

Calendar No. 564

106TH CONGRESS
2^D SESSION

H. R. 4205

IN THE SENATE OF THE UNITED STATES

MAY 22, 2000

Received; read twice and placed on the calendar

AN ACT

To authorize appropriations for fiscal year 2001 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 Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; FINDINGS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Floyd D. Spence National Defense Authorization Act for
6 Fiscal Year 2001”.

7 (b) **FINDINGS.**—Congress makes the following find-
8 ings:

9 (1) Representative Floyd D. Spence of South
10 Carolina was elected to the House of Representatives
11 in 1970, for service in the 92d Congress, after serv-
12 ing in the South Carolina legislature for 10 years,
13 and he has been reelected to each subsequent Con-
14 gress.

15 (2) Representative Spence came to Congress as
16 a distinguished veteran of service in the Armed
17 Forces of the United States.

18 (3) Upon graduation from college in 1952, Rep-
19 resentative Spence was commissioned as an ensign
20 in the United States Naval Reserve. After entering
21 active duty, he served with distinction aboard the
22 USS CARTER HALL and the USS LSM-397 dur-
23 ing the Korean War and later served as commanding
24 officer of a Naval Reserve Surface Division and as
25 group commander of all Naval Reserve units in Co-

1 lumbia, South Carolina. Representative Spence re-
2 tired from the Naval Reserve in 1988 in the grade
3 of captain, after 41 years of dedicated service.

4 (4) Upon election to the House of Representa-
5 tives, Representative Spence became a member of
6 the Committee on Armed Services of that body. Dur-
7 ing 30 years of service on that committee (4 years
8 of which were served while the committee was known
9 as the Committee on National Security), Represent-
10 ative Spence's contributions to the national defense
11 and security of the United States have been pro-
12 found and long lasting.

13 (5) Representative Spence served as chairman
14 of that committee while known as the Committee on
15 National Security during the 104th and 105th Con-
16 gresses and serves as chairman of that committee
17 for the 106th Congress. In addition, Representative
18 Spence served as the ranking minority member of
19 the Committee on Armed Services during the 103d
20 Congress.

21 (6) Dozens of awards from active duty and re-
22 serve military, veterans service, military retiree, and
23 industry organizations and associations have recog-
24 nized the distinguished character of Representative
25 Spence's service to the Nation.

1 (7) Representative Spence has been a leading
2 figure in the debate over many of the most critical
3 military readiness, health care, recruiting, and reten-
4 tion issues currently confronting the Nation's mili-
5 tary. His concern for the men and women in uni-
6 form has been unwavering, and his accomplishments
7 in promoting and gaining support for those issues
8 that preserve the combat effectiveness, morale, and
9 quality of life of the Nation's military personnel have
10 been unparalleled.

11 (8) During his tenure as chairman of the Com-
12 mittee on National Security and the Committee on
13 Armed Services of the House of Representatives,
14 Representative Spence has—

15 (A) led efforts to identify and reverse the
16 effect that declining resources and rising com-
17 mitments have had on military quality of life
18 for service members and their families, on com-
19 bat readiness, and on equipment modernization,
20 with a direct result of those diligent efforts and
21 of his willingness to be an outspoken proponent
22 for America's military being that Congress has
23 added nearly \$50,000,000,000 to the Presi-
24 dent's defense budgets over the past 5 years;

1 (B) been a leading proponent of the need
2 to expeditiously develop and field a national
3 missile defense to protect American citizens and
4 forward deployed military forces from growing
5 ballistic missile threats;

6 (C) advocated reversing the growing dis-
7 parity between actual military capability and
8 the requirements associated with the National
9 Military Strategy; and

10 (D) led efforts in Congress to reform De-
11 partment of Defense acquisition and manage-
12 ment headquarters and infrastructure and busi-
13 ness practices.

14 (9) This Act is the 30th annual authorization
15 bill for the Department of Defense for which Rep-
16 resentative Spence has taken a major responsibility
17 as a member of the Committee on Armed Services
18 of the House of Representatives (including 4 years
19 while that committee was known as the Committee
20 on National Security).

21 (10) In light of the findings in the preceding
22 paragraphs, it is altogether fitting and proper that
23 this Act be named in honor of Representative Floyd
24 D. Spence of South Carolina, as provided in sub-
25 section (a).

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

3 (a) DIVISIONS.—This Act is organized into three divi-
 4 sions as follows:

5 (1) Division A—Department of Defense Au-
 6 thorizations.

7 (2) Division B—Military Construction Author-
 8 izations.

