a) *UTAH NATIONAL DEFENSE LANDS DEFINED.*—*In*
10 *this section, the term “Utah national defense lands” means*
11 *public lands under the jurisdiction of the Bureau of Land*
12 *Management in the State of Utah that are adjacent to or*
13 *near the Utah Test and Training Range and Dugway Prov-*
14 *ing Ground or beneath the Military Operating Areas, Re-*
15 *stricted Areas, and airspace that make up the Utah Test*
16 *and Training Range.*

17 (b) *READINESS IMPACT STUDY.*—*The Secretary of De-*
18 *fense shall conduct a study to evaluate the impact upon*
19 *military training, testing, and operational readiness of any*
20 *proposed changes in land management of the Utah national*
21 *defense lands. In conducting the study, the Secretary of De-*
22 *fense shall consider the following:*

23 (1) *The present military requirements for and*
24 *missions conducted at Utah Test and Training*
25 *Range, as well as projected requirements for the sup-*

1 *port of aircraft, unmanned aerial vehicles, missiles,*
2 *munitions and other military requirements.*

3 (2) *The future requirements for force structure*
4 *and doctrine changes, such as the Expeditionary*
5 *Aerospace Force concept, that could require the use of*
6 *the Utah Test and Training Range.*

7 (3) *All other pertinent issues, such as overflight*
8 *requirements, access to electronic tracking and com-*
9 *munications sites, ground access to respond to emer-*
10 *gency or accident locations, munitions safety buffers,*
11 *noise requirements, ground safety and encroachment*
12 *issues.*

13 (c) *COOPERATION AND COORDINATION.—The Secretary*
14 *of Defense shall conduct the study in cooperation with the*
15 *Secretary of the Air Force and the Secretary of the Army*
16 *and coordinate the study with the Secretary of the Interior.*

17 (d) *EFFECT OF STUDY.—Until the Secretary of De-*
18 *fense submits to Congress a report containing the results*
19 *of the study, the Secretary of the Interior may not proceed*
20 *with the amendment of any individual resource manage-*
21 *ment plan for Utah national defense lands, or any state-*
22 *wide environmental impact statement or statewide resource*
23 *management plan amendment package for such lands, if*
24 *the statewide environmental impact statement or statewide*
25 *resource management plan amendment addresses wilderness*

1 *characteristics or wilderness management issues affecting*
 2 *such lands.*

3 ***Subtitle C—Defense Base Closure***
 4 ***and Realignment***

5 ***SEC. 2821. CONTINUATION OF AUTHORITY TO USE DEPART-***
 6 ***MENT OF DEFENSE BASE CLOSURE ACCOUNT***
 7 ***1990 FOR ACTIVITIES REQUIRED TO CLOSE OR***
 8 ***REALIGN MILITARY INSTALLATIONS.***

9 *(a) DURATION OF ACCOUNT.—Subsection (a) of section*
 10 *2906 of the Defense Base Closure and Realignment Act of*
 11 *1990 (part A of title XXIX of Public Law 101–510; 10*
 12 *U.S.C. 2687 note) is amended by adding at the end the fol-*
 13 *lowing new paragraph:*

14 *“(3) The Account shall be closed at the time and in*
 15 *the manner provided for appropriation accounts under sec-*
 16 *tion 1555 of title 31, United States Code. Unobligated funds*
 17 *which remain in the Account upon closure shall be held by*
 18 *the Secretary of the Treasury until transferred by law after*
 19 *the congressional defense committees receive the final report*
 20 *transmitted under subsection (c)(2).”.*

21 *(b) EFFECT OF CONTINUATION ON USE OF AC-*
 22 *COUNT.—Subsection (b)(1) of such section is amended by*
 23 *adding at the end the following new sentence: “After July*
 24 *13, 2001, the Account shall be the sole source of Federal*
 25 *funds for environmental restoration, property management,*

1 *and other caretaker costs associated with any real property*
 2 *at military installations closed or realigned under this part*
 3 *or such title II.”.*

4 (c) *CONFORMING AMENDMENTS.—Such section is fur-*
 5 *ther amended—*

6 (1) *in subsection (c)—*

7 (A) *by striking paragraph (2); and*

8 (B) *by redesignating paragraph (3) as*
 9 *paragraph (2) and, in such paragraph, by in-*
 10 *serting after “this part” the following: “and no*
 11 *later than 60 days after the closure of the Ac-*
 12 *count under subsection (a)(3)”;* and

13 (2) *in subsection (e), by striking “the termi-*
 14 *nation of the authority of the Secretary to carry out*
 15 *a closure or realignment under this part” and insert-*
 16 *ing “the closure of the Account under subsection*
 17 *(a)(3)”.*

18 ***Subtitle D—Land Conveyances***

19 ***PART I—ARMY CONVEYANCES***

20 ***SEC. 2831. TRANSFER OF JURISDICTION, FORT SAM HOUS-*** 21 ***TON, TEXAS.***

22 (a) *TRANSFER OF LAND FOR INCLUSION IN NATIONAL*
 23 *CEMETERY.—The Secretary of the Army may transfer,*
 24 *without reimbursement, to the administrative jurisdiction*
 25 *of the Secretary of Veterans Affairs a parcel of real prop-*

1 *erty, including any improvements thereon, consisting of ap-*
 2 *proximately 152 acres and comprising a portion of Fort*
 3 *Sam Houston, Texas.*

4 (b) *USE OF LAND.*—*The Secretary of Veterans Affairs*
 5 *shall include the real property transferred under subsection*
 6 *(a) in the Fort Sam Houston National Cemetery and use*
 7 *the conveyed property as a national cemetery under chapter*
 8 *24 of title 38, United States Code.*

9 (c) *LEGAL DESCRIPTION.*—*The exact acreage and legal*
 10 *description of the real property to be transferred under this*
 11 *section shall be determined by a survey satisfactory to the*
 12 *Secretary of the Army. The cost of the survey shall be borne*
 13 *by the Secretary of Veterans Affairs.*

14 (d) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
 15 *retary of the Army may require such additional terms and*
 16 *conditions in connection with the transfer under this section*
 17 *as the Secretary of the Army considers appropriate to pro-*
 18 *tect the interests of the United States.*

19 **SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER,**
 20 **KANKAKEE, ILLINOIS.**

21 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
 22 *Army may convey, without consideration, to the City of*
 23 *Kankakee, Illinois (in this section referred to as the “City”),*
 24 *all right, title, and interest of the United States in and to*
 25 *a parcel of real property, including improvements thereon,*

1 *that is located at 1600 Willow Street in Kankakee, Illinois,*
2 *and contains the vacant Stefaninch Army Reserve Center*
3 *for the purpose of permitting the City to use the parcel for*
4 *economic development and other public purposes.*

5 (b) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
6 *and legal description of the real property to be conveyed*
7 *under subsection (a) shall be determined by a survey satis-*
8 *factory to the Secretary. The cost of the survey shall be borne*
9 *by the City.*

10 (c) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
11 *retary may require such additional terms and conditions*
12 *in connection with the conveyance under subsection (a) as*
13 *the Secretary considers appropriate to protect the interests*
14 *of the United States.*

15 **SEC. 2833. LAND CONVEYANCE, FORT DES MOINES, IOWA.**

16 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
17 *Army may convey, without consideration, to the Fort Des*
18 *Moines Black Officers Memorial, Inc., a nonprofit corpora-*
19 *tion organized in the State of Iowa (in this section referred*
20 *to as the “Corporation”), all right, title, and interest of the*
21 *United States in and to a parcel of real property, including*
22 *improvements thereon, located at Fort Des Moines, Iowa,*
23 *and containing the post chapel (building #49) and Clayton*
24 *Hall (building #46) for the purpose of permitting the Cor-*

1 *poration to develop and use the parcel as a memorial and*
 2 *for educational purposes.*

3 *(b) DESCRIPTION OF PROPERTY.—The exact acreage*
 4 *and legal description of the real property to be conveyed*
 5 *under subsection (a) shall be determined by a survey satis-*
 6 *factory to the Secretary. The cost of the survey shall be borne*
 7 *by the Corporation.*

8 *(c) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
 9 *retary may require such additional terms and conditions*
 10 *in connection with the conveyance under subsection (a) as*
 11 *the Secretary considers appropriate to protect the interests*
 12 *of the United States.*

13 **SEC. 2834. LAND CONVEYANCE, ARMY MAINTENANCE SUP-**
 14 **PORT ACTIVITY (MARINE) NUMBER 84,**
 15 **MARCUS HOOK, PENNSYLVANIA.**

16 *(a) CONVEYANCE AUTHORIZED.—The Secretary of the*
 17 *Army may convey, without consideration, to the Borough*
 18 *of Marcus Hook, Pennsylvania (in this section referred to*
 19 *as the “Borough”), all right, title, and interest of the United*
 20 *States in and to a parcel of real property, including im-*
 21 *provements thereon, consisting of approximately 5 acres*
 22 *that is located at 7 West Delaware Avenue in Marcus Hook,*
 23 *Pennsylvania, and contains the facility known as the Army*
 24 *Maintenance Support Activity (Marine) Number 84, for the*

1 *purpose of permitting the Borough to develop the parcel for*
2 *recreational or economic development purposes.*

3 (b) *CONDITION OF CONVEYANCE.—The conveyance*
4 *under subsection (a) shall be subject to the condition that*
5 *the Borough—*

6 (1) *use the conveyed property, directly or*
7 *through an agreement with a public or private entity,*
8 *for recreational or economic purposes; or*

9 (2) *convey the property to an appropriate public*
10 *or private entity for use for such purposes.*

11 (c) *REVERSION.—If the Secretary determines at any*
12 *time that the real property conveyed under subsection (a)*
13 *is not being used for recreational or economic development*
14 *purposes, as required by subsection (b), all right, title, and*
15 *interest in and to the property conveyed under subsection*
16 *(a), including any improvements thereon, shall revert to the*
17 *United States, and the United States shall have the right*
18 *of immediate entry thereon. Any determination of the Sec-*
19 *retary under this subsection shall be made on the record*
20 *after an opportunity for a hearing.*

21 (d) *DESCRIPTION OF PROPERTY.—The exact acreage*
22 *and legal description of the real property to be conveyed*
23 *under subsection (a) shall be determined by a survey satis-*
24 *factory to the Secretary. The cost of the survey shall be borne*
25 *by the Borough.*

1 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
2 *retary may require such additional terms and conditions*
3 *in connection with the conveyance under subsection (a) as*
4 *the Secretary considers appropriate to protect the interests*
5 *of the United States.*

6 **SEC. 2835. LAND CONVEYANCES, ARMY DOCKS AND RE-**
7 **LATED PROPERTY, ALASKA.**

8 (a) *JUNEAU NATIONAL GUARD DOCK.*—*The Secretary*
9 *of the Army may convey, without consideration, to the City*
10 *of Juneau, Alaska, all right, title, and interest of the United*
11 *States in and to a parcel of real property, including im-*
12 *provements thereon, located at 1030 Thane Highway in Ju-*
13 *neau, Alaska, and consisting of approximately 0.04 acres*
14 *and the appurtenant facility known as the Juneau National*
15 *Guard Dock.*

16 (b) *WHITTIER DELONG DOCK.*—*The Secretary may*
17 *convey, without consideration, to the Alaska Railroad Cor-*
18 *poration all right, title, and interest of the United States*
19 *in and to a parcel of real property, including improvements*
20 *thereon, located in Whittier, Alaska, and consisting of ap-*
21 *proximately 6.13 acres and the appurtenant facility known*
22 *as the DeLong Dock.*

23 (c) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
24 *and legal description of the real property to be conveyed*
25 *under subsections (a) and (b) shall be determined by surveys*

1 *satisfactory to the Secretary. The cost of the surveys shall*
2 *be borne by the recipient of the real property.*

3 (d) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
4 *retary may require such additional terms and conditions*
5 *in connection with the conveyances under subsection (a)*
6 *and (b) as the Secretary considers appropriate to protect*
7 *the interests of the United States.*

8 **SEC. 2836. LAND CONVEYANCE, FORT HUACHUCA, ARIZONA.**

9 (a) *CONVEYANCE AUTHORIZED.—The Secretary of the*
10 *Army may convey, without consideration, to the Veterans*
11 *Services Commission of the State of Arizona (in this section*
12 *referred to as the “Commission”), all right, title, and inter-*
13 *est of the United States in and to a parcel of real property,*
14 *including improvements thereon, consisting of approxi-*
15 *mately 130 acres at Fort Huachuca, Arizona, for the pur-*
16 *pose of permitting the Commission to establish a State-run*
17 *cemetery for veterans.*

18 (b) *DESCRIPTION OF PROPERTY.—The exact acreage*
19 *and legal description of the real property to be conveyed*
20 *under subsection (a) shall be determined by a survey satis-*
21 *factory to the Secretary. The cost of the survey shall be borne*
22 *by the Commission.*

23 (c) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
24 *retary may require such additional terms and conditions*
25 *in connection with the conveyance under subsection (a) as*

1 *the Secretary considers appropriate to protect the interests*
2 *of the United States.*

3 **SEC. 2837. LAND CONVEYANCE, ARMY RESERVE CENTER,**
4 **CANNON FALLS, MINNESOTA.**

5 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
6 *Army may convey, without consideration, to the Cannon*
7 *Falls Area Schools, Minnesota Independent School District*
8 *Number 252 (in this section referred to as the “District”),*
9 *all right, title, and interest of the United States in and to*
10 *a parcel of real property, including improvements thereon,*
11 *that is located at 710 State Street East in Cannon Falls,*
12 *Minnesota, and contains an Army Reserve Center for the*
13 *purpose of permitting the District to develop the parcel for*
14 *educational purposes.*

15 (b) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
16 *and legal description of the real property to be conveyed*
17 *under subsection (a) shall be determined by a survey satis-*
18 *factory to the Secretary. The cost of the survey shall be borne*
19 *by the District.*

20 (c) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
21 *retary may require such additional terms and conditions*
22 *in connection with the conveyance under subsection (a) as*
23 *the Secretary considers appropriate to protect the interests*
24 *of the United States.*

1 **SEC. 2838. LAND CONVEYANCE, NIKE BATTERY 80 FAMILY**
2 **HOUSING SITE, EAST HANOVER TOWNSHIP,**
3 **NEW JERSEY.**

4 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
5 *Army may convey, without consideration, to the Township*
6 *Council of East Hanover, New Jersey (in this section re-*
7 *ferred to as the “Township”), all right, title, and interest*
8 *of the United States in and to a parcel of real property,*
9 *including improvements thereon, consisting of approxi-*
10 *mately 13.88 acres located near the unincorporated area of*
11 *Hanover Neck in East Hanover, New Jersey, and was a*
12 *former family housing site for Nike Battery 80, for the pur-*
13 *pose of permitting the Township to develop the parcel for*
14 *affordable housing and for recreational purposes.*

15 (b) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
16 *and legal description of the real property to be conveyed*
17 *under subsection (a) shall be determined by a survey satis-*
18 *factory to the Secretary. The cost of the survey shall be borne*
19 *by the Township.*

20 (c) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
21 *retary may require such additional terms and conditions*
22 *in connection with the conveyance under subsection (a) as*
23 *the Secretary considers appropriate to protect the interests*
24 *of the United States.*

1 **SEC. 2839. LAND EXCHANGE, ROCK ISLAND ARSENAL, ILLI-**
2 **NOIS.**

3 (a) *CONVEYANCE AUTHORIZED.*—The Secretary of the
4 Army may convey to the City of Moline, Illinois (in this
5 section referred to as the “City”), all right, title, and inter-
6 est of the United States in and to a parcel of real property,
7 including improvements thereon, consisting of approxi-
8 mately .3 acres at the Rock Island Arsenal for the purpose
9 of permitting the City to construct a new entrance and exit
10 ramp for the bridge that crosses the southeast end of the
11 island containing the Arsenal.

12 (b) *CONSIDERATION.*—As consideration for the convey-
13 ance under subsection (a), the City shall convey to the Sec-
14 retary all right, title, and interest of the City in and to
15 a parcel of real property consisting of approximately .2
16 acres and located in the vicinity of the parcel to be conveyed
17 under subsection (a).

18 (c) *DESCRIPTION OF PROPERTY.*—The exact acreage
19 and legal description of the parcels to be conveyed under
20 this section shall be determined by a survey satisfactory to
21 the Secretary. The cost of the survey shall be borne by the
22 City.