9 (3) Division C—Department of Energy Na-
 10 tional Security Authorizations and Other Authoriza-
 11 tions.

12 (b) TABLE OF CONTENTS.—The table of contents for
 13 this Act is as follows:

Sec. 1. Short title; findings.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE
AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Defense Inspector General.

Sec. 106. Chemical demilitarization program.

Sec. 107. Defense Health Program.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority.

Sec. 112. Increase in limitation on number of Bunker Defeat Munitions that
 may be acquired.

Sec. 113. Armament Retooling and Manufacturing Support Initiative.

Subtitle C—Navy Programs

- Sec. 121. Submarine force structure.
- Sec. 122. Virginia class submarine program.
- Sec. 123. Retention of configuration of certain Naval Reserve frigates.
- Sec. 124. Extension of multiyear procurement authority for Arleigh Burke class destroyers.
- Sec. 125. Economic analysis of certain shipbuilding programs.

Subtitle D—Air Force Programs

- Sec. 131. Annual report on operational status of B-2 bomber.
- Sec. 132. KC-135E reengining kits.

Subtitle E—Joint Programs

- Sec. 141. Study of production alternatives for the Joint Strike Fighter program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

- Sec. 201. Authorization of appropriations.
- Sec. 202. Amount for basic and applied research.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. High energy laser programs.
- Sec. 212. Management of Space-Based Infrared System—Low.
- Sec. 213. Joint strike fighter.

Subtitle C—Ballistic Missile Defense

- Sec. 231. Funding for fiscal year 2001.
- Sec. 232. Sense of the Congress concerning commitment to deployment of National Missile Defense system.
- Sec. 233. Reports on ballistic missile threat posed by North Korea.
- Sec. 234. Plan to modify ballistic missile defense architecture to cover intermediate-range ballistic missile threats.
- Sec. 235. Designation of Airborne Laser Program as a program element of Ballistic Missile Defense program.

Subtitle D—Other Matters

- Sec. 241. Recognition of those individuals instrumental to naval research efforts during the period from before World War II through the end of the Cold War.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Armed Forces Retirement Home.
- Sec. 304. Transfer from National Defense Stockpile Transaction Fund.

Subtitle B—Environmental Provisions

- Sec. 311. Payment of fines and penalties imposed for environmental violations.
- Sec. 312. Necessity of military low-level flight training to protect national security and enhance military readiness.
- Sec. 313. Use of environmental restoration accounts to relocate activities from defense environmental restoration sites.
- Sec. 314. Findings and sense of the Congress regarding environmental restoration of former defense manufacturing site, Santa Clarita, California.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

- Sec. 321. Use of appropriated funds to cover operating expenses of commissary stores.
- Sec. 322. Adjustment of sales prices of commissary store goods and services to cover certain expenses.
- Sec. 323. Use of surcharges for construction and improvement of commissary stores.
- Sec. 324. Inclusion of magazines and other periodicals as an authorized commissary merchandise category.
- Sec. 325. Use of most economical distribution method for distilled spirits.
- Sec. 326. Report on effects of availability of slot machines on United States military installations overseas.

Subtitle D—Performance of Functions by Private-Sector Sources

- Sec. 331. Inclusion of additional information in reports to Congress required before conversion of commercial or industrial type functions to contractor performance.
- Sec. 332. Limitation on use of funds for Navy Marine Corps intranet contract.

Subtitle E—Defense Dependents Education

- Sec. 341. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 342. Eligibility for attendance at Department of Defense domestic dependent elementary and secondary schools.

Subtitle F—Military Readiness Issues

- Sec. 351. Additional capabilities of, and reporting requirements for, the readiness reporting system.
- Sec. 352. Reporting requirements regarding transfers from high-priority readiness appropriations.
- Sec. 353. Department of Defense strategic plan to reduce backlog in maintenance and repair of defense facilities.

Subtitle G—Other Matters

- Sec. 361. Authority to ensure demilitarization of significant military equipment formerly owned by the Department of Defense.
- Sec. 362. Annual report on public sale of certain military equipment identified on United States Munitions List.
- Sec. 363. Registration of certain information technology systems with chief information officer.

- Sec. 364. Studies and reports required as precondition to certain manpower reductions.
- Sec. 365. National Guard assistance for certain youth and charitable organizations.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. Revision in permanent end strength minimum levels.
- Sec. 403. Adjustment to end strength flexibility authority.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Increase in numbers of members in certain grades authorized to be on active duty in support of the Reserves.