23 (d) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
24 retary may require such additional terms and conditions
25 in connection with the conveyances under this section as

1 *the Secretary considers appropriate to protect the interests*
 2 *of the United States.*

3 **SEC. 2840. MODIFICATION OF LAND CONVEYANCE, JOLIET**
 4 **ARMY AMMUNITION PLANT, ILLINOIS.**

5 *Section 2922(c) of the Military Construction Author-*
 6 *ization Act for Fiscal Year 1996 (division B of Public Law*
 7 *104–106; 110 Stat. 605) is amended—*

8 *(1) by inserting “(1)” before “The conveyance”;*
 9 *and*

10 *(2) by adding at the end the following new para-*
 11 *graph:*

12 *“(2) The landfill established on the real property con-*
 13 *veyed under subsection (a) may contain only waste gen-*
 14 *erated in the county in which the landfill is established and*
 15 *waste generated in municipalities located at least in part*
 16 *in that county. The landfill shall be closed and capped after*
 17 *23 years of operation.”.*

18 **SEC. 2841. LAND CONVEYANCES, TWIN CITIES ARMY AMMU-**
 19 **NITION PLANT, MINNESOTA.**

20 *(a) CONVEYANCE TO CITY AUTHORIZED.—The Sec-*
 21 *retary of the Army may convey to the City of Arden Hills,*
 22 *Minnesota (in this section referred to as the “City”), all*
 23 *right, title, and interest of the United States in and to a*
 24 *parcel of real property, including improvements thereon,*
 25 *consisting of approximately 4 acres at the Twin Cities*

1 *Army Ammunition Plant, for the purpose of permitting the*
2 *City to construct a city hall complex on the parcel.*

3 (b) *CONVEYANCE TO COUNTY AUTHORIZED.*—*The Sec-*
4 *retary of the Army may convey to Ramsey County, Min-*
5 *nesota (in this section referred to as the “County”), all*
6 *right, title, and interest of the United States in and to a*
7 *parcel of real property, including improvements thereon,*
8 *consisting of approximately 35 acres at the Twin Cities*
9 *Army Ammunition Plant, for the purpose of permitting the*
10 *County to construct a maintenance facility on the parcel.*

11 (c) *CONSIDERATION.*—*As consideration for the convey-*
12 *ances under this section, the City shall make the city hall*
13 *complex available for use by the Minnesota National Guard*
14 *for public meetings, and the County shall make the mainte-*
15 *nance facility available for use by the Minnesota National*
16 *Guard, as detailed in agreements entered into between the*
17 *City, County, and the Commanding General of the Min-*
18 *nesota National Guard. Use of the city hall complex and*
19 *maintenance facility by the Minnesota National Guard*
20 *shall be without cost to the Minnesota National Guard.*

21 (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
22 *and legal description of the real property to be conveyed*
23 *under this section shall be determined by surveys satisfac-*
24 *tory to the Secretary. The cost of the survey shall be borne*
25 *by the recipient of the real property.*

1 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
 2 *retary may require such additional terms and conditions*
 3 *in connection with the conveyances under this section as*
 4 *the Secretary considers appropriate to protect the interests*
 5 *of the United States.*

6 **PART II—NAVY CONVEYANCES**

7 **SEC. 2851. LAND CONVEYANCE, NAVAL WEAPONS INDUS-**
 8 **TRIAL RESERVE PLANT NO. 387, DALLAS,**
 9 **TEXAS.**

10 (a) *CONVEYANCE AUTHORIZED.*—(1) *The Secretary of*
 11 *the Navy may convey to the City of Dallas, Texas (in this*
 12 *section referred to as the “City”), all right, title, and inter-*
 13 *est of the United States in and to parcels of real property*
 14 *consisting of approximately 314 acres and comprising the*
 15 *Naval Weapons Industrial Reserve Plant No. 387, Dallas,*
 16 *Texas.*

17 (2)(A) *As part of the conveyance authorized by para-*
 18 *graph (1), the Secretary may convey to the City such im-*
 19 *provements, equipment, fixtures, and other personal prop-*
 20 *erty located on the parcels referred to in that paragraph*
 21 *as the Secretary determines to be not required by the Navy*
 22 *for other purposes.*

23 (B) *The Secretary may permit the City to review and*
 24 *inspect the improvements, equipment, fixtures, and other*
 25 *personal property located on the parcels referred to in para-*

1 *graph (1) for purposes of the conveyance authorized by this*
2 *paragraph.*

3 (b) *AUTHORITY TO CONVEY WITHOUT CONSIDER-*
4 *ATION.—The conveyance authorized by subsection (a) may*
5 *be made without consideration if the Secretary determines*
6 *that the conveyance on that basis would be in the best inter-*
7 *ests of the United States.*

8 (c) *CONDITION OF CONVEYANCE.—The conveyance au-*
9 *thorized by subsection (a) shall be subject to the condition*
10 *that the City—*

11 (1) *use the parcels, directly or through an agree-*
12 *ment with a public or private entity, for economic*
13 *purposes or such other public purposes as the City de-*
14 *termines appropriate; or*

15 (2) *convey the parcels to an appropriate public*
16 *entity for use for such purposes.*

17 (d) *REVERSION.—If, during the 5-year period begin-*
18 *ning on the date the Secretary makes the conveyance au-*
19 *thorized by subsection (a), the Secretary determines that the*
20 *conveyed real property is not being used for a purpose spec-*
21 *ified in subsection (c), all right, title, and interest in and*
22 *to the property, including any improvements thereon, shall*
23 *revert to the United States, and the United States shall have*
24 *the right of immediate entry onto the property.*

1 (e) *LIMITATION ON CERTAIN SUBSEQUENT CONVEY-*
2 *ANCES.—(1) Subject to paragraph (2), if at any time after*
3 *the Secretary makes the conveyance authorized by sub-*
4 *section (a) the City conveys any portion of the parcels con-*
5 *veyed under that subsection to a private entity, the City*
6 *shall pay to the United States an amount equal to the fair*
7 *market value (as determined by the Secretary) of the por-*
8 *tion conveyed at the time of its conveyance under this sub-*
9 *section.*

10 (2) *Paragraph (1) applies to a conveyance described*
11 *in that paragraph only if the Secretary makes the convey-*
12 *ance authorized by subsection (a) without consideration.*

13 (3) *The Secretary shall cover over into the General*
14 *Fund of the Treasury as miscellaneous receipts any*
15 *amounts paid the Secretary under this subsection.*

16 (f) *INTERIM LEASE.—(1) Until such time as the real*
17 *property described in subsection (a) is conveyed by deed*
18 *under this section, the Secretary may continue to lease the*
19 *property, together with improvements thereon, to the cur-*
20 *rent tenant under the existing terms and conditions of the*
21 *lease for the property.*

22 (2) *If good faith negotiations for the conveyance of the*
23 *property continue under this section beyond the end of the*
24 *third year of the term of the existing lease for the property,*
25 *the Secretary shall continue to lease the property to the cur-*

1 *rent tenant of the property under the terms and conditions*
2 *applicable to the first three years of the lease of the property*
3 *pursuant to the existing lease for the property.*

4 (g) *MAINTENANCE OF PROPERTY.—(1) Subject to*
5 *paragraph (2), the Secretary shall be responsible for main-*
6 *taining the real property to be conveyed under this section*
7 *in its condition as of the date of the enactment of this Act*
8 *until such time as the property is conveyed by deed under*
9 *this section.*

10 (2) *The current tenant of the property shall be respon-*
11 *sible for any maintenance required under paragraph (1)*
12 *to the extent of the activities of that tenant at the property*
13 *during the period covered by that paragraph.*

14 (h) *DESCRIPTION OF PROPERTY.—The exact acreage*
15 *and legal description of the real property to be conveyed*
16 *under subsection (a) shall be determined by a survey satis-*
17 *factory to the Secretary. The cost of the survey shall be borne*
18 *by the City.*

19 (i) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
20 *retary may require such additional terms and conditions*
21 *in connection with the conveyance under subsection (a) as*
22 *the Secretary considers appropriate to protect the interests*
23 *of the United States.*

1 **SEC. 2852. LAND CONVEYANCE, NAVAL AND MARINE CORPS**
2 **RESERVE CENTER, ORANGE, TEXAS.**

3 (a) *CONVEYANCE AUTHORIZED.*—The Secretary of the
4 Navy may convey, without consideration, to the Orange
5 County Navigation and Port District of Orange County,
6 Texas (in this section referred to as the “District”), all
7 right, title, and interest of the United States in and to a
8 parcel of real property, including improvements thereon, at
9 the Naval and Marine Corps Reserve Center in Orange,
10 Texas, which consists of approximately 2.4 acres and con-
11 tains the facilities designated as Buildings 135 and 163,
12 for the purpose of permitting the District to develop the par-
13 cel for economic development, educational purposes, and the
14 furtherance of navigation-related commerce.

15 (b) *DESCRIPTION OF PROPERTY.*—The exact acreage
16 and legal description of the real property to be conveyed
17 under subsection (a) shall be determined by a survey satis-
18 factory to the Secretary. The cost of the survey shall be borne
19 by the District.

20 (c) *REVERSIONARY INTEREST.*—During the five-year
21 period beginning on the date the Secretary makes the con-
22 veyance authorized under subsection (a), if the Secretary
23 determines that the conveyed real property is not being used
24 in accordance with the purpose of the conveyance specified
25 in such subsection, all right, title, and interest in and to
26 the property, including any improvements thereon, shall re-

1 *vert to the United States, and the United States shall have*
 2 *the right of immediate entry onto the property. Any deter-*
 3 *mination of the Secretary under this subsection shall be*
 4 *made on the record after an opportunity for a hearing.*

5 *(d) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
 6 *retary may require such additional terms and conditions*
 7 *in connection with the conveyance under subsection (a) as*
 8 *the Secretary considers appropriate to protect the interests*
 9 *of the United States.*

10 **SEC. 2853. LAND CONVEYANCE, MARINE CORPS AIR STA-**
 11 **TION, CHERRY POINT, NORTH CAROLINA.**

12 *(a) CONVEYANCE AUTHORIZED.—The Secretary of the*
 13 *Navy may convey, without consideration, to the State of*
 14 *North Carolina (in this section referred to as the “State”),*
 15 *all right, title, and interest of the United States in and to*
 16 *a parcel of unimproved real property consisting of approxi-*
 17 *mately 20 acres at the Marine Corps Air Station, Cherry*
 18 *Point, North Carolina, for the purpose of permitting the*
 19 *State to develop the parcel for educational purposes.*

20 *(b) CONDITION OF CONVEYANCE.—The conveyance au-*
 21 *thorized by subsection (a) shall be subject to the condition*
 22 *that the State convey to the United States such easements*
 23 *and rights-of-way regarding the parcel as the Secretary con-*
 24 *siders necessary to ensure use of the parcel by the State is*
 25 *compatible with the use of the Marine Corps Air Station.*

1 (c) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
 2 *and legal description of the real property to be conveyed*
 3 *under subsection (a) shall be determined by a survey satis-*
 4 *factory to the Secretary. The cost of the survey shall be borne*
 5 *by the State.*

6 (d) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
 7 *retary may require such additional terms and conditions*
 8 *in connection with the conveyance under subsection (a) as*
 9 *the Secretary considers appropriate to protect the interests*
 10 *of the United States.*

11 **PART III—AIR FORCE CONVEYANCES**

12 **SEC. 2861. CONVEYANCE OF FUEL SUPPLY LINE, PEASE AIR**
 13 **FORCE BASE, NEW HAMPSHIRE.**

14 (a) *CONVEYANCE AUTHORIZED.*—*In conjunction with*
 15 *the disposal of property at former Pease Air Force Base,*
 16 *New Hampshire, under the Defense Base Closure and Re-*
 17 *alignment Act of 1990 (part A of title XXIX of Public Law*
 18 *101–510; 10 U.S.C. 2687 note), the Secretary of the Air*
 19 *Force may convey to the redevelopment authority for Pease*
 20 *Air Force Base all right, title, and interest of the United*
 21 *States in and to the deactivated fuel supply line at Pease*
 22 *Air Force Base, including the approximately 14.87 acres*
 23 *of real property associated with such supply line.*

24 (b) *CONDITION OF CONVEYANCE.*—*The conveyance au-*
 25 *thorized by subsection (a) may only be made if the redevel-*

1 *opment authority agrees to make the fuel supply line avail-*
2 *able for use by the New Hampshire Air National Guard*
3 *under terms and conditions acceptable to the Secretary.*

4 (c) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
5 *and legal description of the real property to be conveyed*
6 *under subsection (a) shall be determined by a survey satis-*
7 *factory to the Secretary. The cost of the survey shall be borne*
8 *by the redevelopment authority.*

9 (d) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
10 *retary may require such additional terms and conditions*
11 *in connection with the conveyance under subsection (a) as*
12 *the Secretary considers appropriate to protect the interests*
13 *of the United States.*

14 **SEC. 2862. LAND CONVEYANCE, TYNDALL AIR FORCE BASE,**
15 **FLORIDA.**

16 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
17 *Air Force may convey to Panama City, Florida (in this*
18 *section referred to as the “City”), all right, title, and inter-*
19 *est, of the United States in and to a parcel of real property,*
20 *including improvements thereon, consisting of approxi-*
21 *mately 33.07 acres in Bay County, Florida, and containing*
22 *the military family housing project for Tyndall Air Force*
23 *Base known as Cove Garden.*

24 (b) *CONSIDERATION.*—*As consideration for the convey-*
25 *ance under subsection (a), the City shall pay to the United*

1 *States an amount equal to the fair market value of the real*
 2 *property to be conveyed, as determined by the Secretary.*

3 (c) *USE OF PROCEEDS.*—*In such amounts as are pro-*
 4 *vided in advance in appropriations Acts, the Secretary may*
 5 *use the funds paid by the City under subsection (b) to con-*
 6 *struct or improve military family housing units at Tyndall*
 7 *Air Force Base and to improve ancillary supporting facili-*
 8 *ties related to such housing.*

9 (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
 10 *and legal description of the real property to be conveyed*
 11 *under subsection (a) shall be determined by a survey satis-*
 12 *factory to the Secretary. The cost of the survey shall be borne*
 13 *by the City.*

14 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
 15 *retary may require such additional terms and conditions*
 16 *in connection with the conveyance under subsection (a) as*
 17 *the Secretary considers appropriate to protect the interests*
 18 *of the United States.*

19 **SEC. 2863. LAND CONVEYANCE, PORT OF ANCHORAGE,**
 20 **ALASKA.**

21 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
 22 *Air Force and the Secretary of the Interior may convey,*
 23 *without consideration, to the Port of Anchorage, an entity*
 24 *of the City of Anchorage, Alaska (in this section referred*
 25 *to as the “Port”), all right, title, and interest of the United*

1 *States in and to two parcels of real property, including im-*
2 *provements thereon, consisting of a total of approximately*
3 *14.22 acres located adjacent to the Port of Anchorage Ma-*
4 *rine Industrial Park in Anchorage, Alaska, and leased by*
5 *the Port from the Department of the Air Force and the Bu-*
6 *reau of Land Management.*

7 **(b) DESCRIPTION OF PROPERTY.**—*The exact acreage*
8 *and legal description of the real property to be conveyed*
9 *under subsection (a) shall be determined by a survey satis-*
10 *factory to the Secretary of the Air Force and the Secretary*
11 *of the Interior. The cost of the survey shall be borne by the*
12 *Port.*

13 **(c) ADDITIONAL TERMS AND CONDITIONS.**—*The Sec-*
14 *retary of the Air Force and the Secretary of the Interior*
15 *may require such additional terms and conditions in con-*
16 *nection with the conveyance under subsection (a) as the Sec-*
17 *retaries considers appropriate to protect the interests of the*
18 *United States.*

19 **SEC. 2864. LAND CONVEYANCE, FORESTPORT TEST ANNEX,**
20 **NEW YORK.**

21 **(a) CONVEYANCE AUTHORIZED.**—*The Secretary of the*
22 *Air Force may convey, without consideration, to the Town*
23 *of Ohio, New York (in this section referred to as the*
24 *“Town”), all right, title, and interest, of the United States*
25 *in and to a parcel of real property, including improvements*

1 *thereon, consisting of approximately 164 acres in Herkimer*
 2 *County, New York, and approximately 18 acres in Oneida*
 3 *County, New York, and containing the Forestport Test*
 4 *Annex for the purpose of permitting the Town to develop*
 5 *the parcel for economic purposes and to further the provi-*
 6 *sion of municipal services.*

7 **(b) DESCRIPTION OF PROPERTY.**—*The exact acreage*
 8 *and legal description of the real property to be conveyed*
 9 *under subsection (a) shall be determined by a survey satis-*
 10 *factory to the Secretary. The cost of the survey shall be borne*
 11 *by the Town.*

12 **(c) ADDITIONAL TERMS AND CONDITIONS.**—*The Sec-*
 13 *retary may require such additional terms and conditions*
 14 *in connection with the conveyance under subsection (a) as*
 15 *the Secretary considers appropriate to protect the interests*
 16 *of the United States.*

17 **SEC. 2865. LAND CONVEYANCE, MCCLELLAN NUCLEAR RA-**
 18 **DIATION CENTER, CALIFORNIA.**

19 **(a) CONVEYANCE AUTHORIZED.**—*Consistent with ap-*
 20 *plicable laws, including section 120 of the Comprehensive*
 21 *Environmental Response, Compensation, and Liability Act*
 22 *of 1980 (42 U.S.C. 9620), the Secretary of the Air Force*
 23 *may convey, without consideration, to the Regents of the*
 24 *University of California, acting on behalf of the University*
 25 *of California, Davis (in this section referred to as the “Re-*

1 gents”), all right, title, and interest of the United States
2 in and to the parcel of real property, including improve-
3 ments thereon, consisting of the McClellan Nuclear Radi-
4 ation Center, California.

5 (b) *INSPECTION OF PROPERTY.*—The Secretary shall,
6 at an appropriate time before the conveyance authorized by
7 subsection (a), permit the Regents access to the property
8 to be conveyed for purposes of such investigation of the
9 McClellan Nuclear Radiation Center and the atomic reactor
10 located at the Center as the Regents consider appropriate.

11 (c) *HOLD HARMLESS.*—(1)(A) The Secretary may not
12 make the conveyance authorized by subsection (a) unless the
13 Regents agree to indemnify and hold harmless the United
14 States for and against the following:

15 (i) Any and all costs associated with the decon-
16 tamination and decommissioning of the atomic reac-
17 tor at the McClellan Nuclear Radiation Center under
18 requirements that are imposed by the Nuclear Regu-
19 latory Commission or any other appropriate Federal
20 or State regulatory agency.

21 (ii) Any and all injury, damage, or other liabil-
22 ity arising from the operation of the atomic reactor
23 after its conveyance under this section.