Subtitle C—Authorization of Appropriations

- Sec. 421. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—General Personnel Management Authorities

- Sec. 501. Authority for Secretary of Defense to suspend certain personnel strength limitations during war or national emergency.
- Sec. 502. Authority to issue posthumous commissions in the case of members dying before official recommendation for appointment or promotion is approved by secretary concerned.
- Sec. 503. Technical correction to retired grade rule for Army and Air Force officers.
- Sec. 504. Extension to end of calendar year of expiration date for certain force drawdown transition authorities.
- Sec. 505. Clarification of requirements for composition of active-duty list selection boards when reserve officers are under consideration.
- Sec. 506. Voluntary Separation Incentive.
- Sec. 507. Congressional review period for assignment of women to duty on submarines and for any proposed reconfiguration or design of submarines to accommodate female crew members.

Subtitle B—Reserve Component Personnel Policy

- Sec. 511. Exemption from active-duty list for reserve officers on active duty for a period of three years or less.
- Sec. 512. Exemption of reserve component medical and dental officers from counting in grade strengths.
- Sec. 513. Continuation of officers on the reserve active status list without requirement for application.
- Sec. 514. Authority to retain reserve component chaplains and officers in medical specialties until specified age.
- Sec. 515. Authority for temporary increase in number of reserve component personnel serving on active duty or full-time National Guard duty in certain grades.

- Sec. 516. Authority for provision of legal services to reserve component members following release from active duty.
- Sec. 517. Entitlement to separation pay for reserve officers released from active duty upon declining selective continuation on active duty after second failure of selection for promotion.
- Sec. 518. Extension of involuntary civil service retirement date for certain reserve technicians.

Subtitle C—Education and Training

- Sec. 521. College tuition assistance program for pursuit of degrees by members of the Marine Corps Platoon Leaders Class program.
- Sec. 522. Review of allocation of Junior Reserve Officers Training Corps units among the services.
- Sec. 523. Authority for Naval Postgraduate School to enroll certain defense industry civilians in specified programs relating to defense product development.

Subtitle D—Decorations, Awards, and Commendations

- Sec. 531. Authority for award of the Medal of Honor to Andrew J. Smith for valor during the Civil War.
- Sec. 532. Authority for award of the Medal of Honor to Ed W. Freeman for valor during the Vietnam Conflict.
- Sec. 533. Consideration of proposals for posthumous or honorary promotions or appointments of members or former members of the Armed Forces and other qualified persons.
- Sec. 534. Waiver of time limitations for award of Navy Distinguished Flying Cross to certain persons.
- Sec. 535. Addition of certain information to markers on graves containing remains of certain unknowns from the U.S.S. ARIZONA who died in the Japanese attack on Pearl Harbor on December 7, 1941.
- Sec. 536. Sense of the Congress regarding final crew of U.S.S. INDIANAPOLIS.
- Sec. 537. Posthumous advancement of Rear Admiral (retired) Husband E. Kimmel and Major General (retired) Walter C. Short on retired lists.
- Sec. 538. Commendation of citizens of Remy, France, for World War II actions.

Subtitle E—Military Justice Matters

- Sec. 541. Recognition by States of military testamentary instruments.
- Sec. 542. Probable cause required for entry of names of subjects into official criminal investigative reports.
- Sec. 543. Collection and use of DNA identification information from violent and sexual offenders in the Armed Forces.
- Sec. 544. Clarification and reaffirmation of the intent of Congress regarding the court-martial sentence of confinement for life without eligibility for parole.
- Sec. 545. Authority for civilian special agents of military department criminal investigative organizations to execute warrants and make arrests.

Subtitle F—Other Matters

- Sec. 551. Funeral honors duty compensation.
- Sec. 552. Test of ability of reserve component intelligence units and personnel to meet current and emerging defense intelligence needs.
- Sec. 553. National Guard Challenge program.
- Sec. 554. Study of use of civilian contractor pilots for operational support missions.
- Sec. 555. Pilot program to enhance military recruiting by improving military awareness of school counselors and educators.
- Sec. 556. Reimbursement for expenses incurred by members in connection with cancellation of leave on short notice.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Increase in basic pay for fiscal year 2001.
- Sec. 602. Revised method for calculation of basic allowance for subsistence.
- Sec. 603. Family subsistence supplemental allowance for low-income members of the Armed Forces.
- Sec. 604. Calculation of basic allowance for housing for inside the United States.
- Sec. 605. Equitable treatment of junior enlisted members in computation of basic allowance for housing.
- Sec. 606. Basic allowance for housing authorized for additional members without dependents who are on sea duty.
- Sec. 607. Personal money allowance for senior enlisted members of the Armed Forces.
- Sec. 608. Allowance for officers for purchase of required uniforms and equipment.
- Sec. 609. Increase in monthly subsistence allowance for members of precommissioning programs.
- Sec. 610. Additional amount available for fiscal year 2001 increase in basic allowance for housing inside the United States.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. Extension of certain bonuses and special pay authorities for reserve forces.
- Sec. 612. Extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
- Sec. 613. Extension of authorities relating to payment of other bonuses and special pays.
- Sec. 614. Consistency of authorities for special pay for reserve medical and dental officers.
- Sec. 615. Special pay for Coast Guard physician assistants.
- Sec. 616. Special duty assignment pay for enlisted members.
- Sec. 617. Revision of career sea pay.
- Sec. 618. Revision of enlistment bonus authority.
- Sec. 619. Authorization of retention bonus for members of the Armed Forces qualified in a critical military skill.
- Sec. 620. Elimination of required congressional notification before implementation of certain special pay authority.

Subtitle C—Travel and Transportation Allowances

- Sec. 631. Advance payments for temporary lodging of members and dependents.
- Sec. 632. Additional transportation allowance regarding baggage and household effects.
- Sec. 633. Equitable dislocation allowances for junior enlisted members.
- Sec. 634. Authority to reimburse military recruiters, Senior ROTC cadre, and military entrance processing personnel for certain parking expenses.
- Sec. 635. Expansion of funded student travel for dependents.

Subtitle D—Retirement and Survivor Benefit Matters

- Sec. 641. Increase in maximum number of reserve retirement points that may be credited in any year.
- Sec. 642. Reserve component survivor benefit plan spousal consent requirement.
- Sec. 643. Effective date of disability retirement for members dying in civilian medical facilities.

Subtitle E—Other Matters

- Sec. 651. Participation in Thrift Savings Plan.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

- Sec. 701. Two-year extension of authority for use of contract physicians at military entrance processing stations and elsewhere outside medical treatment facilities.
- Sec. 702. Medical and dental care for medal of honor recipients.
- Sec. 703. Provision of domiciliary and custodial care for CHAMPUS beneficiaries and certain former CHAMPUS beneficiaries.
- Sec. 704. Demonstration project for expanded access to mental health counselors.
- Sec. 705. Teleradiology demonstration project.

Subtitle B—TRICARE Program

- Sec. 711. Additional beneficiaries under TRICARE Prime Remote program in the continental United States.
- Sec. 712. Elimination of copayments for immediate family.
- Sec. 713. Modernization of TRICARE business practices and increase of use of military treatment facilities.
- Sec. 714. Claims processing improvements.
- Sec. 715. Prohibition against requirement for prior authorization for certain referrals; report on nonavailability-of-health-care statements.
- Sec. 716. Authority to establish special locality-based reimbursement rates; reports.
- Sec. 717. Reimbursement for certain travel expenses.
- Sec. 718. Reduction of catastrophic cap.
- Sec. 719. Report on protections against health care providers seeking direct reimbursement from members of the uniformed services.
- Sec. 720. Disenrollment process for TRICARE retiree dental program.

Subtitle C—Health Care Programs for Medicare-Eligible Department of Defense Beneficiaries

- Sec. 721. Implementation of TRICARE senior pharmacy program.

- Sec. 722. Study on health care options for Medicare-eligible military retirees.
- Sec. 723. Extended coverage under Federal Employees Health Benefits Program.
- Sec. 724. Extension of TRICARE senior supplement program.
- Sec. 725. Medicare subvention project for military retirees and dependents.

Subtitle D—Other Matters

- Sec. 731. Training in health care management and administration.
- Sec. 732. Study of accrual financing for health care for military retirees.
- Sec. 733. Tracking patient safety in military medical treatment facilities.
- Sec. 734. Pharmaceutical identification technology.
- Sec. 735. Management of vaccine immunization program.
- Sec. 736. Study on feasibility of sharing biomedical research facility.
- Sec. 737. Chiropractic health care for members on active duty.
- Sec. 738. VA-DOD sharing agreements for health services.
- Sec. 739. Improvement of access to health care under the TRICARE program.
- Sec. 740. Study on comparability of coverage for physical, speech, and occupational therapies.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