24 (B) The Secretary may pay the Regents an amount
25 not exceed \$17,593,000 as consideration for the agreement

1 *under subparagraph (A). Notwithstanding subsection (b) of*
2 *section 2906 of the Defense Base Closure and Realignment*
3 *Act of 1990 (part A of title XXIX of Public Law 101–510;*
4 *10 U.S.C. 2687 note), the Secretary may use amounts ap-*
5 *propriated pursuant to the authorization of appropriation*
6 *in section 2405(a)(7) to make the payment under this sub-*
7 *paragraph.*

8 (2) *Notwithstanding the agreement under paragraph*
9 *(1), the Secretary may, as part of the conveyance authorized*
10 *by subsection (a), enter into an agreement with the Regents*
11 *under which agreement the United States shall indemnify*
12 *and hold harmless the University of California for and*
13 *against any injury, damage, or other liability in connection*
14 *with the operation of the atomic reactor at the McClellan*
15 *Nuclear Radiation Center after its conveyance under this*
16 *section that arises from a defect in the atomic reactor that*
17 *could not have been discovered in the course of the inspec-*
18 *tion carried out under subsection (b).*

19 (d) *CONTINUING OPERATION OF REACTOR.—Until*
20 *such time as the property authorized to be conveyed by sub-*
21 *section (a) is conveyed by deed, the Secretary shall take ap-*
22 *propriate actions, including the allocation of personnel,*
23 *funds, and other resources, to ensure the continuing oper-*
24 *ation of the atomic reactor located at the McClellan Nuclear*
25 *Radiation Center in accordance with applicable require-*

1 *ments of the Nuclear Regulatory Commission and otherwise*
 2 *in accordance with law.*

3 (e) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
 4 *and legal description of the real property to be conveyed*
 5 *under subsection (a) shall be determined by a survey satis-*
 6 *factory to the Secretary. The cost of the survey shall be borne*
 7 *by the Secretary.*

8 (f) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
 9 *retary may require such additional terms and conditions*
 10 *in connection with the conveyance under subsection (a) as*
 11 *the Secretary considers appropriate to protect the interests*
 12 *of the United States.*

13 ***Subtitle E—Other Matters***

14 ***SEC. 2871. EXPANSION OF ARLINGTON NATIONAL CEME-*** 15 ***TERY.***

16 (a) *LAND TRANSFER, NAVY ANNEX, ARLINGTON, VIR-*
 17 *GINIA.*—

18 (1) *IN GENERAL.*—*The Secretary of Defense shall*
 19 *provide for the transfer to the Secretary of the Army*
 20 *of administrative jurisdiction over the following par-*
 21 *cels of land situated in Arlington, Virginia:*

22 (A) *Certain lands which comprise approxi-*
 23 *mately 26 acres bounded by Columbia Pike to*
 24 *the south and east, Oak Street to the west, and*

1 *the boundary wall of Arlington National Ceme-*
2 *tery to the north including Southgate Road.*

3 *(B) Certain lands which comprise approxi-*
4 *mately 8 acres bounded by Shirley Memorial*
5 *Boulevard (Interstate 395) to the south, property*
6 *of the Virginia Department of Transportation to*
7 *the west, Columbia Pike to the north, and Joyce*
8 *Street to the east.*

9 *(C) Certain lands which comprise approxi-*
10 *mately 2.5 acres bounded by Shirley Memorial*
11 *Boulevard (Interstate 395) to the south, Joyce*
12 *Street to the west, Columbia Pike to the north,*
13 *and the cloverleaf interchange of Route 100 and*
14 *Columbia Pike to the east.*

15 *(2) USE OF LAND.—The Secretary of the Army*
16 *shall incorporate the parcels of land transferred under*
17 *paragraph (1) into Arlington National Cemetery.*

18 *(3) REMEDIATION OF LAND FOR CEMETERY*
19 *USE.—Before the transfer of administrative jurisdic-*
20 *tion over the parcels of land under paragraph (1), the*
21 *Secretary of Defense shall provide for the removal of*
22 *any improvements on the parcels of land and, in con-*
23 *sultation with the Superintendent of Arlington Na-*
24 *tional Cemetery, the preparation of the land for use*

1 *for interment of remains of individuals in Arlington*
2 *National Cemetery.*

3 (4) *NEGOTIATION WITH LOCAL OFFICIALS.—Be-*
4 *fore the transfer of administrative jurisdiction over*
5 *the parcels of land under paragraph (1), the Sec-*
6 *retary of Defense shall enter into negotiations with*
7 *appropriate State and local officials to acquire any*
8 *real property, under the jurisdiction of such officials,*
9 *that separates such parcels of land from each other.*

10 (5) *REPORT.—Not later than 180 days after the*
11 *date of the enactment of this Act, the Secretary of De-*
12 *fense shall submit to Congress a report explaining in*
13 *detail the measures required to prepare the land for*
14 *use as a part of Arlington National Cemetery.*

15 (6) *DEADLINE.—The Secretary of Defense shall*
16 *complete the transfer of administrative jurisdiction*
17 *over the parcels of land under this subsection not later*
18 *than the earlier of—*

19 (A) *January 1, 2010; or*

20 (B) *the date when those parcels are no*
21 *longer required (as determined by the Secretary)*
22 *for use as temporary office space due to the ren-*
23 *ovation of the Pentagon.*

24 (b) *MODIFICATION OF BOUNDARY OF ARLINGTON NA-*
25 *TIONAL CEMETERY.—*

1 (1) *IN GENERAL.*—*The Secretary of the Army*
2 *shall modify the boundary of Arlington National*
3 *Cemetery to include the following parcels of land situ-*
4 *ated in Fort Myer, Arlington, Virginia:*

5 (A) *Certain lands which comprise approxi-*
6 *mately 5 acres bounded by the Fort Myer Post*
7 *Traditional Chapel to the southwest, McNair*
8 *Road to the northwest, the Vehicle Maintenance*
9 *Complex to the northeast, and the masonry wall*
10 *of Arlington National Cemetery to the southeast.*

11 (B) *Certain lands which comprise approxi-*
12 *mately 3 acres bounded by the Vehicle Mainte-*
13 *nance Complex to the southwest, Jackson Avenue*
14 *to the northwest, the water pumping station to*
15 *the northeast, and the masonry wall of Arlington*
16 *National Cemetery to the southeast.*

17 (2) *REPORT.*—*Not later than 180 days after the*
18 *date of the enactment of this Act, the Secretary of the*
19 *Army shall submit to Congress a report describing*
20 *additional parcels of land located in Fort Myer, Ar-*
21 *lington, Virginia, that may be suitable for use to ex-*
22 *pand Arlington National Cemetery.*

23 (3) *SURVEY.*—*The Secretary of the Army may*
24 *determine the exact acreage and legal description of*

1 *the parcels of land described in paragraph (1) by a*
2 *survey.*

3 ***DIVISION C—DEPARTMENT OF***
4 ***ENERGY NATIONAL SECURITY***
5 ***AUTHORIZATIONS AND***
6 ***OTHER AUTHORIZATIONS***
7 ***TITLE XXXI—DEPARTMENT OF***
8 ***ENERGY NATIONAL SECURITY***
9 ***PROGRAMS***
10 ***Subtitle A—National Security***
11 ***Programs Authorizations***

12 ***SEC. 3101. WEAPONS ACTIVITIES.***

13 *Funds are hereby authorized to be appropriated to the*
14 *Department of Energy for fiscal year 2000 for weapons ac-*
15 *tivities in carrying out programs necessary for national se-*
16 *curity in the amount of \$4,541,500,000, to be allocated as*
17 *follows:*

18 (1) *STOCKPILE STEWARDSHIP.—Funds are here-*
19 *by authorized to be appropriated to the Department*
20 *of Energy for fiscal year 2000 for stockpile steward-*
21 *ship in carrying out weapons activities necessary for*
22 *national security programs in the amount of*
23 *\$2,258,700,000, to be allocated as follows:*

24 (A) *For core stockpile stewardship,*
25 *\$1,763,500,000, to be allocated as follows:*

1 (i) *For operation and maintenance,*
2 \$1,640,355,000.

3 (ii) *For plant projects (including*
4 *maintenance, restoration, planning, con-*
5 *struction, acquisition, modification of fa-*
6 *cilities, and the continuation of projects au-*
7 *thorized in prior years, and land acquisi-*
8 *tion related thereto), \$123,145,000, to be al-*
9 *located as follows:*

10 *Project 00–D–103, terascale sim-*
11 *ulation facility, Lawrence Livermore*
12 *National Laboratory, Livermore, Cali-*
13 *fornia, \$8,000,000.*

14 *Project 00–D–105, strategic com-*
15 *puting complex, Los Alamos National*
16 *Laboratory, Los Alamos, New Mexico,*
17 *\$26,000,000.*

18 *Project 00–D–107, joint computa-*
19 *tional engineering laboratory, Sandia*
20 *National Laboratories, Albuquerque,*
21 *New Mexico, \$1,800,000.*

22 *Project 99–D–102, rehabilitation*
23 *of maintenance facility, Lawrence*
24 *Livermore National Laboratory, Liver-*
25 *more, California, \$3,900,000.*

1 *Project 99-D-103, isotope sciences*
2 *facilities, Lawrence Livermore Na-*
3 *tional Laboratory, Livermore, Cali-*
4 *fornia, \$2,000,000.*

5 *Project 99-D-104, protection of*
6 *real property (roof reconstruction,*
7 *Phase II), Lawrence Livermore Na-*
8 *tional Laboratory, Livermore, Cali-*
9 *fornia, \$2,400,000.*

10 *Project 99-D-105, central health*
11 *physics calibration facility, Los Ala-*
12 *mos National Laboratory, Los Alamos,*
13 *New Mexico, \$1,000,000.*

14 *Project 99-D-106, model valida-*
15 *tion and system certification test cen-*
16 *ter, Sandia National Laboratories, Al-*
17 *buquerque, New Mexico, \$6,500,000.*

18 *Project 99-D-108, renovate exist-*
19 *ing roadways, Nevada Test Site, Ne-*
20 *vada, \$7,005,000.*

21 *Project 97-D-102, dual-axis radi-*
22 *ographic hydrotest facility, Los Alamos*
23 *National Laboratory, Los Alamos, New*
24 *Mexico, \$61,000,000.*

1 *Project 96–D–102, stockpile stewardship facilities revitalization, Phase*
2
3 *VI, various locations, 2,640,000.*

4 *Project 96–D–104, processing and environmental technology laboratory,*
5
6 *Sandia National Laboratories, Albuquerque, New Mexico, \$10,900,000.*

7
8 *(iii) The total amount authorized to be appropriated pursuant to clause (ii) is the*
9
10 *sum of the amounts authorized to be appropriated in that clause, reduced by*
11
12 *\$10,000,000.*

13 *(B) For inertial fusion, \$475,700,000, to be allocated as follows:*

14
15 *(i) For operation and maintenance, \$227,600,000.*

16
17 *(ii) For the following plant project (including maintenance, restoration, planning,*
18
19 *construction, acquisition, and modification of facilities, and land acquisition related*
20
21 *thereto), \$248,100,000, to be allocated as follows:*
22

23 *Project 96–D–111, national ignition facility, Lawrence Livermore Na-*
24

1 *tional Laboratory, Livermore, Cali-*
2 *fornia, \$248,100,000.*

3 *(C) For technology partnership and edu-*
4 *cation, \$19,500,000, to be allocated for tech-*
5 *nology partnership only.*

6 *(2) STOCKPILE MANAGEMENT.—Funds are here-*
7 *by authorized to be appropriated to the Department*
8 *of Energy for fiscal year 2000 for stockpile manage-*
9 *ment in carrying out weapons activities necessary for*
10 *national security programs in the amount of*
11 *\$2,046,300,000, to be allocated as follows:*

12 *(A) For operation and maintenance,*
13 *\$1,897,621,000.*

14 *(B) For plant projects (including mainte-*
15 *nance, restoration, planning, construction, ac-*
16 *quisition, modification of facilities, and the con-*
17 *tinuation of projects authorized in prior years,*
18 *and land acquisition related thereto),*
19 *\$148,679,000, to be allocated as follows:*

20 *Project 99–D–122, rapid reactivation,*
21 *various locations, \$11,700,000.*

22 *Project 99–D–127, stockpile manage-*
23 *ment restructuring initiative, Kansas City*
24 *Plant, Kansas City, Missouri, \$17,000,000.*

1 *Project 99-D-128, stockpile manage-*
2 *ment restructuring initiative, Pantex Plant*
3 *consolidation, Amarillo, Texas, \$3,429,000.*

4 *Project 99-D-132, stockpile manage-*
5 *ment restructuring initiative, nuclear mate-*
6 *rial safeguards and security upgrades*
7 *project, Los Alamos National Laboratory,*
8 *Los Alamos, New Mexico, \$11,300,000.*

9 *Project 98-D-123, stockpile manage-*
10 *ment restructuring initiative, tritium facil-*
11 *ity modernization and consolidation, Sa-*
12 *vannah River Plant, Aiken, South Caro-*
13 *lina, \$21,800,000.*

14 *Project 98-D-124, stockpile manage-*
15 *ment restructuring initiative, Y-12 Plant*
16 *consolidation, Oak Ridge, Tennessee,*
17 *\$3,150,000.*

18 *Project 98-D-125, tritium extraction*
19 *facility, Savannah River Plant, Aiken,*
20 *South Carolina, \$33,000,000.*

21 *Project 98-D-126, accelerator produc-*
22 *tion of tritium, various locations,*
23 *\$31,000,000.*

1 *Project 97–D–123, structural upgrades,*
2 *Kansas City Plant, Kansas City, Missouri,*
3 *\$4,800,000.*

4 *Project 95–D–102, chemistry and met-*
5 *allurgy research upgrades project, Los Ala-*
6 *mos National Laboratory, Los Alamos, New*
7 *Mexico, \$18,000,000.*

8 *Project 88–D–123, security enhance-*
9 *ments, Pantex Plant, Amarillo, Texas,*
10 *\$3,500,000.*

11 *(C) The total amount authorized to be ap-*
12 *propriated pursuant to subparagraph (B) is the*
13 *sum of the amounts authorized to be appro-*
14 *priated in that subparagraph, reduced by*
15 *\$10,000,000.*

16 *(3) PROGRAM DIRECTION.—Funds are hereby*
17 *authorized to be appropriated to the Department of*
18 *Energy for fiscal year 2000 for program direction in*
19 *carrying out weapons activities necessary for national*
20 *security programs in the amount of \$236,500,000.*

21 **SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND**
22 **WASTE MANAGEMENT.**

23 *(a) IN GENERAL.—Funds are hereby authorized to be*
24 *appropriated to the Department of Energy for fiscal year*
25 *2000 for environmental restoration and waste management*

1 *in carrying out programs necessary for national security*
2 *in the amount of \$5,652,368,000, to be allocated as follows:*

3 (1) *CLOSURE PROJECTS.—For closure projects*
4 *carried out in accordance with section 3143 of the*
5 *National Defense Authorization Act for Fiscal Year*
6 *1997 (Public Law 104–201; 110 Stat. 2836; 42*
7 *U.S.C. 7274n) in the amount of \$1,092,492,000.*

8 (2) *SITE PROJECT AND COMPLETION.—For site*
9 *project and completion in carrying out environmental*
10 *restoration and waste management activities nec-*
11 *essary for national security programs in the amount*
12 *of \$1,006,419,000, to be allocated as follows:*

13 (A) *For operation and maintenance,*
14 *\$918,129,000.*

15 (B) *For plant projects (including mainte-*
16 *nance, restoration, planning, construction, ac-*
17 *quisition, modification of facilities, and the con-*
18 *tinuation of projects authorized in prior years,*
19 *and land acquisition related thereto),*
20 *\$88,290,000, to be allocated as follows:*

21 *Project 99–D–402, tank farm support*
22 *services, F&H areas, Savannah River Site,*
23 *Aiken, South Carolina, \$3,100,000.*

1 *Project 99-D-404, health physics in-*
2 *strumentation laboratory, Idaho National*
3 *Engineering Laboratory, Idaho, \$7,200,000.*

4 *Project 98-D-401, H-tank farm storm*
5 *water systems upgrade, Savannah River*
6 *Site, Aiken, South Carolina, \$2,977,000.*

7 *Project 98-D-453, plutonium sta-*
8 *bilization and handling system for pluto-*
9 *onium finishing plant, Richland, Wash-*
10 *ington, \$16,860,000.*

11 *Project 98-D-700, road rehabilitation,*
12 *Idaho National Engineering Laboratory,*
13 *Idaho, \$2,590,000.*

14 *Project 97-D-450, Actinide packaging*
15 *and storage facility, Savannah River Site,*
16 *Aiken, South Carolina, \$4,000,000.*

17 *Project 97-D-470, regulatory moni-*
18 *toring and bioassay laboratory, Savannah*
19 *River Site, Aiken, South Carolina,*
20 *\$12,220,000.*

21 *Project 96-D-406, spent nuclear fuels*
22 *canister storage and stabilization facility,*
23 *Richland, Washington, \$24,441,000.*

24 *Project 96-D-464, electrical and util-*
25 *ity systems upgrade, Idaho Chemical Proc-*

1 *essing Plant, Idaho National Engineering*
2 *Laboratory, Idaho, \$11,971,000.*

3 *Project 96-D-471, chlorofluorocarbon*
4 *heating, ventilation, and air conditioning*
5 *and chiller retrofit, Savannah River Site,*
6 *Aiken, South Carolina, \$931,000.*

7 *Project 86-D-103, decontamination*
8 *and waste treatment facility, Lawrence*
9 *Livermore National Laboratory, Livermore,*
10 *California, \$2,000,000.*

11 *(3) POST-2006 COMPLETION.—For post-2006*
12 *project completion in carrying out environmental res-*
13 *toration and waste management activities necessary*
14 *for national security programs in the amount of*
15 *\$3,005,848,000, to be allocated as follows:*

16 *(A) For operation and maintenance,*
17 *\$2,951,297,000.*

18 *(B) For plant projects (including mainte-*
19 *nance, restoration, planning, construction, ac-*
20 *quisition, modification of facilities, and the con-*
21 *tinuation of projects authorized in prior years,*
22 *and land acquisition related thereto),*
23 *\$54,551,000, to be allocated as follows:*

24 *Project 00-D-401, spent nuclear fuel*
25 *treatment and storage facility, Title I and*

1 *II, Savannah River Site, Aiken, South*
2 *Carolina, \$7,000,000.*

3 *Project 99–D–403, privatization phase*
4 *I infrastructure support, Richland, Wash-*
5 *ington, \$13,988,000.*

6 *Project 97–D–402, tank farm restora-*
7 *tion and safe operations, Richland, Wash-*
8 *ington, \$20,516,000.*

9 *Project 94–D–407, initial tank re-*
10 *trieval systems, Richland, Washington,*
11 *\$4,060,000.*

12 *Project 93–D–187, high-level waste re-*
13 *moval from filled waste tanks, Savannah*
14 *River Site, Aiken, South Carolina,*
15 *\$8,987,000.*

16 (4) *SCIENCE AND TECHNOLOGY.—For science*
17 *and technology in carrying out environmental res-*
18 *toration and waste management activities necessary*
19 *for national security programs in the amount of*
20 *\$240,500,000.*

21 (5) *PROGRAM DIRECTION.—For program direc-*
22 *tion in carrying out environmental restoration and*
23 *waste management activities necessary for national*
24 *security programs in the amount of \$327,109,000.*

1 (b) *EXPLANATION OF ADJUSTMENT.*—*The amount au-*
2 *thorized to be appropriated in subsection (a) is the sum*
3 *of the amounts authorized to be appropriated in paragraphs*
4 *(1) through (5) of that subsection reduced by \$20,000,000,*
5 *to be derived from environmental restoration and waste*
6 *management, environment, safety, and health programs.*

7 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

8 *Funds are hereby authorized to be appropriated to the*
9 *Department of Energy for fiscal year 2000 for other defense*
10 *activities in carrying out programs necessary for national*
11 *security in the amount of \$1,772,459,000, to be allocated*
12 *as follows:*

13 (1) *NONPROLIFERATION AND NATIONAL SECUR-*
14 *ITY.*—*For nonproliferation and national security,*
15 *\$658,200,000, to be allocated as follows:*

16 (A) *For verification and control technology,*
17 *\$454,000,000, to be allocated as follows:*

18 (i) *For nonproliferation and*
19 *verification research and development,*
20 *\$221,000,000, to be allocated as follows:*

21 (I) *For operation and mainte-*
22 *nance, \$215,000,000.*

23 (II) *For plant projects (including*
24 *maintenance, restoration, planning,*
25 *construction, acquisition, modification*

1 of facilities, and the continuation of
2 projects authorized in prior years, and
3 land acquisition related thereto),
4 \$6,000,000, to be allocated as follows:

5 Project 00–D–192, non-
6 proliferation and international se-
7 curity center, Los Alamos Na-
8 tional Laboratory, Los Alamos,
9 New Mexico, \$6,000,000.

10 (ii) For arms control, \$233,000,000.

11 (B) For nuclear safeguards and security,
12 \$59,100,000.

13 (C) For international nuclear safety,
14 \$15,300,000.

15 (D) For security investigations,
16 \$10,000,000.

17 (E) For emergency management,
18 \$21,000,000.

19 (F) For highly enriched uranium trans-
20 parency implementation, \$15,750,000.

21 (G) For program direction, \$83,050,000.

22 (2) INTELLIGENCE.—For intelligence,
23 \$36,059,000.

24 (3) COUNTERINTELLIGENCE.—For counterintel-
25 ligence, \$31,200,000.

1 (4) *WORKER AND COMMUNITY TRANSITION.—For*
2 *worker and community transition, \$20,000,000.*

3 (5) *FISSILE MATERIALS CONTROL AND DISPOSI-*
4 *TION.—For fissile materials control and disposition,*
5 *\$239,000,000, to be allocated as follows:*

6 (A) *For operation and maintenance,*
7 *\$168,766,000.*

8 (B) *For program direction, \$7,343,000.*

9 (C) *For plant projects (including mainte-*
10 *nance, restoration, planning, construction, ac-*
11 *quisition, modification of facilities, and the con-*
12 *tinuation of projects authorized in prior years,*
13 *and land acquisition related thereto),*
14 *\$62,891,000, to be allocated as follows:*

15 *Project 00–D–142, immobilization and*
16 *associated processing facility, various loca-*
17 *tions, \$21,765,000.*

18 *Project 99–D–141, pit disassembly and*
19 *conversion facility, various locations,*
20 *\$28,751,000.*

21 *Project 99–D–143, mixed oxide fuel*
22 *fabrication facility, various locations,*
23 *\$12,375,000.*

1 (6) *ENVIRONMENT, SAFETY, AND HEALTH.—For*
2 *environment, safety, and health, defense,*
3 *\$104,000,000, to be allocated as follows:*

4 (A) *For the Office of Environment, Safety,*
5 *and Health (Defense), \$79,231,000.*

6 (B) *For program direction, \$24,769,000.*

7 (7) *OFFICE OF HEARINGS AND APPEALS.—For*
8 *the Office of Hearings and Appeals, \$3,000,000.*

9 (8) *NAVAL REACTORS.—For naval reactors,*
10 *\$681,000,000, to be allocated as follows:*

11 (A) *For naval reactors development,*
12 *\$660,400,000, to be allocated as follows:*

13 (i) *For operation and maintenance,*
14 *\$636,400,000.*

15 (ii) *For plant projects (including*
16 *maintenance, restoration, planning, con-*
17 *struction, acquisition, modification of fa-*
18 *cilities, and the continuation of projects au-*
19 *thorized in prior years, and land acquisi-*
20 *tion related thereto), \$24,000,000, to be allo-*
21 *cated as follows:*

22 GPN-101 *general plant projects,*
23 *various locations, \$9,000,000.*

1 *Project 98–D–200, site laboratory/
2 facility upgrade, various locations,
3 \$3,000,000.*

4 *Project 90–N–102, expended core
5 facility dry cell project, Naval Reactors
6 Facility, Idaho, \$12,000,000.*

7 *(B) For program direction, \$20,600,000.*

8 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

9 *Funds are hereby authorized to be appropriated to the
10 Department of Energy for fiscal year 2000 for payment to
11 the Nuclear Waste Fund established in section 302(c) of the
12 Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in
13 the amount of \$73,000,000.*

14 **SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRI-
15 VATIZATION.**

16 *(a) IN GENERAL.—Funds are hereby authorized to be
17 appropriated to the Department of Energy for fiscal year
18 2000 for privatization initiatives in carrying out environ-
19 mental restoration and waste management activities nec-
20 essary for national security programs in the amount of
21 \$228,000,000, to be allocated as follows:*

22 *Project 98–PVT–2, spent nuclear fuel dry stor-
23 age, Idaho Falls, Idaho, \$5,000,000.*

1 *activities in carrying out programs necessary for national*
 2 *security) is hereby reduced by \$4,700,000.*

3 *(2) The amount provided in section 3102 in the matter*
 4 *preceding paragraph (1) of subsection (a) (for environ-*
 5 *mental restoration and waste management in carrying out*
 6 *programs necessary for national security) is hereby reduced*
 7 *by \$1,900,000.*

8 *(3) The amount provided in section 3103 in the matter*
 9 *preceding paragraph (1) is hereby reduced by \$2,000,000.*

10 ***Subtitle B—Recurring General***
 11 ***Provisions***

12 ***SEC. 3121. REPROGRAMMING.***

13 *(a) IN GENERAL.—Until the Secretary of Energy sub-*
 14 *mits to the congressional defense committees the report re-*
 15 *ferred to in subsection (b) and a period of 60 days has*
 16 *elapsed after the date on which such committees receive the*
 17 *report, the Secretary may not use amounts appropriated*
 18 *pursuant to this title for any program—*

19 *(1) in amounts that exceed, in a fiscal year—*

20 *(A) 110 percent of the amount authorized*
 21 *for that program by this title; or*

22 *(B) \$1,000,000 more than the amount au-*
 23 *thorized for that program by this title; or*

24 *(2) which has not been presented to, or requested*
 25 *of, Congress.*

1 (b) *REPORT.*—(1) *The report referred to in subsection*
2 *(a) is a report containing a full and complete statement*
3 *of the action proposed to be taken and the facts and cir-*
4 *cumstances relied upon in support of such proposed action.*

5 (2) *In the computation of the 60-day period under sub-*
6 *section (a), there shall be excluded any day on which either*
7 *House of Congress is not in session because of an adjourn-*
8 *ment of more than 3 days to a day certain.*

9 (c) *LIMITATIONS.*—(1) *In no event may the total*
10 *amount of funds obligated pursuant to this title exceed the*
11 *total amount authorized to be appropriated by this title.*

12 (2) *Funds appropriated pursuant to this title may not*
13 *be used for an item for which Congress has specifically de-*
14 *nied funds.*

15 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

16 (a) *IN GENERAL.*—*The Secretary of Energy may carry*
17 *out any construction project under the general plant*
18 *projects authorized by this title if the total estimated cost*
19 *of the construction project does not exceed \$5,000,000.*

20 (b) *REPORT TO CONGRESS.*—*If, at any time during*
21 *the construction of any general plant project authorized by*
22 *this title, the estimated cost of the project is revised because*
23 *of unforeseen cost variations and the revised cost of the*
24 *project exceeds \$5,000,000, the Secretary shall immediately*

1 *furnish a complete report to the congressional defense com-*
2 *mittees explaining the reasons for the cost variation.*

3 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

4 (a) *IN GENERAL.*—(1) *Except as provided in para-*
5 *graph (2), construction on a construction project may not*
6 *be started or additional obligations incurred in connection*
7 *with the project above the total estimated cost, whenever the*
8 *current estimated cost of the construction project, which is*
9 *authorized by section 3101, 3102, or 3103, or which is in*
10 *support of national security programs of the Department*
11 *of Energy and was authorized by any previous Act, exceeds*
12 *by more than 25 percent the higher of—*

13 (A) *the amount authorized for the project; or*

14 (B) *the amount of the total estimated cost for the*
15 *project as shown in the most recent budget justifica-*
16 *tion data submitted to Congress.*

17 (2) *An action described in paragraph (1) may be taken*
18 *if—*

19 (A) *the Secretary of Energy has submitted to the*
20 *congressional defense committees a report on the ac-*
21 *tions and the circumstances making such action nec-*
22 *essary; and*

23 (B) *a period of 30 days has elapsed after the*
24 *date on which the report is received by the commit-*
25 *tees.*

1 (3) *In the computation of the 30-day period under*
2 *paragraph (2), there shall be excluded any day on which*
3 *either House of Congress is not in session because of an*
4 *adjournment of more than 3 days to a day certain.*

5 (b) *EXCEPTION.—Subsection (a) shall not apply to*
6 *any construction project which has a current estimated cost*
7 *of less than \$5,000,000.*

8 **SEC. 3124. FUND TRANSFER AUTHORITY.**

9 (a) *TRANSFER TO OTHER FEDERAL AGENCIES.—The*
10 *Secretary of Energy may transfer funds authorized to be*
11 *appropriated to the Department of Energy pursuant to this*
12 *title to other Federal agencies for the performance of work*
13 *for which the funds were authorized. Funds so transferred*
14 *may be merged with and be available for the same purposes*
15 *and for the same period as the authorizations of the Federal*
16 *agency to which the amounts are transferred.*

17 (b) *TRANSFER WITHIN DEPARTMENT OF ENERGY.—*
18 *(1) Subject to paragraph (2), the Secretary of Energy may*
19 *transfer funds authorized to be appropriated to the Depart-*
20 *ment of Energy pursuant to this title between any such au-*
21 *thorizations. Amounts of authorizations so transferred may*
22 *be merged with and be available for the same purposes and*
23 *for the same period as the authorization to which the*
24 *amounts are transferred.*

1 (2) *Not more than five percent of any such authoriza-*
 2 *tion may be transferred between authorizations under para-*
 3 *graph (1). No such authorization may be increased or de-*
 4 *creased by more than five percent by a transfer under such*
 5 *paragraph.*

6 (c) *LIMITATION.—The authority provided by this sec-*
 7 *tion to transfer authorizations—*

8 (1) *may only be used to provide funds for items*
 9 *relating to activities necessary for national security*
 10 *programs that have a higher priority than the items*
 11 *from which the funds are transferred; and*

12 (2) *may not be used to provide funds for an item*
 13 *for which Congress has specifically denied funds.*

14 (d) *NOTICE TO CONGRESS.—The Secretary of Energy*
 15 *shall promptly notify the Committee on Armed Services of*
 16 *the Senate and the Committee on National Security of the*
 17 *House of Representatives of any transfer of funds to or from*
 18 *authorizations under this title.*

19 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**
 20 **TION DESIGN.**

21 (a) *REQUIREMENT FOR CONCEPTUAL DESIGN.—(1)*
 22 *Subject to paragraph (2) and except as provided in para-*
 23 *graph (3), before submitting to Congress a request for funds*
 24 *for a construction project that is in support of a national*
 25 *security program of the Department of Energy, the Sec-*

1 *retary of Energy shall complete a conceptual design for that*
2 *project.*

3 *(2) If the estimated cost of completing a conceptual*
4 *design for a construction project exceeds \$3,000,000, the*
5 *Secretary shall submit to Congress a request for funds for*
6 *the conceptual design before submitting a request for funds*
7 *for the construction project.*

8 *(3) The requirement in paragraph (1) does not apply*
9 *to a request for funds—*

10 *(A) for a construction project the total estimated*
11 *cost of which is less than \$5,000,000; or*

12 *(B) for emergency planning, design, and con-*
13 *struction activities under section 3126.*

14 *(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1)*
15 *Within the amounts authorized by this title, the Secretary*
16 *of Energy may carry out construction design (including ar-*
17 *chitectural and engineering services) in connection with*
18 *any proposed construction project if the total estimated cost*
19 *for such design does not exceed \$600,000.*

20 *(2) If the total estimated cost for construction design*
21 *in connection with any construction project exceeds*
22 *\$600,000, funds for such design must be specifically author-*
23 *ized by law.*

1 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
2 **SIGN, AND CONSTRUCTION ACTIVITIES.**

3 (a) *AUTHORITY.*—*The Secretary of Energy may use*
4 *any funds available to the Department of Energy pursuant*
5 *to an authorization in this title, including those funds au-*
6 *thorized to be appropriated for advance planning and con-*
7 *struction design under sections 3101, 3102, and 3103, to*
8 *perform planning, design, and construction activities for*
9 *any Department of Energy national security program con-*
10 *struction project that, as determined by the Secretary, must*
11 *proceed expeditiously in order to protect public health and*
12 *safety, to meet the needs of national defense, or to protect*
13 *property.*

14 (b) *LIMITATION.*—*The Secretary may not exercise the*
15 *authority under subsection (a) in the case of any construc-*
16 *tion project until the Secretary has submitted to the con-*
17 *gressional defense committees a report on the activities that*
18 *the Secretary intends to carry out under this section and*
19 *the circumstances making such activities necessary.*

20 (c) *SPECIFIC AUTHORITY.*—*The requirement of section*
21 *3125(b)(2) does not apply to emergency planning, design,*
22 *and construction activities conducted under this section.*

1 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**
2 **RITY PROGRAMS OF THE DEPARTMENT OF**
3 **ENERGY.**

4 *Subject to the provisions of appropriations Acts and*
5 *section 3121, amounts appropriated pursuant to this title*
6 *for management and support activities and for general*
7 *plant projects are available for use, when necessary, in con-*
8 *nection with all national security programs of the Depart-*
9 *ment of Energy.*

10 **SEC. 3128. AVAILABILITY OF FUNDS.**

11 *(a) IN GENERAL.—Except as provided in subsection*
12 *(b), when so specified in an appropriations Act, amounts*
13 *appropriated for operation and maintenance or for plant*
14 *projects may remain available until expended.*

15 *(b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—*
16 *Amounts appropriated for program direction pursuant to*
17 *an authorization of appropriations in subtitle A shall re-*
18 *main available to be expended only until the end of fiscal*
19 *year 2001.*

20 **SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MAN-**
21 **AGEMENT FUNDS.**

22 *(a) TRANSFER AUTHORITY FOR DEFENSE ENVIRON-*
23 *MENTAL MANAGEMENT FUNDS.—The Secretary of Energy*
24 *shall provide the manager of each field office of the Depart-*
25 *ment of Energy with the authority to transfer defense envi-*
26 *ronmental management funds from a program or project*

1 *under the jurisdiction of the office to another such program*
2 *or project.*

3 (b) *LIMITATIONS.—(1) Only one transfer may be made*
4 *to or from any program or project under subsection (a) in*
5 *a fiscal year.*

6 (2) *The amount transferred to or from a program or*
7 *project under subsection (a) may not exceed \$5,000,000 in*
8 *a fiscal year.*

9 (3) *A transfer may not be carried out by a manager*
10 *of a field office under subsection (a) unless the manager*
11 *determines that the transfer is necessary to address a risk*
12 *to health, safety, or the environment or to assure the most*
13 *efficient use of defense environmental management funds at*
14 *the field office.*

15 (4) *Funds transferred pursuant to subsection (a) may*
16 *not be used for an item for which Congress has specifically*
17 *denied funds or for a new program or project that has not*
18 *been authorized by Congress.*

19 (c) *EXEMPTION FROM REPROGRAMMING REQUIRE-*
20 *MENTS.—The requirements of section 3121 shall not apply*
21 *to transfers of funds pursuant to subsection (a).*

22 (d) *NOTIFICATION.—The Secretary, acting through the*
23 *Assistant Secretary of Energy for Environmental Manage-*
24 *ment, shall notify Congress of any transfer of funds pursu-*

1 *ant to subsection (a) not later than 30 days after such*
2 *transfer occurs.*

3 *(e) DEFINITIONS.—In this section:*

4 *(1) The term “program or project” means, with*
5 *respect to a field office of the Department of Energy,*
6 *any of the following:*

7 *(A) A program referred to or a project listed*
8 *in paragraph (2) or (3) of section 3102.*

9 *(B) A program or project not described in*
10 *subparagraph (A) that is for environmental res-*
11 *toration or waste management activities nec-*
12 *essary for national security programs of the De-*
13 *partment, that is being carried out by the office,*
14 *and for which defense environmental manage-*
15 *ment funds have been authorized and appro-*
16 *priated before the date of the enactment of this*
17 *Act.*

18 *(2) The term “defense environmental manage-*
19 *ment funds” means funds appropriated to the Depart-*
20 *ment of Energy pursuant to an authorization for car-*
21 *rying out environmental restoration and waste man-*
22 *agement activities necessary for national security pro-*
23 *grams.*

24 *(f) DURATION OF AUTHORITY.—The managers of the*
25 *field offices of the Department may exercise the authority*

1 *provided under subsection (a) during the period beginning*
 2 *on October 1, 1999, and ending on September 30, 2000.*

3 ***Subtitle C—Program Authoriza-***
 4 ***tions, Restrictions, and Limita-***
 5 ***tions***

6 ***SEC. 3131. LIMITATION ON USE AT DEPARTMENT OF EN-***
 7 ***ERGY LABORATORIES OF FUNDS APPRO-***
 8 ***PRIATED FOR THE INITIATIVES FOR PRO-***
 9 ***LIFERATION PREVENTION PROGRAM.***

10 *(a) LIMITATION.—Not more than 25 percent of the*
 11 *funds appropriated for any fiscal year for the program of*
 12 *the Department of Energy known as the Initiatives for Pro-*
 13 *liferation Prevention Program may be spent at the Depart-*
 14 *ment of Energy laboratories.*

15 *(b) EFFECTIVE DATE.—The limitation in subsection*
 16 *(a) applies with respect to funds appropriated for any fiscal*
 17 *year after fiscal year 1999.*

18 ***SEC. 3132. PROHIBITION ON USE FOR PAYMENT OF RUS-***
 19 ***SIAN GOVERNMENT TAXES AND CUSTOMS DU-***
 20 ***TIES OF FUNDS APPROPRIATED FOR THE INI-***
 21 ***TIATIVES FOR PROLIFERATION PREVENTION***
 22 ***PROGRAM.***

23 *Funds appropriated for the program of the Depart-*
 24 *ment of Energy known as the Initiatives for Proliferation*
 25 *Prevention Program may not be used to pay any tax or*

1 *customs duty levied by the government of the Russian Fed-*
2 *eration.*

3 **SEC. 3133. MODIFICATION OF LABORATORY-DIRECTED RE-**
4 **SEARCH AND DEVELOPMENT TO PROVIDE**
5 **FUNDS FOR THEATER BALLISTIC MISSILE DE-**
6 **FENSE.**

7 (a) *CONDUCT OF PROGRAMS.*—*The Secretary of En-*
8 *ergy shall ensure that the national laboratories carry out*
9 *theater ballistic missile defense development programs in*
10 *accordance with—*

11 (1) *the memorandum of understanding between*
12 *the Secretary of Energy and the Secretary of Defense*
13 *required by section 3131(a) of the National Defense*
14 *Authorization Act for Fiscal Year 1998 (Public Law*
15 *105–85; 111 Stat. 2034; 10 U.S.C. 2431 note); and*

16 (2) *such regulations as the Secretary of Energy*
17 *may prescribe.*

18 (b) *FUNDING.*—*Of the funds provided by the Depart-*
19 *ment of Energy to the national laboratories for national*
20 *security activities, the Secretary of Energy shall provide a*
21 *specific amount, equal to 3 percent of such funds, to be used*
22 *by such laboratories for theater ballistic missile defense de-*
23 *velopment programs.*