- Sec. 801. Extension of authority for Department of Defense acquisition pilot programs; reports required.
- Sec. 802. Technical data rights for items developed exclusively at private expense.
- Sec. 803. Management of acquisition of mission-essential software for major defense acquisition programs.
- Sec. 804. Extension of waiver period for live-fire survivability testing for MH-47E and MH-60K helicopter modification programs.
- Sec. 805. Three-year extension of authority of Defense Advanced Research Projects Agency to carry out certain prototype projects.
- Sec. 806. Certification of major automated information systems as to compliance with Clinger-Cohen Act.
- Sec. 807. Limitations on procurement of certain items.
- Sec. 808. Multiyear services contracts.
- Sec. 809. Study on impact of foreign sourcing of systems on long-term military readiness and related industrial infrastructure.
- Sec. 810. Prohibition against use of Department of Defense funds to give or withhold a preference to a marketer or vendor of firearms or ammunition.
- Sec. 811. Study and report on practice of contract bundling in military construction contracts.
- Sec. 812. Requirement to conduct study on contract bundling.
- Sec. 813. Compliance with Buy American Act.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

- Sec. 901. Change of title of certain positions in the Headquarters, Marine Corps.
- Sec. 902. Further reductions in defense acquisition and support workforce.
- Sec. 903. Clarification of scope of inspector general authorities under military whistleblower law.

- Sec. 904. Report on number of personnel assigned to legislative liaison functions.
- Sec. 905. Joint report on establishment of national collaborative information analysis capability.
- Sec. 906. Organization and management of Civil Air Patrol.
- Sec. 907. Report on Network Centric Warfare.
- Sec. 908. Defense Institute for Hemispheric Security Cooperation.
- Sec. 909. Department of Defense regional centers for security studies.
- Sec. 910. Change in name of Armed Forces Staff College to Joint Forces Staff College.

TITLE X—GENERAL PROVISIONS

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- Sec. 1001. Transfer authority.
- Sec. 1002. Incorporation of classified annex.
- Sec. 1003. Authorization of emergency supplemental appropriations for fiscal year 2000.
- Sec. 1004. Contingent repeal of certain provisions shifting certain outlays from one fiscal year to another.
- Sec. 1005. Limitation on funds for Bosnia and Kosovo peacekeeping operations for fiscal year 2001.
- Sec. 1006. Requirement for plan to ensure compliance with financial management requirements.

Subtitle B—Naval Vessels and Shipyards

- Sec. 1011. National Defense Features Program.

Subtitle C—Counter-Drug Activities

- Sec. 1021. Report on Department of Defense expenditures to support foreign counter-drug activities.
- Sec. 1022. Report on tethered aerostat radar system.

Subtitle D—Other Matters

- Sec. 1031. Funds for administrative expenses under Defense Export Loan Guarantee program.
- Sec. 1032. Technical and clerical amendments.
- Sec. 1033. Transfer of Vietnam era TA-4 aircraft to nonprofit foundation.
- Sec. 1034. Transfer of 19th century cannon to museum.
- Sec. 1035. Expenditures for declassification activities.
- Sec. 1036. Authority to provide loan guarantees to improve domestic preparedness to combat cyberterrorism.
- Sec. 1037. V-22 cockpit aircraft voice and flight data recorders.
- Sec. 1038. Additional weapons of mass destruction civil support teams.
- Sec. 1039. Commission on the Future of the United States Aerospace Industry.
- Sec. 1040. Sense of the Congress regarding information technology systems.
- Sec. 1041. Assignment of members to assist Immigration and Naturalization Service and Customs Service.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

- Sec. 1101. Employment and compensation provisions for employees of temporary organizations established by law or Executive order.

- Sec. 1102. Restructuring the restriction on degree training.
- Sec. 1103. Continuation of tuition reimbursement and training for certain acquisition personnel.
- Sec. 1104. Extension of authority for civilian employees of the Department of Defense to participate voluntarily in reductions in force.
- Sec. 1105. Expansion of defense civilian intelligence personnel system positions.
- Sec. 1106. Pilot program for reengineering the equal employment opportunity complaint process.
- Sec. 1107. Temporary authority regarding voluntary separation incentives and early retirement for employees of the Department of the Air Force.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

- Sec. 1201. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.
- Sec. 1202. Annual report assessing effect of continued operations in the Balkans region on readiness to execute the national military strategy.
- Sec. 1203. Situation in the Balkans.
- Sec. 1204. Limitation on number of military personnel in Colombia.
- Sec. 1205. Activities in Kosovo.
- Sec. 1206. NATO fair burdensharing.
- Sec. 1207. GAO study on value of United States military engagement in Europe.
- Sec. 1208. Sense of the Congress regarding noncompliance with law regarding oversight of communist Chinese military companies operating in the United States.
- Sec. 1209. Adjustment of composite theoretical performance levels of high performance computers.
- Sec. 1210. Prohibition on assumption by United States Government of liability for nuclear accidents in North Korea.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

- Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
- Sec. 1302. Funding allocations.
- Sec. 1303. Prohibition on use of funds for elimination of conventional weapons.
- Sec. 1304. Limitations on use of funds for fissile material storage facility.
- Sec. 1305. Limitation on use of funds until submission of multiyear plan.
- Sec. 1306. Russian nonstrategic nuclear arms.
- Sec. 1307. Limitation on use of funds to support warhead dismantlement processing.
- Sec. 1308. Agreement on nuclear weapons storage sites.
- Sec. 1309. Prohibition on use of funds for construction of fossil fuel energy plants.
- Sec. 1310. Audits of Cooperative Threat Reduction programs.
- Sec. 1311. Limitation on use of funds for prevention of biological weapons proliferation in Russia.

TITLE XIV—COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE (EMP) ATTACK

- Sec. 1401. Establishment of commission.

- Sec. 1402. Duties of commission.
- Sec. 1403. Report.
- Sec. 1404. Powers.
- Sec. 1405. Commission procedures.
- Sec. 1406. Personnel matters.
- Sec. 1407. Miscellaneous administrative provisions.
- Sec. 1408. Funding.
- Sec. 1409. Termination of the commission.

TITLE XV—LAND CONVEYANCE REGARDING VIEQUES ISLAND, PUERTO RICO

- Sec. 1501. Conveyance of naval ammunition support detachment, Vieques Island.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.

TITLE XXI—ARMY

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.
- Sec. 2105. Modification of authority to carry out certain fiscal year 1999 project.

TITLE XXII—NAVY

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Modification of authority to carry out fiscal year 1997 project at Marine Corps Combat Development Command, Quantico, Virginia.

TITLE XXIII—AIR FORCE

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.

TITLE XXIV—DEFENSE AGENCIES

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Authorization of appropriations, Defense Agencies.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

- Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.

Sec. 2702. Extension of authorizations of certain fiscal year 1998 projects.

Sec. 2703. Extension of authorizations of certain fiscal year 1997 projects.

Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

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Sec. 2801. Revision of limitations on space by pay grade.

Sec. 2802. Leasing of military family housing, United States Southern Command, Miami, Florida.

Sec. 2803. Extension of alternative authority for acquisition and improvement of military housing.

Sec. 2804. Expansion of definition of armory to include readiness centers.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Increase in threshold for notice and wait requirements for real property transactions.

Sec. 2812. Enhancement of authority of military departments to lease non-excess property.

Sec. 2813. Conveyance authority regarding utility systems of military departments.

Subtitle C—Land Conveyances

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Sec. 2831. Transfer of jurisdiction, Rock Island Arsenal, Illinois.

Sec. 2832. Land conveyance, Army Reserve Center, Galesburg, Illinois.

Sec. 2833. Land conveyance, Army Reserve Center, Winona, Minnesota.

Sec. 2834. Land conveyance, Fort Polk, Louisiana.

Sec. 2835. Land conveyance, Fort Pickett, Virginia.

Sec. 2836. Land conveyance, Fort Dix, New Jersey.

Sec. 2837. Land conveyance, Nike Site 43, Elrama, Pennsylvania.

Sec. 2838. Land exchange, Fort Hood, Texas.

Sec. 2839. Land conveyance, Charles Melvin Price Support Center, Illinois.

Sec. 2840. Land conveyance, Army Reserve Local Training Center, Chattanooga, Tennessee.

Sec. 2841. Land conveyance, Fort Riley Military Reservation, Kansas.

Sec. 2842. Land conveyances, Fort Vancouver Barracks, Vancouver, Washington.

PART II—NAVY CONVEYANCES

- Sec. 2851. Modification of authority for Oxnard Harbor District, Port Huemene, California, to use certain Navy property.
- Sec. 2852. Modification of land conveyance, Marine Corps Air Station, El Toro, California.
- Sec. 2853. Transfer of jurisdiction, Marine Corps Air Station, Miramar, California.
- Sec. 2854. Lease of property, Marine Corps Air Station, Miramar, California.
- Sec. 2855. Lease of property, Naval Air Station, Pensacola, Florida.
- Sec. 2856. Land exchange, Marine Corps Recruit Depot, San Diego, California.
- Sec. 2857. Land exchange, Naval Air Reserve Center, Columbus, Ohio.
- Sec. 2858. Land conveyance, Naval Reserve Center, Tampa, Florida.