24 (c) *NATIONAL LABORATORIES.*—*For purposes of this*
25 *section, the term “national laboratories” has the meaning*

1 *given such term in section 3131(d) of the National Defense*
2 *Authorization Act for Fiscal Year 1998 (Public Law 105–*
3 *85; 111 Stat. 2034; 10 U.S.C. 2431 note).*

4 *(d) KINETIC ENERGY WARHEAD PROGRAMS.—(1) Not-*
5 *withstanding subsection (a), during fiscal year 2000 the*
6 *Secretary of Energy shall use the funds required to be made*
7 *available pursuant to subsection (b) for theater ballistic*
8 *missile defense development programs for the purpose of the*
9 *development and test of advanced kinetic energy ballistic*
10 *missile defense warheads based on advanced explosive tech-*
11 *nology, the designs of which—*

12 *(A) are compatible with the Army Theater High-*
13 *Altitude Area-Wide Defense (THAAD) system, the*
14 *Navy Theater Wide system, the Navy Area Defense*
15 *system, and the Patriot Advanced Capability–3*
16 *(PAC–3) system; and*

17 *(B) will be available for ground lethality testing*
18 *not later than one year after the date of the enact-*
19 *ment of this Act.*

20 *(2) Of the funds made available for purposes of para-*
21 *graph (1), one-half shall be made available for work at Los*
22 *Alamos National Laboratory and one-half shall be made*
23 *available for work at Lawrence Livermore National Lab-*
24 *oratory.*

1 (3) *If the Secretary does not use the full amount re-*
 2 *ferred to in paragraph (1) for the purposes stated in that*
 3 *paragraph, the remainder of such amount shall be used in*
 4 *accordance with subsection (a).*

5 (e) *REDUCTION IN LABORATORY-DIRECTED RESEARCH*
 6 *AND DEVELOPMENT PROGRAMS.*—*Subsection (c) of section*
 7 *3132 of the National Defense Authorization Act for Fiscal*
 8 *Year 1991 (42 U.S.C. 7257a) is amended by striking “6*
 9 *percent” and inserting “3 percent”.*

10 **SEC. 3134. SUPPORT OF THEATER BALLISTIC MISSILE DE-**
 11 **FENSE ACTIVITIES OF THE DEPARTMENT OF**
 12 **DEFENSE.**

13 (a) *FUNDS TO CARRY OUT CERTAIN BALLISTIC MIS-*
 14 *SILE DEFENSE ACTIVITIES.*—*Of the amounts authorized to*
 15 *be appropriated to the Department of Energy pursuant to*
 16 *section 3101, \$30,000,000 shall be available only for re-*
 17 *search, development, and demonstration activities to sup-*
 18 *port the mission of the Ballistic Missile Defense Organiza-*
 19 *tion of the Department of Defense, including the following*
 20 *activities:*

21 (1) *Technology development, concept demonstra-*
 22 *tion, and integrated testing to improve reliability and*
 23 *reduce risk in hit-to-kill interceptors for theater bal-*
 24 *listic missile defense.*

1 (2) *Support for science and engineering teams to*
2 *address technical problems identified by the Director*
3 *of the Ballistic Missile Defense Organization as crit-*
4 *ical to acquisition of a theater ballistic missile defense*
5 *capability.*

6 (b) *MEMORANDUM OF UNDERSTANDING.—The activi-*
7 *ties referred to in subsection (a) shall be carried out under*
8 *the memorandum of understanding entered into by the Sec-*
9 *retary of Energy and the Secretary of Defense for the use*
10 *of national laboratories for ballistic missile defense pro-*
11 *grams, as required by section 3131 of the National Defense*
12 *Authorization Act for Fiscal Year 1998 (Public Law 105–*
13 *85; 111 Stat. 2034).*

14 (c) *METHOD OF FUNDING.—Funds for activities re-*
15 *ferred to in subsection (a) may be provided—*

16 (1) *by direct payment from funds available pur-*
17 *suant to subsection (a); or*

18 (2) *in the case of such an activity carried out by*
19 *a national laboratory but paid for by the Ballistic*
20 *Missile Defense Organization, through a method*
21 *under which the Secretary of Energy waives any re-*
22 *quirement for the Department of Defense to pay any*
23 *indirect expenses (including overhead and federal ad-*
24 *ministrative charges) of the Department of Energy or*
25 *its contractors.*

1 ***Subtitle D—Commission on Nuclear***
2 ***Weapons Management***

3 ***SEC. 3151. ESTABLISHMENT OF COMMISSION.***

4 (a) *ESTABLISHMENT.*—*There is hereby established a*
5 *commission to be known as the “Commission on Nuclear*
6 *Weapons Management” (hereinafter in this subtitle referred*
7 *to as the “Commission”).*

8 (b) *COMPOSITION.*—*The Commission shall be composed*
9 *of nine members, appointed as follows:*

10 (1) *Two members shall be appointed by the*
11 *chairman of the Committee on Armed Services of the*
12 *House of Representatives.*

13 (2) *Two members shall be appointed by the rank-*
14 *ing minority party member of the Committee on*
15 *Armed Services of the House of Representatives.*

16 (3) *Two members shall be appointed by the*
17 *chairman of the Committee on Armed Services of the*
18 *Senate.*

19 (4) *Two members shall be appointed by the rank-*
20 *ing minority party member of the Committee on*
21 *Armed Services of the Senate.*

22 (5) *One member, who shall serve as chairman of*
23 *the Commission, shall be appointed by the chairman*
24 *of the Committee on Armed Services of the House of*
25 *Representatives and the chairman of the Committee*

1 *on Armed Services of the Senate, acting jointly, in*
2 *consultation with the ranking minority party member*
3 *of the Committee on Armed Services of the House of*
4 *Representatives and the ranking minority party*
5 *member of the Committee on Armed Services of the*
6 *Senate.*

7 (c) *QUALIFICATIONS.—Members of the Commission*
8 *shall be appointed from among private United States citi-*
9 *zens with knowledge and expertise in nuclear weapons pol-*
10 *icy, organization, and management matters.*

11 (d) *PERIOD OF APPOINTMENT; VACANCIES.—Members*
12 *shall be appointed for the life of the Commission. Any va-*
13 *cancy in the Commission shall be filled in the same manner*
14 *as the original appointment.*

15 (e) *INITIAL ORGANIZATION REQUIREMENTS.—(1) All*
16 *appointments to the Commission shall be made not later*
17 *than 30 days after the date of the enactment of this Act.*

18 (2) *The Commission shall convene its first meeting not*
19 *later than 30 days after the date on which all members of*
20 *the Commission have been appointed.*

21 (f) *SECURITY CLEARANCES.—The Secretary of Defense*
22 *shall expedite the processing of appropriate security clear-*
23 *ances for members of the Commission.*

1 **SEC. 3152. DUTIES OF COMMISSION.**

2 (a) *IN GENERAL.*—*The Commission shall examine the*
3 *organizational and management structures within the De-*
4 *partment of Energy and the Department of Defense that*
5 *are responsible for the following, as they pertain to nuclear*
6 *weapons:*

7 (1) *Development of nuclear weapons policy and*
8 *standards.*

9 (2) *Generation of requirements.*

10 (3) *Inspection and certification of the nuclear*
11 *stockpile.*

12 (4) *Research, development, and design.*

13 (5) *Manufacture, assembly, disassembly, refur-*
14 *bishment, surveillance, and storage.*

15 (6) *Operation and maintenance.*

16 (7) *Construction.*

17 (8) *Sustainment and development of high-quality*
18 *personnel.*

19 (b) *STRUCTURES.*—*The organizational and manage-*
20 *ment structures to be examined under subsection (a) shall*
21 *include the following:*

22 (1) *The management headquarters of the Depart-*
23 *ment of Energy, the Department of Defense, the mili-*
24 *tary departments, and defense agencies.*

1 (2) *Headquarters support activities of the De-*
2 *partment of Energy, the Department of Defense, the*
3 *military departments, and defense agencies.*

4 (3) *The acquisition organizations in the Depart-*
5 *ment of Energy and the Department of Defense.*

6 (4) *The nuclear weapons complex, including the*
7 *nuclear weapons laboratories, the nuclear weapons*
8 *production facilities, and defense environmental reme-*
9 *diation sites.*

10 (5) *The Nuclear Weapons Council and its stand-*
11 *ing committee.*

12 (6) *The United States Strategic Command.*

13 (7) *The Defense Threat Reduction Agency.*

14 (8) *Policy-oriented elements of the Government*
15 *that affect the management of nuclear weapons, in-*
16 *cluding the following:*

17 (A) *The National Security Council.*

18 (B) *The Arms Control and Disarmament*
19 *Agency.*

20 (C) *The Office of the Under Secretary of De-*
21 *fense for Policy.*

22 (D) *The office of the Deputy Chief of Staff*
23 *of the Air Force for Air and Space Operations.*

24 (E) *The office of the Deputy Chief of Naval*
25 *Operations for Plans, Policy, and Operations.*

1 (F) *The headquarters of each combatant*
2 *command (in addition to the United States*
3 *Strategic Command) that has nuclear weapons*
4 *responsibilities.*

5 (G) *Such other organizations as the Com-*
6 *mission determines appropriate to include.*

7 (c) *EVALUATIONS.—In carrying out its duties, the*
8 *Commission shall—*

9 (1) *evaluate the rationale for current manage-*
10 *ment and organization structures, and the relation-*
11 *ship among the entities within those structures;*

12 (2) *evaluate the efficiency and effectiveness of*
13 *those structures; and*

14 (3) *propose and evaluate alternative organiza-*
15 *tional and management structures, including alter-*
16 *natives that would transfer authorities of the Depart-*
17 *ment of Energy for the defense program and defense*
18 *environmental management to the Department of De-*
19 *fense.*

20 (d) *COOPERATION FROM GOVERNMENT OFFICIALS.—*
21 *In carrying out its duties, the Commission should receive*
22 *the full and timely cooperation of the Secretary of Defense,*
23 *the Secretary of Energy, and any other United States Gov-*
24 *ernment official responsible for providing the Commission*

1 *with analyses, briefings, and other information necessary*
2 *for the fulfillment of its responsibilities.*

3 **SEC. 3153. REPORTS.**

4 *The Commission shall submit to Congress an interim*
5 *report containing its preliminary findings and conclusions*
6 *not later than October 15, 2000, and a final report con-*
7 *taining its findings and conclusions not later than January*
8 *1, 2001.*

9 **SEC. 3154. POWERS.**

10 *(a) HEARINGS.—The Commission or, at its direction,*
11 *any panel or member of the Commission, may, for the pur-*
12 *pose of carrying out the provisions of this title, hold hear-*
13 *ings, sit and act at times and places, take testimony, receive*
14 *evidence, and administer oaths to the extent that the Com-*
15 *mission or any panel or member considers advisable.*

16 *(b) INFORMATION.—The Commission may secure di-*
17 *rectly from the Department of Defense, the Department of*
18 *Energy, and any other Federal department or agency infor-*
19 *mation that the Commission considers necessary to enable*
20 *the Commission to carry out its responsibilities under this*
21 *title.*

22 **SEC. 3155. COMMISSION PROCEDURES.**

23 *(a) MEETINGS.—The Commission shall meet at the*
24 *call of the Chairman.*

1 (b) *QUORUM.*—(1) *Five members of the Commission*
2 *shall constitute a quorum other than for the purpose of hold-*
3 *ing hearings.*

4 (2) *The Commission shall act by resolution agreed to*
5 *by a majority of the members of the Commission.*

6 (c) *COMMISSION.*—*The Commission may establish*
7 *panels composed of less than full membership of the Com-*
8 *mission for the purpose of carrying out the Commission's*
9 *duties. The actions of each such panel shall be subject to*
10 *the review and control of the Commission. Any findings and*
11 *determinations made by such a panel shall not be consid-*
12 *ered the findings and determinations of the Commission un-*
13 *less approved by the Commission.*

14 (d) *AUTHORITY OF INDIVIDUALS TO ACT FOR COMMIS-*
15 *SION.*—*Any member or agent of the Commission may, if*
16 *authorized by the Commission, take any action which the*
17 *Commission is authorized to take under this title.*

18 **SEC. 3156. PERSONNEL MATTERS.**

19 (a) *PAY OF MEMBERS.*—*Members of the Commission*
20 *shall serve without pay by reason of their work on the Com-*
21 *mission.*

22 (b) *TRAVEL EXPENSES.*—*The members of the Commis-*
23 *sion shall be allowed travel expenses, including per diem*
24 *in lieu of subsistence, at rates authorized for employees of*
25 *agencies under subchapter I of chapter 57 of title 5, United*

1 *States Code, while away from their homes or regular places*
2 *of business in the performance of services for the Commis-*
3 *sion.*

4 (c) *STAFF.*—(1) *The chairman of the Commission*
5 *may, without regard to the provisions of title 5, United*
6 *States Code, governing appointments in the competitive*
7 *service, appoint a staff director and such additional per-*
8 *sonnel as may be necessary to enable the Commission to*
9 *perform its duties. The appointment of a staff director shall*
10 *be subject to the approval of the Commission.*

11 (2) *The chairman of the Commission may fix the pay*
12 *of the staff director and other personnel without regard to*
13 *the provisions of chapter 51 and subchapter III of chapter*
14 *53 of title 5, United States Code, relating to classification*
15 *of positions and General Schedule pay rates, except that*
16 *the rate of pay fixed under this paragraph for the staff di-*
17 *rector may not exceed the rate payable for level V of the*
18 *Executive Schedule under section 5316 of such title and the*
19 *rate of pay for other personnel may not exceed the max-*
20 *imum rate payable for grade GS-15 of the General Sched-*
21 *ule.*

22 (d) *DETAIL OF GOVERNMENT EMPLOYEES.*—*Upon re-*
23 *quest of the chairman of the Commission, the head of any*
24 *Federal department or agency may detail, on a non-*
25 *reimbursable basis, any personnel of that department or*

1 *agency to the Commission to assist it in carrying out its*
2 *duties.*

3 (e) *PROCUREMENT OF TEMPORARY AND INTERMIT-*
4 *TENT SERVICES.—The chairman of the Commission may*
5 *procure temporary and intermittent services under section*
6 *3109(b) of title 5, United States Code, at rates for individ-*
7 *uals which do not exceed the daily equivalent of the annual*
8 *rate of basic pay payable for level V of the Executive Sched-*
9 *ule under section 5316 of such title.*

10 **SEC. 3157. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.**

11 (a) *POSTAL AND PRINTING SERVICES.—The Commis-*
12 *sion may use the United States mails and obtain printing*
13 *and binding services in the same manner and under the*
14 *same conditions as other departments and agencies of the*
15 *Federal Government.*

16 (b) *MISCELLANEOUS ADMINISTRATIVE AND SUPPORT*
17 *SERVICES.—The Secretary of Defense and the Secretary of*
18 *Energy shall furnish the Commission, on a reimbursable*
19 *basis, any administrative and support services requested by*
20 *the Commission.*

21 **SEC. 3158. FUNDING.**

22 (a) *SOURCE OF FUNDS.—Funds for activities of the*
23 *Commission shall be provided from—*

1 (1) amounts appropriated for the Department of
2 *Defense for operation and maintenance for Defense-*
3 *wide activities for fiscal year 2000; and*

4 (2) amounts appropriated for the Department of
5 *Energy for program direction for weapons activities*
6 *and for defense environmental restoration and waste*
7 *management for fiscal year 2000.*

8 (b) *DISBURSEMENT.*—Upon receipt of a written cer-
9 *tification from the Chairman of the Commission specifying*
10 *the funds required for the activities of the Commission, the*
11 *Secretary of Defense and the Secretary of Energy shall*
12 *promptly disburse to the Commission, from such amounts,*
13 *the funds required by the Commission as stated in such cer-*
14 *tification.*

15 **SEC. 3159. TERMINATION OF THE COMMISSION.**

16 *The Commission shall terminate 60 days after the date*
17 *of the submission of its final report under section 3153.*

18 ***Subtitle E—Other Matters***

19 **SEC. 3161. PROCEDURES FOR MEETING TRITIUM PRODUC-**
20 ***TION REQUIREMENTS.***

21 (a) *ACCELERATOR PRODUCTION PLAN.*—Not later
22 *than January 15, 2000, the Secretary of Energy shall sub-*
23 *mit to the congressional defense committees a plan (in this*
24 *section referred to as an “accelerator production plan”) to*
25 *meet the requirements in the Nuclear Weapons Stockpile*

1 *Memorandum relating to tritium production by expediting*
2 *the completion of the design and the initiation of the con-*
3 *struction of a particle accelerator for the production of trit-*
4 *ium.*

5 (b) *TECHNOLOGY FOR TRITIUM PRODUCTION.*—*If the*
6 *Nuclear Regulatory Commission does not grant to the Ten-*
7 *nessee Valley Authority the amended licenses described in*
8 *subsection (c) by December 31, 2002, the Secretary of En-*
9 *ergy shall on January 1, 2003—*

10 (1) *designate particle accelerator technology as*
11 *the primary technology for the production of tritium;*

12 (2) *designate commercial light water reactor*
13 *technology as the backup technology for the produc-*
14 *tion of tritium; and*

15 (3) *implement the accelerator production plan.*

16 (c) *AMENDED LICENSES.*—*The amended licenses re-*
17 *ferred to in subsection (b) are the amended licenses for the*
18 *operation of each of the following commercial light water*
19 *reactors:*

20 (1) *Watts Bar reactor, Spring City, Tennessee.*

21 (2) *Sequoia reactor, Daisy, Tennessee.*

1 **SEC. 3162. EXTENSION OF AUTHORITY OF DEPARTMENT OF**
2 **ENERGY TO PAY VOLUNTARY SEPARATION IN-**
3 **CENTIVE PAYMENTS.**

4 (a) *EXTENSION.*—Notwithstanding subsection
5 (c)(2)(D) of section 663 of the Treasury, Postal Service, and
6 General Government Appropriations Act, 1997 (Public Law
7 104–208; 110 Stat. 3009–383; 5 U.S.C. 5597 note), the De-
8 partment of Energy may pay voluntary separation incen-
9 tive payments to qualifying employees who voluntarily sep-
10 arate (whether by retirement or resignation) before January
11 1, 2002.

12 (b) *EXERCISE OF AUTHORITY.*—The Department shall
13 pay voluntary separation incentive payments under sub-
14 section (a) in accordance with the provisions of such section
15 663.

16 (c) *REPORT.*—(1) Not later than March 15, 2000, the
17 Secretary of Energy shall submit to the recipients specified
18 in paragraph (3) a report describing how the Department
19 has used the authority to pay voluntary separation incen-
20 tive payments under subsection (a).

21 (2) The report under paragraph (1) shall include the
22 occupations and grade levels of each employee paid a vol-
23 untary separation incentive payment under subsection (a)
24 and shall describe how the use of the authority to pay vol-
25 untary separation incentive payments under such sub-
26 section relates to the restructuring plans of the Department.

1 (3) *The recipients specified in this paragraph are the*
2 *following:*

3 (A) *The Office of Personnel Management.*

4 (B) *The Committee on Armed Services of the*
5 *House of Representatives.*

6 (C) *The Committee on Armed Services of the*
7 *Senate.*

8 (D) *The Committee on Government Reform of*
9 *the House of Representatives.*

10 (E) *The Committee on Governmental Affairs of*
11 *the Senate.*

12 (d) *ADDITIONAL AGENCY CONTRIBUTIONS TO THE RE-*
13 *TIREMENT FUND.—For purposes of this section, the require-*
14 *ment of an agency remittance of an amount equal to 15*
15 *percent in paragraph (1) of section 663(d) of the Treasury,*
16 *Postal Service, and General Government Appropriations*
17 *Act, 1997 (Public Law 104–208; 110 Stat. 3009–383; 5*
18 *U.S.C. 5597 note) shall be deemed to be a requirement of*
19 *an agency remittance of an amount equal to 26 percent.*

20 **SEC. 3163. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF**
21 **SKILLS CRITICAL TO THE DEPARTMENT OF**
22 **ENERGY NUCLEAR WEAPONS COMPLEX.**

23 (a) *IN GENERAL.—Subsection (a) of section 3140 of*
24 *the National Defense Authorization Act for Fiscal Year*

1 1996 (Public Law 104–106; 110 Stat. 621; 42 U.S.C. 2121
2 note) is amended—

3 (1) by striking “the Secretary” in the second sen-
4 tence and all that follows through “provide edu-
5 cational assistance” and inserting “the Secretary
6 shall provide educational assistance”;

7 (2) by striking the semicolon after “complex” in
8 the second sentence and inserting a period; and

9 (3) by striking paragraphs (2) and (3).

10 (b) *ELIGIBLE INDIVIDUALS*.—Subsection (b) of such
11 section is amended by inserting “are United States citizens
12 who” in the matter preceding paragraph (1) after “pro-
13 gram”.

14 (c) *COVERED FACILITIES*.—Subsection (c) of such sec-
15 tion is amended by adding at the end the following new
16 paragraphs:

17 “(5) *The Lawrence Livermore National Labora-*
18 *tory, Livermore, California.*

19 “(6) *The Los Alamos National Laboratory, Los*
20 *Alamos, New Mexico.*

21 “(7) *The Sandia National Laboratory, Albu-*
22 *querque, New Mexico.*”.

23 (d) *AGREEMENT REQUIRED*.—Subsection (f) of such
24 section is amended to read as follows:

1 “(f) *AGREEMENT.*—(1) *The Secretary may allow an*
2 *individual to participate in the program only if the indi-*
3 *vidual signs an agreement described in paragraph (2).*

4 “(2) *An agreement referred to in paragraph (1) shall*
5 *be in writing, shall be signed by the participant, and shall*
6 *include the participant’s agreement to serve, after comple-*
7 *tion of the course of study for which the assistance was pro-*
8 *vided, as a full-time employee in a position in the Depart-*
9 *ment of Energy for a period of time to be established by*
10 *the Secretary of Energy of not less than one year, if such*
11 *a position is offered to the participant.”.*

12 (e) *PLAN.*—(1) *Not later than January 1, 2000, the*
13 *Secretary of Energy shall submit to the congressional de-*
14 *fense committees a plan for the administration of the fellow-*
15 *ship program under section 3140 of the National Defense*
16 *Authorization Act for Fiscal Year 1996 (Public Law 104–*
17 *106; 42 U.S.C. 2121 note), as amended by this section.*

18 (2) *The plan shall include the criteria for the selection*
19 *of individuals for participation in such fellowship program*
20 *and a description of the provisions to be included in the*
21 *agreement required by subsection (f) of such section (as*
22 *amended by this section), including the period of time estab-*
23 *lished by the Secretary for the participants to serve as em-*
24 *ployees.*

1 (6) *Administration of contracts to manage and*
2 *operate nuclear weapons production facilities and na-*
3 *tional laboratories.*

4 (7) *Environment, safety, and health operations.*

5 (8) *Integrated safety management.*

6 (9) *Safeguard and security operations.*

7 (10) *Oversight.*

8 (11) *Relationships within the Department of En-*
9 *ergy and with other Federal agencies, the Congress,*
10 *State, tribal, and local governments, and the public.*

11 (c) *REPORTING OF NUCLEAR WEAPONS PRODUCTION*
12 *FACILITIES AND NATIONAL LABORATORIES.—In all matters*
13 *relating to national security, the nuclear weapons produc-*
14 *tion facilities and the national laboratories shall report to,*
15 *and be accountable to, the Assistant Secretary.*

16 (d) *DELEGATION BY ASSISTANT SECRETARY.—The As-*
17 *stant Secretary may delegate functions assigned under*
18 *subsection (a) only within the headquarters office of the As-*
19 *stant Secretary, except that the Assistant Secretary may*
20 *delegate to a head of a specified operations office functions*
21 *including, but not limited to, supporting the following ac-*
22 *tivities at a nuclear weapons production facility or a na-*
23 *tional laboratory:*

24 (1) *Operational activities.*

25 (2) *Program execution.*

1 (3) *Personnel.*

2 (4) *Contracting and procurement.*

3 (5) *Facility operations oversight.*

4 (6) *Integration of production and research and*
5 *development activities.*

6 (7) *Interaction with other Federal agencies,*
7 *State, tribal, and local governments, and the public.*

8 (e) *REPORTING OF OPERATIONS OFFICES.—For each*
9 *delegation made under subsection (d) to a head of a speci-*
10 *fied operations office, that head of that specified operations*
11 *office shall directly report to, and be accountable to,*
12 *the Assistant Secretary.*

13 (f) *DEFINITIONS.—As used in this section:*

14 (1) *The term “nuclear weapons production facil-*
15 *ity” means any of the following facilities:*

16 (A) *The Kansas City Plant, Kansas City,*
17 *Missouri.*

18 (B) *The Pantex Plant, Amarillo, Texas.*

19 (C) *The Y-12 Plant, Oak Ridge, Tennessee.*

20 (D) *The tritium operations at the Savan-*
21 *nah River Site, Aiken, South Carolina.*

22 (E) *The Nevada Test Site, Nevada.*

23 (2) *The term “national laboratory” means any*
24 *of the following laboratories:*

1 (A) *The Los Alamos National Laboratory,*
2 *Los Alamos, New Mexico.*

3 (B) *The Lawrence Livermore National Lab-*
4 *oratory, Livermore, California.*

5 (C) *The Sandia National Laboratories, Al-*
6 *buquerque, New Mexico, and Livermore, Cali-*
7 *fornia.*

8 (3) *The term “specified operations office” means*
9 *any of the following operations offices of the Depart-*
10 *ment of Energy:*

11 (A) *Albuquerque Operations Office, Albu-*
12 *querque, New Mexico.*

13 (B) *Oak Ridge Operations Office, Oak*
14 *Ridge, Tennessee.*

15 (C) *Oakland Operations Office, Oakland,*
16 *California.*

17 (D) *Nevada Operations Office, Nevada Test*
18 *Site, Las Vegas, Nevada.*

19 (E) *Savannah River Operations Office, Sa-*
20 *vannah River Site, Aiken, South Carolina.*

1 **SEC. 3166. NOTICE TO CONGRESSIONAL COMMITTEES OF**
2 **COMPROMISE OF CLASSIFIED INFORMATION**
3 **WITHIN NUCLEAR ENERGY DEFENSE PRO-**
4 **GRAMS.**

5 (a) *IN GENERAL.*—*The Secretary of Energy shall no-*
6 *tify the committees specified in subsection (c), notwith-*
7 *standing Rule 6(e) of the Federal Rules of Criminal Proce-*
8 *dure, that the Secretary has received information indi-*
9 *cating that classified information relating to military ap-*
10 *plications of nuclear energy is being, or may have been,*
11 *disclosed in an unauthorized manner to a foreign power*
12 *or an agent of a foreign power.*

13 (b) *MANNER OF NOTIFICATION.*—*A notification under*
14 *subsection (a) shall be provided, in writing, not later than*
15 *30 days after the date of the initial receipt of such informa-*
16 *tion by the Department of Energy.*

17 (c) *SPECIFIED COMMITTEES.*—*The committees referred*
18 *to in subsection (a) are the following:*

19 (1) *The Committee on Armed Services and the*
20 *Permanent Select Committee on Intelligence of the*
21 *House of Representatives.*

22 (2) *The Committee on Armed Services and the*
23 *Select Committee on Intelligence of the Senate.*

24 (d) *FOREIGN POWER.*—*For purposes of this section,*
25 *the terms “foreign power” and “agent of a foreign power”*
26 *have the meanings given those terms in section 101 of the*

1 *Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.*
2 *1801).*

3 **SEC. 3167. DEPARTMENT OF ENERGY REGULATIONS RELAT-**
4 **ING TO THE SAFEGUARDING AND SECURITY**
5 **OF RESTRICTED DATA.**

6 (a) *IN GENERAL.*—Chapter 18 of title I of the Atomic
7 Energy Act of 1954 (42 U.S.C. 2271 et seq.) is amended
8 by inserting after section 234A the following new section:

9 “SEC. 234B. CIVIL MONETARY PENALTIES FOR VIOLA-
10 TIONS OF DEPARTMENT OF ENERGY REGULATIONS RE-
11 GARDING SECURITY OF CLASSIFIED OR SENSITIVE INFOR-
12 MATION OR DATA.—

13 “a. Any person who has entered into a contract or
14 agreement with the Department of Energy, or a subcontract
15 or subagreement thereto, and who violates (or whose em-
16 ployee violates) any applicable rule, regulation, or order
17 prescribed or otherwise issued by the Secretary pursuant
18 to this Act relating to the safeguarding or security of Re-
19 stricted Data or other classified or sensitive information
20 shall be subject to a civil penalty of not to exceed \$100,000
21 for each such violation.

22 “b. The Secretary shall include in each contract with
23 a contractor of the Department provisions which provide
24 an appropriate reduction in the fees or amounts paid to
25 the contractor under the contract in the event of a violation

1 *by the contractor or contractor employee of any rule, regula-*
 2 *tion, or order relating to the safeguarding or security of*
 3 *Restricted Data or other classified or sensitive information.*
 4 *The provisions shall specify various degrees of violations*
 5 *and the amount of the reduction attributable to each degree*
 6 *of violation.*

7 *“c. The powers and limitations applicable to the as-*
 8 *essment of civil penalties under section 234A, except for*
 9 *subsection d. of that section, shall apply to the assessment*
 10 *of civil penalties under this section.”.*

11 *(b) CLARIFYING AMENDMENT.—The section heading of*
 12 *section 234A of such Act (42 U.S.C. 2282a) is amended by*
 13 *inserting “SAFETY” before “REGULATIONS”.*

14 *(c) CLERICAL AMENDMENT.—The table of sections for*
 15 *that Act is amended by inserting after the item relating*
 16 *to section 234 the following new items:*

*“Sec. 234A. Civil Monetary Penalties for Violations of Department of Energy
 Safety Regulations.*

*“Sec. 234B. Civil Monetary Penalties for Violations of Department of Energy Reg-
 ulations Regarding Security of Classified or Sensitive Informa-
 tion or Data.”.*

17 **SEC. 3168. DEPARTMENT OF ENERGY COUNTERINTEL-**
 18 **LIGENCE POLYGRAPH PROGRAM.**

19 *(a) PROGRAM REQUIRED.—The Secretary of Energy,*
 20 *acting through the Director of the Office of Counterintel-*
 21 *ligence of the Department of Energy, shall carry out a coun-*
 22 *terintelligence polygraph program for the defense-related ac-*
 23 *tivities of the Department. The counterintelligence poly-*

1 graph program shall consist of the administration of coun-
2 terintelligence polygraph examinations to each covered per-
3 son who has access to high-risk programs or information.

4 (b) *COVERED PERSONS.*—For purposes of this section,
5 a covered person is one of the following:

6 (1) *An officer or employee of the Department.*

7 (2) *An expert or consultant under contract to the*
8 *Department.*

9 (3) *An officer or employee of any contractor of*
10 *the Department.*

11 (c) *HIGH-RISK PROGRAMS OR INFORMATION.*—For
12 purposes of this section, high-risk programs or information
13 are any of the following:

14 (1) *The programs identified as high risk in the*
15 *regulations prescribed by the Secretary and known*
16 *as—*

17 (A) *Special Access Programs;*

18 (B) *Personnel Security And Assurance Pro-*
19 *grams; and*

20 (C) *Personnel Assurance Programs.*

21 (2) *The information identified as high risk in*
22 *the regulations prescribed by the Secretary and*
23 *known as Sensitive Compartmented Information.*

24 (d) *INITIAL TESTING AND CONSENT.*—The Secretary
25 may not permit a covered person to have any access to any

1 *high-risk program or information unless that person first*
 2 *undergoes a counterintelligence polygraph examination and*
 3 *consents in a signed writing to the counterintelligence poly-*
 4 *graph examinations required by this section.*

5 (e) *ADDITIONAL TESTING.*—*The Secretary may not*
 6 *permit a covered person to have continued access to any*
 7 *high-risk program or information unless that person under-*
 8 *goes a counterintelligence polygraph examination—*

9 (1) *not less frequently than every five years; and*
 10 (2) *at any time at the direction of the Director*
 11 *of the Office of Counterintelligence.*

12 (f) *COUNTERINTELLIGENCE POLYGRAPH EXAMINA-*
 13 *TION.*—*For purposes of this section, the term “counterintel-*
 14 *ligence polygraph examination” means a polygraph exam-*
 15 *ination using questions reasonably calculated to obtain*
 16 *counterintelligence information, including questions relat-*
 17 *ing to espionage, sabotage, unauthorized disclosure of classi-*
 18 *fied information, and unauthorized contact with foreign na-*
 19 *tionals.*

20 **SEC. 3169. REPORT ON COUNTERINTELLIGENCE AND SECU-**
 21 **RITY PRACTICES AT NATIONAL LABORA-**
 22 **TORIES.**

23 (a) *IN GENERAL.*—*Not later than March 1 of each*
 24 *year, the Secretary of Energy shall submit to the Congress*
 25 *a report for the preceding year on counterintelligence and*

1 *security practices at the facilities of the national labora-*
2 *ories (whether or not classified activities are carried out*
3 *at the facility).*

4 (b) *CONTENT OF REPORT.*—*The report shall include,*
5 *with respect to each national laboratory, the following:*

6 (1) *The number of full-time counterintelligence*
7 *and security professionals employed.*

8 (2) *A description of the counterintelligence and*
9 *security training courses conducted and, for each such*
10 *course, any requirement that employees successfully*
11 *complete that course.*

12 (3) *A description of each contract awarded that*
13 *provides an incentive for the effective performance of*
14 *counterintelligence or security activities.*

15 (4) *A description of the services provided by the*
16 *employee assistance programs.*

17 (5) *A description of any requirement that an*
18 *employee report the foreign travel of that employee*
19 *(whether or not the travel was for official business).*

20 (6) *A description of any visit by the Secretary*
21 *or by the Deputy Secretary of Energy, a purpose of*
22 *which was to emphasize to employees the need for ef-*
23 *fective counterintelligence and security practices.*

1 **SEC. 3170. TECHNOLOGY TRANSFER COORDINATION FOR**
2 **DEPARTMENT OF ENERGY NATIONAL LAB-**
3 **ORATORIES.**

4 (a) *TECHNOLOGY TRANSFER COORDINATION.*—*Within*
5 *90 days after the date of the enactment of this Act, the Sec-*
6 *retary of Energy shall ensure, for each national laboratory,*
7 *the following:*

8 (1) *Consistency of technology transfer policies*
9 *and procedures with respect to patenting, licensing,*
10 *and commercialization.*

11 (2) *That the contractor operating the national*
12 *laboratory make available to aggrieved private sector*
13 *entities a range of expedited alternate dispute resolu-*
14 *tion procedures (including both binding and non-*
15 *binding procedures) to resolve disputes that arise over*
16 *patents, licenses, and commercialization activities,*
17 *with costs and damages to be provided by the con-*
18 *tractor to the extent that any such resolution at-*
19 *tributes fault to the contractor.*

20 (3) *That the expedited procedure used for a par-*
21 *ticular dispute shall be chosen—*

22 (A) *collaboratively by the Secretary and by*
23 *appropriate representatives of the contractor op-*
24 *erating the national laboratory and of the pri-*
25 *vate sector entity; and*

1 (B) if an expedited procedure cannot be cho-
2 sen collaboratively under subparagraph (A), by
3 the Secretary.

4 (4) That the contractor operating the national
5 laboratory submit an annual report to the Secretary,
6 as part of the annual performance evaluation of the
7 contractor, on technology transfer and intellectual
8 property successes, current technology transfer and
9 intellectual property disputes involving the labora-
10 tory, and progress toward resolving those disputes.

11 (5) Training to ensure that laboratory personnel
12 responsible for patenting, licensing, and commer-
13 cialization activities are knowledgeable of the appro-
14 priate legal, procedural, and ethical standards.

15 (b) DEFINITION OF NATIONAL LABORATORY.—As used
16 in this section, the term “national laboratory” means any
17 of the following laboratories:

18 (1) The Los Alamos National Laboratory, Los
19 Alamos, New Mexico.

20 (2) The Lawrence Livermore National Labora-
21 tory, Livermore, California.

22 (3) The Sandia National Laboratories, Albu-
23 querque, New Mexico, and Livermore, California.