PART III—AIR FORCE CONVEYANCES

- Sec. 2861. Land conveyance, Wright Patterson Air Force Base, Ohio.
- Sec. 2862. Land conveyance, Point Arena Air Force Station, California.
- Sec. 2863. Land conveyance, Los Angeles Air Force Base, California.
- Sec. 2864. Land conveyance, Lowry Air Force Base, Colorado.

PART IV—OTHER CONVEYANCES

- Sec. 2871. Conveyance of Army and Air Force Exchange Service property, Farmers Branch, Texas.

Subtitle D—Other Matters

- Sec. 2881. Relation of easement authority to leased parkland, Marine Corps Base, Camp Pendleton, California.
- Sec. 2882. Extension of demonstration project for purchase of fire, security, police, public works, and utility services from local government agencies.
- Sec. 2883. Establishment of World War II memorial on Guam.
- Sec. 2884. Naming of Army missile testing range at Kwajalein Atoll as the Ronald Reagan Ballistic Missile Defense Test Site at Kwajalein Atoll.
- Sec. 2885. Designation of building at Fort Belvoir, Virginia, in honor of Andrew T. McNamara.
- Sec. 2886. Designation of Balboa Naval Hospital, San Diego, California, in honor of Bob Wilson, a former Member of the House of Representatives.
- Sec. 2887. Sense of the Congress regarding importance of expansion of National Training Center, Fort Irwin, California.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental restoration and waste management.

- Sec. 3103. Other defense activities.
- Sec. 3104. Defense facilities closure projects.
- Sec. 3105. Defense environmental management privatization.
- Sec. 3106. Defense nuclear waste disposal.

Subtitle B—Recurring General Provisions

- Sec. 3121. Reprogramming.
- Sec. 3122. Limits on general plant projects.
- Sec. 3123. Limits on construction projects.
- Sec. 3124. Fund transfer authority.
- Sec. 3125. Authority for conceptual and construction design.
- Sec. 3126. Authority for emergency planning, design, and construction activities.
- Sec. 3127. Availability of funds.
- Sec. 3128. Transfers of defense environmental management funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

- Sec. 3131. Funding for termination costs for River Protection Project, Richland, Washington.
- Sec. 3132. Enhanced cooperation between National Nuclear Security Administration and Ballistic Missile Defense Organization.
- Sec. 3133. Required contents of future-years nuclear security program to be submitted with fiscal year 2002 budget and limitation on the obligation of certain funds pending submission of that program.
- Sec. 3134. Limitation on obligation of certain funds.
- Sec. 3135. Designation of River Protection Project, Richland, Washington.
- Sec. 3136. Adjustment of composite theoretical performance levels for post-shipment verification reports on advanced supercomputers sales to certain foreign nations.
- Sec. 3137. Employee incentives for employees at closure project facilities.
- Sec. 3138. Sense of the Congress regarding compensation and health care for personnel of the Department of Energy and its contractors and vendors who have sustained beryllium, silica, and radiation-related injury.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

- Sec. 3301. Authorized uses of stockpile funds.
- Sec. 3302. Use of excess titanium sponge in the National Defense Stockpile to manufacture Department of Defense equipment.

TITLE XXXIV—MARITIME ADMINISTRATION

- Sec. 3401. Authorization of appropriations for fiscal year 2001.
- Sec. 3402. Extension of period for disposal of obsolete vessels in the National Defense Reserve Fleet.

Sec. 3403. Authority to convey National Defense Reserve Fleet vessel, GLACIER.

Sec. 3404. Authority to convey offshore drill rig OCEAN STAR.

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.

9 **DIVISION A—DEPARTMENT OF**
10 **DEFENSE AUTHORIZATIONS**
11 **TITLE I—PROCUREMENT**
12 **Subtitle A—Authorization of**
13 **Appropriations**

14 **SEC. 101. ARMY.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2001 for procurement for the Army as follows:

17 (1) For aircraft, \$1,542,762,000.

18 (2) For missiles, \$1,367,681,000.

19 (3) For weapons and tracked combat vehicles,
20 \$2,167,938,000.

21 (4) For ammunition, \$1,199,323,000.

22 (5) For other procurement, \$4,095,270,000.

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

2 (a) NAVY.—Funds are hereby authorized to be appro-
3 priated for fiscal year 2001 for procurement for the Navy
4 as follows:

5 (1) For aircraft, \$8,205,758,000.

6 (2) For weapons, including missiles and tor-
7 pedoes, \$1,562,250,000.

8 (3) For shipbuilding and conversion,
9 \$11,981,968,000.

10 (4) For other procurement, \$3,432,011,000.