1 ***Subtitle F—Protection of National***
2 ***Security Information***

3 ***SEC. 3181. SHORT TITLE.***

4 *This subtitle may be cited as the “National Security*
5 *Information Protection Improvement Act”.*

6 ***SEC. 3182. SEMI-ANNUAL REPORT BY THE PRESIDENT ON***
7 ***ESPIONAGE BY THE PEOPLE’S REPUBLIC OF***
8 ***CHINA.***

9 *(a) REPORTS REQUIRED.—The President shall trans-*
10 *mit to Congress a report, not less often than every six*
11 *months, on the steps being taken by the Department of En-*
12 *ergy, the Department of Defense, the Federal Bureau of In-*
13 *vestigation, the Central Intelligence Agency, and all other*
14 *relevant executive departments and agencies to respond to*
15 *espionage and other intelligence activities by the People’s*
16 *Republic of China, particularly with respect to the theft of*
17 *sophisticated United States nuclear weapons design infor-*
18 *mation and the targeting by the People’s Republic of China*
19 *of United States nuclear weapons codes and other national*
20 *security information of strategic concern.*

21 *(b) INITIAL REPORT.—The first report under this sec-*
22 *tion shall be transmitted not later than January 1, 2000.*

1 **SEC. 3183. REPORT ON WHETHER DEPARTMENT OF ENERGY**
2 **SHOULD CONTINUE TO MAINTAIN NUCLEAR**
3 **WEAPONS RESPONSIBILITY.**

4 *Not later than January 1, 2000, the President shall*
5 *transmit to Congress a report regarding the feasibility of*
6 *alternatives to the current arrangements for controlling*
7 *United States nuclear weapons development, testing, and*
8 *maintenance within the Department of Energy, including*
9 *the reestablishment of the Atomic Energy Commission as*
10 *an independent nuclear agency. The report shall describe*
11 *the benefits and shortcomings of each such alternative, as*
12 *well as the current system, from the standpoint of protecting*
13 *such weapons and related research and technology from*
14 *theft and exploitation. The President shall include with*
15 *such report the President's recommendation for the appro-*
16 *priate arrangements for controlling United States nuclear*
17 *weapons development, testing, and maintenance outside the*
18 *Department of Energy if it should be determined that the*
19 *Department of Energy should no longer have that responsi-*
20 *bility.*

21 **SEC. 3184. DEPARTMENT OF ENERGY OFFICE OF FOREIGN**
22 **INTELLIGENCE AND OFFICE OF COUNTER-**
23 **INTELLIGENCE.**

24 *(a) IN GENERAL.—The Department of Energy Organi-*
25 *zation Act is amended by inserting after section 212 (42*
26 *U.S.C. 7143) the following new sections:*

1 “OFFICE OF FOREIGN INTELLIGENCE

2 “SEC. 213. (a) *There shall be within the Department*
3 *an Office of Foreign Intelligence, to be headed by a Director,*
4 *who shall report directly to the Secretary.*

5 “(b) *The Director shall be responsible for the programs*
6 *and activities of the Department relating to the analysis*
7 *of intelligence with respect to nuclear weapons and mate-*
8 *rials, other nuclear matters, and energy security.*

9 “(c) *The Secretary may delegate to the Deputy Sec-*
10 *retary of Energy the day-to-day supervision of the Director.*

11 “OFFICE OF COUNTERINTELLIGENCE

12 “SEC. 214. (a) *There shall be within the Department*
13 *an Office of Counterintelligence, to be headed by a Director,*
14 *who shall report directly to the Secretary.*

15 “(b) *The Director shall carry out all counterintel-*
16 *ligence activities in the Department relating to the defense*
17 *activities of the Department.*

18 “(c) *The Secretary may delegate to the Deputy Sec-*
19 *retary of Energy the day-to-day supervision of the Director.*

20 “(d)(1) *The Director shall keep the intelligence com-*
21 *mittees fully and currently informed of all significant secu-*
22 *rity breaches at any of the national laboratories.*

23 “(2) *For purposes of this subsection, the term ‘intel-*
24 *ligence committees’ means the Permanent Select Committee*
25 *of the House of Representatives and the Select Committee*
26 *on Intelligence of the Senate.’”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
 2 *the first section of that Act is amended by inserting after*
 3 *the item relating to section 212 the following new items:*

“Sec. 213. *Office of Foreign Intelligence.*

“Sec. 214. *Office of Counterintelligence.*”.

4 **SEC. 3185. COUNTERINTELLIGENCE PROGRAM AT DEPART-**
 5 **MENT OF ENERGY NATIONAL LABORATORIES.**

6 (a) *PROGRAM REQUIRED.*—*The Secretary of Energy*
 7 *shall establish and maintain at each national laboratory*
 8 *a counterintelligence program for the defense-related activi-*
 9 *ties of the Department of Energy at such laboratory.*

10 (b) *HEAD OF PROGRAM.*—*The Secretary shall ensure*
 11 *that, for each national laboratory, the head of the counter-*
 12 *intelligence program of that laboratory—*

13 (1) *has extensive experience in counterintel-*
 14 *ligence activities within the Federal Government; and*

15 (2) *with respect to the counterintelligence pro-*
 16 *gram, is responsible directly to, and is hired with the*
 17 *concurrence of, the Director of Counterintelligence of*
 18 *the Department of Energy and the director of the na-*
 19 *tional laboratory.*

20 **SEC. 3186. COUNTERINTELLIGENCE ACTIVITIES AT OTHER**
 21 **DEPARTMENT OF ENERGY FACILITIES.**

22 (a) *ASSIGNMENT OF COUNTERINTELLIGENCE PER-*
 23 *SONNEL.*—(1) *The Secretary of Energy shall assign to each*
 24 *Department of Energy facility, other than a national lab-*

1 oratory, at which Restricted Data is located an individual
2 who shall assess security and counterintelligence matters at
3 that facility.

4 (2) An individual assigned to a facility under this sub-
5 section shall be stationed at the facility.

6 (b) SUPERVISION.—Each individual assigned under
7 subsection (a) shall report directly to the Director of the
8 Office of Counterintelligence of the Department of Energy.

9 **SEC. 3187. DEPARTMENT OF ENERGY POLYGRAPH EXAMINA-**
10 **TIONS.**

11 (a) COUNTERINTELLIGENCE POLYGRAPH PROGRAM
12 REQUIRED.—The Secretary of Energy, acting through the
13 Director of Counterintelligence of the Department of En-
14 ergy, shall carry out a counterintelligence polygraph pro-
15 gram for the defense activities of the Department of Energy.
16 The program shall consist of the administration on a reg-
17 ular basis of a polygraph examination to each covered per-
18 son who has access to a program that the Director of Coun-
19 terintelligence and the Assistant Secretary assigned the
20 functions under section 203(a)(5) of the Department of En-
21 ergy Organization Act determine requires special access re-
22 strictions.

23 (b) COVERED PERSONS.—For purposes of subsection
24 (a), a covered person is any of the following:

25 (1) An officer or employee of the Department.

1 (2) *An expert or consultant under contract to the*
2 *Department.*

3 (3) *An officer or employee of any contractor of*
4 *the Department.*

5 (c) *ADDITIONAL POLYGRAPH EXAMINATIONS.—In ad-*
6 *dition to the polygraph examinations administered under*
7 *subsection (a), the Secretary, in carrying out the defense*
8 *activities of the Department—*

9 (1) *may administer a polygraph examination to*
10 *any employee of the Department or of any contractor*
11 *of the Department, for counterintelligence purposes;*
12 *and*

13 (2) *shall administer a polygraph examination to*
14 *any such employee in connection with an investiga-*
15 *tion of such employee, if such employee requests the*
16 *administration of a polygraph examination for excul-*
17 *patory purposes.*

18 (d) *REGULATIONS.—(1) The Secretary shall prescribe*
19 *any regulations necessary to carry out this section. Such*
20 *regulations shall include procedures, to be developed in con-*
21 *sultation with the Director of the Federal Bureau of Inves-*
22 *tigation, for identifying and addressing “false positive” re-*
23 *sults of polygraph examinations.*

24 (2) *Notwithstanding section 501 of the Department of*
25 *Energy Organization Act (42 U.S.C. 7191) or any other*

1 *provision of law, the Secretary may, in prescribing regula-*
 2 *tions under paragraph (1), waive any requirement for no-*
 3 *tice or comment if the Secretary determines that it is in*
 4 *the national security interest to expedite the implementa-*
 5 *tion of such regulations.*

6 *(e) NO CHANGE IN OTHER POLYGRAPH AUTHORITY.—*
 7 *This section shall not be construed to affect the authority*
 8 *under any other provision of law of the Secretary to admin-*
 9 *ister a polygraph examination.*

10 **SEC. 3188. CIVIL MONETARY PENALTIES FOR VIOLATIONS**
 11 **OF DEPARTMENT OF ENERGY REGULATIONS**
 12 **RELATING TO THE SAFEGUARDING AND SE-**
 13 **CURITY OF RESTRICTED DATA.**

14 *(a) IN GENERAL.—Chapter 18 of title I of the Atomic*
 15 *Energy Act of 1954 (42 U.S.C. 2271 et seq.) is amended*
 16 *by inserting after section 234A the following new section:*

17 *“SEC. 234B. CIVIL MONETARY PENALTIES FOR VIOLA-*
 18 *TIONS OF DEPARTMENT OF ENERGY REGULATIONS RE-*
 19 *GARDING SECURITY OF CLASSIFIED OR SENSITIVE INFOR-*
 20 *MATION OR DATA.—*

21 *“a. Any individual or entity that has entered into a*
 22 *contract or agreement with the Department of Energy, or*
 23 *a subcontract or subagreement thereto, and that commits*
 24 *a gross violation or a pattern of gross violations of any*
 25 *applicable rule, regulation, or order prescribed or otherwise*

1 issued by the Secretary pursuant to this subtitle relating
2 to the safeguarding or security of Restricted Data or other
3 classified or sensitive information shall be subject to a civil
4 penalty of not to exceed \$500,000 for each such violation.

5 “b. The Secretary shall include, in each contract en-
6 tered into after the date of the enactment of this section
7 with a contractor of the Department, provisions which pro-
8 vide an appropriate reduction in the fees or amounts paid
9 to the contractor under the contract in the event of a viola-
10 tion by the contractor or contractor employee of any rule,
11 regulation, or order relating to the safeguarding or security
12 of Restricted Data or other classified or sensitive informa-
13 tion. The provisions shall specify various degrees of viola-
14 tions and the amount of the reduction attributable to each
15 degree of violation.

16 “c. The powers and limitations applicable to the as-
17 sessment of civil penalties under section 234A shall apply
18 to the assessment of civil penalties under this section.”.

19 (b) CLARIFYING AMENDMENT.—The section heading of
20 section 234A of that Act (42 U.S.C. 2282a) is amended by
21 inserting “SAFETY” before “REGULATIONS”.

22 (c) CLERICAL AMENDMENT.—The table of sections in
23 the first section of that Act is amended by inserting after
24 the item relating to section 234 the following new items:

“234A. Civil Monetary Penalties for Violations of Department of Energy Safety
Regulations.

“234B. Civil Monetary Penalties for Violations of Department of Energy Regulations Regarding Security of Classified or Sensitive Information or Data.”.

1 **SEC. 3189. INCREASED PENALTIES FOR MISUSE OF RE-**
2 **STRICED DATA.**

3 *(a) COMMUNICATION OF RESTRICTED DATA.—Section*
4 *224 of the Atomic Energy Act of 1954 (42 U.S.C. 2274)*
5 *is amended—*

6 *(1) in clause a., by striking “\$20,000” and in-*
7 *serting “\$400,000”; and*

8 *(2) in clause b., by striking “\$10,000” and in-*
9 *serting “\$200,000”.*

10 *(b) RECEIPT OF RESTRICTED DATA.—Section 225 of*
11 *such Act (42 U.S.C. 2275) is amended by striking*
12 *“\$20,000” and inserting “\$400,000”.*

13 *(c) DISCLOSURE OF RESTRICTED DATA.—Section 227*
14 *of such Act (42 U.S.C. 2277) is amended by striking*
15 *“\$2,500” and inserting “\$50,000”.*

16 **SEC. 3190. RESTRICTIONS ON ACCESS TO NATIONAL LAB-**
17 **ORATORIES BY FOREIGN VISITORS FROM**
18 **SENSITIVE COUNTRIES.**

19 *(a) BACKGROUND REVIEW REQUIRED.—The Secretary*
20 *of Energy may not admit to any facility of a national lab-*
21 *oratory any individual who is a citizen or agent of a nation*
22 *that is named on the current sensitive countries list unless*
23 *the Secretary first completes a background review with re-*
24 *spect to that individual.*

1 **(b) MORATORIUM PENDING CERTIFICATION.**—(1) *Dur-*
2 *ing the period described in paragraph (2), the Secretary*
3 *may not admit to any facility of a national laboratory any*
4 *individual who is a citizen or agent of a nation that is*
5 *named on the current sensitive countries list.*

6 (2) *The period referred to in paragraph (1) is the pe-*
7 *riod beginning 30 days after the date of the enactment of*
8 *this Act and ending on the later of the following:*

9 (A) *The date that is 90 days after the date of the*
10 *enactment of this Act.*

11 (B) *The date that is 45 days after the date on*
12 *which the Secretary submits to Congress a certifi-*
13 *cation described in paragraph (3).*

14 (3) *A certification referred to in paragraph (2) is a*
15 *certification by the Director of Counterintelligence of the*
16 *Department of Energy, with the concurrence of the Director*
17 *of the Federal Bureau of Investigation, that all security*
18 *measures are in place that are necessary and appropriate*
19 *to prevent espionage or intelligence gathering by or for a*
20 *sensitive country, including access by individuals referred*
21 *to in paragraph (1) to classified information of the national*
22 *laboratory.*

23 **(c) WAIVER OF MORATORIUM.**—(1) *The Secretary of*
24 *Energy may waive the prohibition in subsection (b) on a*
25 *case-by-case basis with respect to any specific individual*

1 *or any specific delegation of individuals whose admission*
2 *to a national laboratory is determined by the Secretary to*
3 *be in the interest of the national security of the United*
4 *States.*

5 (2) *Not later than the seventh day of the month fol-*
6 *lowing a month in which a waiver is made, the Secretary*
7 *shall submit a report in writing providing notice of each*
8 *waiver made in that month to the following:*

9 (A) *The Committee on Armed Services and the*
10 *Select Committee on Intelligence of the Senate.*

11 (B) *The Committee on Armed Services and the*
12 *Permanent Select Committee on Intelligence of the*
13 *House of Representatives.*

14 (3) *Each such report shall be in classified form and*
15 *shall contain the identity of each individual or delegation*
16 *for whom such a waiver was made and, with respect to each*
17 *such individual or delegation, the following information:*

18 (A) *A detailed justification for the waiver.*

19 (B) *For each individual with respect to whom a*
20 *background review was conducted, whether the back-*
21 *ground review determined that negative information*
22 *exists with respect to that individual.*

23 (C) *The Secretary's certification that the admis-*
24 *sion of that individual or delegation to a national*

1 *laboratory is in the interest of the national security*
2 *of the United States.*

3 *(4) The authority of the Secretary under paragraph*
4 *(1) may be delegated only to the Director of Counterintel-*
5 *ligence of the Department of Energy.*

6 *(d) EXCEPTION TO MORATORIUM FOR CERTAIN INDI-*
7 *VIDUALS.—The moratorium under subsection (b) shall not*
8 *apply to any person who—*

9 *(1) is, on the date of the enactment of this Act,*
10 *an employee or assignee of the Department of Energy,*
11 *or of a contractor of the Department; and*

12 *(2) has undergone a background review in ac-*
13 *cordance with subsection (a).*

14 *(e) EXCEPTION TO MORATORIUM FOR CERTAIN PRO-*
15 *GRAMS.—In the case of a program undertaken pursuant to*
16 *an international agreement between the United States and*
17 *a foreign nation, the moratorium under subsection (b) shall*
18 *not apply to the admittance to a facility that is important*
19 *to that program of a citizen of that foreign nation whose*
20 *admittance is important to that program.*

21 *(f) SENSE OF CONGRESS REGARDING BACKGROUND*
22 *REVIEWS.—It is the sense of Congress that the Secretary*
23 *of Energy, the Director of the Federal Bureau of Investiga-*
24 *tion, and the Director of Central Intelligence should ensure*

1 *that background reviews carried out under this section are*
2 *completed in not more than 15 days.*

3 *(g) DEFINITIONS.—For purposes of this section:*

4 *(1) The term “background review”, commonly*
5 *known as an indices check, means a review of infor-*
6 *mation provided by the Director of Central Intel-*
7 *ligence and the Director of the Federal Bureau of In-*
8 *vestigation regarding personal background, including*
9 *information relating to any history of criminal activ-*
10 *ity or to any evidence of espionage.*

11 *(2) The term “sensitive countries list” means the*
12 *list prescribed by the Secretary of Energy known as*
13 *the Department of Energy List of Sensitive Countries.*

14 **SEC. 3191. REQUIREMENTS RELATING TO ACCESS BY FOR-**
15 **EIGN VISITORS AND EMPLOYEES TO DEPART-**
16 **MENT OF ENERGY FACILITIES ENGAGED IN**
17 **DEFENSE ACTIVITIES.**

18 *(a) SECURITY CLEARANCE REVIEW REQUIRED.—The*
19 *Secretary of Energy may not allow unescorted access to any*
20 *classified area, or access to classified information, of any*
21 *facility of the Department of Energy engaged in the defense*
22 *activities of the Department to any individual who is a*
23 *citizen of a foreign nation unless—*

24 *(1) the Secretary, acting through the Director of*
25 *Counterintelligence, first completes a security clear-*

1 *ance investigation with respect to that individual in*
2 *a manner at least as comprehensive as the investiga-*
3 *tion required for the issuance of a security clearance*
4 *at the level required for such access under the rules*
5 *and regulations of the Department; or*

6 *(2) a foreign government first completes a secu-*
7 *rity clearance investigation with respect to that indi-*
8 *vidual in a manner that the Secretary of State, pur-*
9 *suant to an international agreement between the*
10 *United States and that foreign government, deter-*
11 *mines is equivalent to the investigation required for*
12 *the issuance of a security clearance at the level re-*
13 *quired for such access under the rules and regulations*
14 *of the Department.*

15 *(b) EFFECT ON CURRENT EMPLOYEES.—The Sec-*
16 *retary shall ensure that any individual who, on the date*
17 *of the enactment of this Act, is a citizen of a foreign nation*
18 *and an employee of the Department or of a contractor of*
19 *the Department is not discharged from such employment*
20 *as a result of this section before the completion of the secu-*
21 *rity clearance investigation of such individual under sub-*
22 *section (a) unless the Director of Counterintelligence deter-*
23 *mines that such discharge is necessary for the national secu-*
24 *rity of the United States.*

1 **SEC. 3192. ANNUAL REPORT ON SECURITY AND COUNTER-**
2 **INTELLIGENCE STANDARDS AT NATIONAL**
3 **LABORATORIES AND OTHER DEFENSE FACILI-**
4 **TIES OF THE DEPARTMENT OF ENERGY.**

5 (a) *REPORT ON SECURITY AND COUNTERINTEL-*
6 *LIGENCE STANDARDS AT NATIONAL LABORATORIES AND*
7 *OTHER DOE DEFENSE FACILITIES.*—*Not later than March*
8 *1 of each year, the Secretary of Energy, acting through the*
9 *Director of Counterintelligence of the Department of En-*
10 *ergy, shall submit a report on the security and counterintel-*
11 *ligence standards at the national laboratories, and other fa-*
12 *cilities of the Department of Energy engaged in the defense*
13 *activities of the Department, to the following:*

14 (1) *The Committee on Armed Services and the*
15 *Select Committee on Intelligence of the Senate.*

16 (2) *The Committee on Armed Services and the*
17 *Permanent Select Committee on Intelligence of the*
18 *House of Representatives.*

19 (b) *CONTENTS OF REPORT.*—*The report shall be in*
20 *classified form and shall contain, for each such national*
21 *laboratory or facility, the following information:*

22 (1) *A description of all security measures that*
23 *are in place to prevent access by unauthorized indi-*
24 *viduals to classified information of the national lab-*
25 *oratory or facility.*

1 (2) *A certification by the Director of Counter-*
2 *intelligence of the Department of Energy as to*
3 *whether—*

4 (A) *all security measures are in place to*
5 *prevent access by unauthorized individuals to*
6 *classified information of the national laboratory*
7 *or facility; and*

8 (B) *such security measures comply with*
9 *Presidential Decision Directives and other appli-*
10 *cable Federal requirements relating to the safe-*
11 *guarding and security of classified information.*

12 (3) *For each admission of an individual under*
13 *section 3190 not described in a previous report under*
14 *this section, the identity of that individual, and*
15 *whether the background review required by that sec-*
16 *tion determined that information relevant to security*
17 *exists with respect to that individual.*

18 **SEC. 3193. REPORT ON SECURITY VULNERABILITIES OF NA-**
19 **TIONAL LABORATORY COMPUTERS.**

20 (a) *REPORT REQUIRED.—Not later than March 1 of*
21 *each year, the National Counterintelligence Policy Board*
22 *shall prepare a report, in consultation with the Director*
23 *of Counterintelligence of the Department of Energy, on the*
24 *security vulnerabilities of the computers of the national lab-*
25 *oratories.*

1 (b) *PREPARATION OF REPORT.*—*In preparing the re-*
2 *port, the National Counterintelligence Policy Board shall*
3 *establish a so-called “red team” of individuals to perform*
4 *an operational evaluation of the security vulnerabilities of*
5 *the computers of the national laboratories, including by di-*
6 *rect experimentation. Such individuals shall be selected by*
7 *the National Counterintelligence Policy Board from among*
8 *employees of the Department of Defense, the National Secu-*
9 *rity Agency, the Central Intelligence Agency, the Federal*
10 *Bureau of Investigation, and of other agencies, and may*
11 *be detailed to the National Counterintelligence Policy Board*
12 *from such agencies without reimbursement and without*
13 *interruption or loss of civil service status or privilege.*

14 (c) *SUBMISSION OF REPORT TO SECRETARY OF EN-*
15 *ERGY AND TO FBI DIRECTOR.*—*Not later than March 1 of*
16 *each year, the report shall be submitted in classified and*
17 *unclassified form to the Secretary of Energy and the Direc-*
18 *tor of the Federal Bureau of Investigation.*

19 (d) *FORWARDING TO CONGRESSIONAL COMMITTEES.*—
20 *Not later than 30 days after the report is submitted, the*
21 *Secretary and the Director shall each separately forward*
22 *that report, with the recommendations in classified and un-*
23 *classified form of the Secretary or the Director, as applica-*
24 *ble, in response to the findings of that report, to the fol-*
25 *lowing:*

1 (1) *The Committee on Armed Services and the*
2 *Select Committee on Intelligence of the Senate.*

3 (2) *The Committee on Armed Services and the*
4 *Permanent Select Committee on Intelligence of the*
5 *House of Representatives.*

6 **SEC. 3194. GOVERNMENT ACCESS TO CLASSIFIED INFORMA-**
7 **TION ON DEPARTMENT OF ENERGY DEFENSE-**
8 **RELATED COMPUTERS.**

9 (a) *PROCEDURES REQUIRED.*—*The Secretary of En-*
10 *ergy shall establish procedures to govern access to classified*
11 *information on DOE defense-related computers. Those pro-*
12 *cedures shall, at a minimum, provide that each employee*
13 *of the Department of Energy who requires access to classi-*
14 *fied information shall be required as a condition of such*
15 *access to provide to the Secretary written consent which*
16 *permits access by an authorized investigative agency to any*
17 *DOE defense-related computer used in the performance of*
18 *the defense-related duties of such employee during the period*
19 *of that employee's access to classified information and for*
20 *a period of three years thereafter.*

21 (b) *EXPECTATION OF PRIVACY IN DOE DEFENSE-RE-*
22 *LATED COMPUTERS.*—*Notwithstanding any other provision*
23 *of law (including any provision of law enacted by the Elec-*
24 *tronic Communications Privacy Act of 1986), no user of*

1 *a DOE defense-related computer shall have any expectation*
2 *of privacy in the use of that computer.*

3 (c) *DEFINITIONS.—For purposes of this section:*

4 (1) *The term “DOE defense-related computer”*
5 *means a computer of the Department of Energy or a*
6 *Department of Energy contractor that is used, in*
7 *whole or in part, for a Department of Energy defense-*
8 *related activity.*

9 (2) *The term “computer” means an electronic,*
10 *magnetic, optical, electrochemical, or other high-speed*
11 *data processing device performing logical, arithmetic,*
12 *or storage functions, and includes any data storage*
13 *facility or communications facility directly related to,*
14 *or operating in conjunction with, such device.*

15 (3) *The term “authorized investigative agency”*
16 *means an agency authorized by law or regulation to*
17 *conduct a counterintelligence investigation or inves-*
18 *tigations of persons who are proposed for access to*
19 *classified information to ascertain whether such per-*
20 *sons satisfy the criteria for obtaining and retaining*
21 *access to such information.*

22 (4) *The term “classified information” means any*
23 *information that has been determined pursuant to*
24 *Executive Order No. 12356 of April 2, 1982, or suc-*
25 *cessor orders, or the Atomic Energy Act of 1954, to*

1 *require protection against unauthorized disclosure*
2 *and that is so designated.*

3 (5) *The term “employee” includes any person*
4 *who receives a salary or compensation of any kind*
5 *from the Department of Energy, is a contractor of the*
6 *Department of Energy or an employee thereof, is an*
7 *unpaid consultant of the Department of Energy, or*
8 *otherwise acts for or on behalf of the Department of*
9 *Energy.*

10 (d) *ESTABLISHMENT OF PROCEDURES.—Not later*
11 *than 90 days after the date of the enactment of this Act,*
12 *the Secretary of Energy shall prescribe such regulations as*
13 *may be necessary to implement this section.*

14 **SEC. 3195. DEFINITION OF NATIONAL LABORATORY.**

15 *For purposes of this subtitle, the term “national lab-*
16 *oratory” means any of the following:*

17 (1) *The Lawrence Livermore National Labora-*
18 *tory, Livermore, California.*

19 (2) *The Los Alamos National Laboratory, Los*
20 *Alamos, New Mexico.*

21 (3) *The Sandia National Laboratories, Albu-*
22 *querque, New Mexico.*

23 (4) *The Oak Ridge National Laboratories, Oak*
24 *Ridge, Tennessee.*

1 **TITLE XXXII—DEFENSE NU-**
 2 **CLEAR FACILITIES SAFETY**
 3 **BOARD**

4 **SEC. 3201. AUTHORIZATION.**

5 *There are authorized to be appropriated for fiscal year*
 6 *2000, \$17,500,000 for the operation of the Defense Nuclear*
 7 *Facilities Safety Board under chapter 21 of the Atomic En-*
 8 *ergy Act of 1954 (42 U.S.C. 2286 et seq.).*

9 **TITLE XXXIII—NATIONAL**
 10 **DEFENSE STOCKPILE**

11 **SEC. 3301. DEFINITIONS.**

12 *In this title:*

13 (1) *The term “National Defense Stockpile”*
 14 *means the stockpile provided for in section 4 of the*
 15 *Strategic and Critical Materials Stock Piling Act (50*
 16 *U.S.C. 98c).*

17 (2) *The term “National Defense Stockpile Trans-*
 18 *action Fund” means the fund in the Treasury of the*
 19 *United States established under section 9(a) of the*
 20 *Strategic and Critical Materials Stock Piling Act (50*
 21 *U.S.C. 98h(a)).*

22 **SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.**

23 (a) **OBLIGATION OF STOCKPILE FUNDS.**—*During fis-*
 24 *cal year 2000, the National Defense Stockpile Manager may*
 25 *obligate up to \$78,700,000 of the funds in the National De-*

1 *fense Stockpile Transaction Fund for the authorized uses*
2 *of such funds under section 9(b)(2) of the Strategic and*
3 *Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)),*
4 *including the disposal of hazardous materials that are envi-*
5 *ronmentally sensitive.*

6 (b) *ADDITIONAL OBLIGATIONS.*—*The National Defense*
7 *Stockpile Manager may obligate amounts in excess of the*
8 *amount specified in subsection (a) if the National Defense*
9 *Stockpile Manager notifies Congress that extraordinary or*
10 *emergency conditions necessitate the additional obligations.*
11 *The National Defense Stockpile Manager may make the ad-*
12 *ditional obligations described in the notification after the*
13 *end of the 45-day period beginning on the date on which*
14 *Congress receives the notification.*

15 (c) *LIMITATIONS.*—*The authorities provided by this*
16 *section shall be subject to such limitations as may be pro-*
17 *vided in appropriations Acts.*

18 **SEC. 3303. ELIMINATION OF CONGRESSIONALLY IMPOSED**
19 **DISPOSAL RESTRICTIONS ON SPECIFIC**
20 **STOCKPILE MATERIALS.**

21 *Sections 3303 and 3304 of the National Defense Au-*
22 *thorization Act for Fiscal Year 1996 (Public Law 104–106;*
23 *110 Stat. 629) are repealed.*

1 **TITLE XXXIV—MARITIME**
2 **ADMINISTRATION**

3 **SEC. 3401. SHORT TITLE.**

4 *This title may be cited as the “Maritime Administra-*
5 *tion Authorization Act for Fiscal Year 2000”.*

6 **SEC. 3402. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
7 **CAL YEAR 2000.**

8 *Funds are hereby authorized to be appropriated, to be*
9 *available without fiscal year limitation if so provided in*
10 *appropriations Acts, for the use of the Department of*
11 *Transportation for the Maritime Administration as follows:*

12 (1) *For expenses necessary for operations and*
13 *training activities, \$79,764,000 for fiscal year 2000.*

14 (2) *For expenses under the loan guarantee pro-*
15 *gram authorized by title XI of the Merchant Marine*
16 *Act, 1936 (46 App. U.S.C. 1271 et seq.), \$34,893,000*
17 *for fiscal year 2000, of which—*

18 (A) *\$31,000,000 is for the cost (as defined*
19 *in section 502(5) of the Federal Credit Reform*
20 *Act of 1990 (2 U.S.C. 661a(5))) of loan guaran-*
21 *tees under the program; and*

22 (B) *\$3,893,000 is for administrative ex-*
23 *penses related to loan guarantee commitments*
24 *under the program.*

1 **SEC. 3403. AMENDMENTS TO TITLE XI OF THE MERCHANT**
2 **MARINE ACT, 1936.**

3 (a) *AUTHORITY TO HOLD OBLIGATION PROCEEDS IN*
4 *ESCROW.*—Section 1108(a) of the Merchant Marine Act,
5 1936 (46 App. U.S.C. 1279a(a)) is amended by striking so
6 much as precedes “guarantee of an obligation” and insert-
7 ing the following:

8 “(a) *AUTHORITY TO HOLD OBLIGATION PROCEEDS IN*
9 *ESCROW.*—(1) *If the proceeds of an obligation guaranteed*
10 *under this title are to be used to finance the construction,*
11 *reconstruction, or reconditioning of a vessel that will serve*
12 *as security for the guarantee, the Secretary may accept and*
13 *hold, in escrow under an escrow agreement with the*
14 *obligor—*

15 “(A) *the proceeds of that obligation, including*
16 *such interest as may be earned thereon; and*

17 “(B) *if required by the Secretary, an amount*
18 *equal to 6 month’s interest on the obligation.*

19 “(2) *The Secretary may release funds held in escrow*
20 *under paragraph (1) only if the Secretary determines*
21 *that—*

22 “(A) *the obligor has paid its portion of the ac-*
23 *tual cost of construction, reconstruction, or recondi-*
24 *tioning; and*

25 “(B) *the funds released are needed—*

1 “(i) to pay, or make reimbursements in
2 connection with payments previously made for
3 work performed in that construction, reconstruc-
4 tion, or reconditioning; or

5 “(i) to pay for other costs approved by the
6 Secretary, with respect to the vessel or vessels.

7 “(3) If the security for the”.

8 (b) *AUTHORITY TO HOLD OBLIGOR’S CASH AS COL-*
9 *LATERAL.*—Title XI of the Merchant Marine Act, 1936 is
10 amended by inserting after section 1108 the following:

11 **“SEC. 1109. DEPOSIT FUND.**

12 “(a) *ESTABLISHMENT OF DEPOSIT FUND.*—There is
13 established in the Treasury a deposit fund for purposes of
14 this section. The Secretary may, in accordance with an
15 agreement under subsection (b), deposit into and hold in
16 the deposit fund cash belonging to an obligor to serve as
17 collateral for a guarantee under this title made with respect
18 to the obligor.

19 “(b) *AGREEMENT.*—

20 “(1) *IN GENERAL.*—The Secretary and an obli-
21 gator shall enter into a reserve fund or other collateral
22 account agreement to govern the deposit, withdrawal,
23 retention, use, and reinvestment of cash of the obligor
24 held in the deposit fund established by subsection (a).

1 “(2) *TERMS.*—*The agreement shall contain such*
2 *terms and conditions as are required under this sec-*
3 *tion and such additional terms as are considered by*
4 *the Secretary to be necessary to protect fully the inter-*
5 *ests of the United States.*

6 “(3) *SECURITY INTEREST OF UNITED STATES.*—
7 *The agreement shall include terms that grant to the*
8 *United States a security interest in all amounts de-*
9 *posited into the deposit fund.*

10 “(c) *INVESTMENT.*—*The Secretary may invest and re-*
11 *invest any part of the amounts in the deposit fund estab-*
12 *lished by subsection (a) in obligations of the United States*
13 *with such maturities as ensure that amounts in the deposit*
14 *fund will be available as required for purposes of agree-*
15 *ments under subsection (b). Cash balances of the deposit*
16 *fund in excess of current requirements shall be maintained*
17 *in a form of uninvested funds and the Secretary of the*
18 *Treasury shall pay interest on these funds.*

19 “(d) *WITHDRAWALS.*—

20 “(1) *IN GENERAL.*—*The cash deposited into the*
21 *deposit fund established by subsection (a) may not be*
22 *withdrawn without the consent of the Secretary.*

23 “(2) *USE OF INCOME.*—*Subject to paragraph (3),*
24 *the Secretary may pay any income earned on cash of*
25 *an obligor deposited into the deposit fund in accord-*

1 *ance with the terms of the agreement with the obligor*
 2 *under subsection (b).*

3 “(3) *RETENTION AGAINST DEFAULT.—The Sec-*
 4 *retary may retain and offset any or all of the cash*
 5 *of an obligor in the deposit fund, and any income re-*
 6 *alized thereon, as part of the Secretary’s recovery*
 7 *against the obligor in case of a default by the obligor*
 8 *on an obligation.”.*

9 **SEC. 3404. EXTENSION OF WAR RISK INSURANCE AUTHOR-**
 10 **ITY.**

11 *Section 1214 of the Merchant Marine Act, 1936 (46*
 12 *App. U.S.C. 1294) is amended by striking “June 30, 2000”*
 13 *and inserting “June 30, 2005”.*

14 **SEC. 3405. OWNERSHIP OF THE JEREMIAH O’BRIEN.**

15 *Section 3302(l)(1)(C) of title 46, United States Code,*
 16 *is amended by striking “owned by the United States Mari-*
 17 *time Administration” and inserting “owned by the Na-*
 18 *tional Liberty Ship Memorial, Inc.”.*

19 **TITLE XXXV—PANAMA CANAL**
 20 **COMMISSION**

21 **SEC. 3501. SHORT TITLE.**

22 *This title may be cited as the “Panama Canal Com-*
 23 *mission Authorization Act for Fiscal Year 2000”.*

1 **SEC. 3502. AUTHORIZATION OF EXPENDITURES.**

2 (a) *IN GENERAL.*—Subject to subsection (b), the Pan-
3 ama Canal Commission is authorized to use amounts in
4 the Panama Canal Revolving Fund to make such expendi-
5 tures within the limits of funds and borrowing authority
6 available to it in accordance with law, and to make such
7 contracts and commitments, as may be necessary under the
8 Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for
9 the operation, maintenance, improvement, and administra-
10 tion of the Panama Canal for fiscal year 2000 until the
11 termination of the Panama Canal Treaty of 1977.

12 (b) *LIMITATIONS.*—Until noon on December 31, 1999,
13 the Panama Canal Commission may expend from funds in
14 the Panama Canal Revolving Fund not more than \$100,000
15 for official reception and representation expenses, of
16 which—

17 (1) not more than \$28,000 may be used for offi-
18 cial reception and representation expenses of the Su-
19 pervisory Board of the Commission;

20 (2) not more than \$14,000 may be used for offi-
21 cial reception and representation expenses of the Sec-
22 retary of the Commission; and

23 (3) not more than \$58,000 may be used for offi-
24 cial reception and representation expenses of the Ad-
25 ministrator of the Commission.

1 **SEC. 3503. PURCHASE OF VEHICLES.**

2 *Notwithstanding any other provision of law, the funds*
3 *available to the Panama Canal Commission shall be avail-*
4 *able for the purchase and transportation to the Republic*
5 *of Panama of passenger motor vehicles built in the United*
6 *States, the purchase price of which shall not exceed \$26,000*
7 *per vehicle.*

8 **SEC. 3504. OFFICE OF TRANSITION ADMINISTRATION.**

9 *(a) EXPENDITURES FROM PANAMA CANAL COMMIS-*
10 *SION DISSOLUTION FUND.—Section 1305(c)(5) of the Pan-*
11 *ama Canal Act of 1979 (22 U.S.C. 3714a(c)(5)) is amended*
12 *by inserting “(A)” after “(5)” and by adding at the end*
13 *the following:*

14 *“(B) The office established by subsection (b) is author-*
15 *ized to expend or obligate funds from the Fund for the pur-*
16 *poses enumerated in clauses (i) and (ii) of paragraph*
17 *(2)(A) until October 1, 2004.”.*

18 *(b) OPERATION OF THE OFFICE OF TRANSITION AD-*
19 *MINISTRATION.—*

20 *(1) IN GENERAL.—The Panama Canal Act of*
21 *1979 (22 U.S.C. 3601 et seq.) shall continue to govern*
22 *the Office of Transition Administration until October*
23 *1, 2004.*

24 *(2) PROCUREMENT.—For purposes of exercising*
25 *authority under the procurement laws of the United*