11 (b) MARINE CORPS.—Funds are hereby authorized to
12 be appropriated for fiscal year 2001 for procurement for
13 the Marine Corps in the amount of \$1,254,735,000.

14 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
15 are hereby authorized to be appropriated for fiscal year
16 2001 for procurement of ammunition for the Navy and
17 the Marine Corps in the amount of \$481,349,000.

18 **SEC. 103. AIR FORCE.**

19 Funds are hereby authorized to be appropriated for
20 fiscal year 2001 for procurement for the Air Force as fol-
21 lows:

22 (1) For aircraft, \$10,267,153,000.

23 (2) For missiles, \$3,046,715,000.

24 (3) For ammunition, \$638,808,000.

25 (4) For other procurement, \$7,869,903,000.

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

2 (a) AMOUNT AUTHORIZED.—Funds are hereby au-
3 thorized to be appropriated for fiscal year 2001 for De-
4 fense-wide procurement in the amount of \$2,309,074,000.

5 (b) AMOUNT FOR NATIONAL MISSILE DEFENSE.—Of
6 the funds authorized to be appropriated in subsection (a),
7 \$74,500,000 shall be available for the National Missile
8 Defense program.

9 **SEC. 105. DEFENSE INSPECTOR GENERAL.**

10 Funds are hereby authorized to be appropriated for
11 fiscal year 2001 for procurement for the Inspector General
12 of the Department of Defense in the amount of
13 \$3,300,000.

14 **SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.**

15 There is hereby authorized to be appropriated for fis-
16 cal year 2001 the amount of \$877,100,000 for—

17 (1) the destruction of lethal chemical agents
18 and munitions in accordance with section 1412 of
19 the Department of Defense Authorization Act, 1986
20 (50 U.S.C. 1521); and

21 (2) the destruction of chemical warfare materiel
22 of the United States that is not covered by section
23 1412 of such Act.

24 **SEC. 107. DEFENSE HEALTH PROGRAMS.**

25 Funds are hereby authorized to be appropriated for
26 fiscal year 2001 for the Department of Defense for pro-

1 curement for carrying out health care programs, projects,
2 and activities of the Department of Defense in the total
3 amount of \$290,006,000.

4 **Subtitle B—Army Programs**

5 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY.**

6 (a) M2A3 BRADLEY FIGHTING VEHICLE.—(1) Be-
7 ginning with the fiscal year 2001 program year, the Sec-
8 retary of the Army may, in accordance with section 2306b
9 of title 10, United States Code, enter into one or more
10 multiyear contracts for procurement of M2A3 Bradley
11 fighting vehicles.

12 (2) The Secretary of the Army may execute a con-
13 tract authorized by paragraph (1) only after—

14 (A) there is a successful completion of a M2A3
15 Bradley initial operational test and evaluation
16 (IOT&E); and

17 (B) the Secretary certifies in writing to the con-
18 gressional defense committees that the vehicle met
19 all required test parameters.

20 (b) UTILITY HELICOPTERS.—Beginning with the fis-
21 cal year 2002 program year, the Secretary of the Army
22 may, in accordance with section 2306b of title 10, United
23 States Code, enter into one or more multiyear contracts
24 for procurement of UH–60 Blackhawk utility helicopters

1 and, acting as executive agent for the Department of the
2 Navy, CH-60 Knighthawk utility helicopters.

3 **SEC. 112. INCREASE IN LIMITATION ON NUMBER OF BUNK-**
4 **ER DEFEAT MUNITIONS THAT MAY BE AC-**
5 **QUIRED.**

6 Section 116(2) of the National Defense Authorization
7 Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat.
8 2862) is amended by striking “6,000” and inserting
9 “8,500”.

10 **SEC. 113. ARMAMENT RETOOLING AND MANUFACTURING**
11 **SUPPORT INITIATIVE.**

12 (a) **EXPANSION OF AUTHORITY.**—The Armament
13 Retooling and Manufacturing Support Act of 1992 (sub-
14 title H of title I of Public Law 102-484; 10 U.S.C. 2501
15 note) is amended—

16 (1) in section 193—

17 (A) in subsection (a), by striking “2001”
18 and inserting “2002”; and

19 (B) by adding at the end the following new
20 subsection:

21 “(d) **INCLUSION OF MANUFACTURING ARSENALS.**—

22 For purposes of this Act, a manufacturing arsenal of the
23 Department of the Army shall be treated as a Govern-
24 ment-owned, contractor-operated manufacturing facility of
25 the Department of the Army.”; and

1 (2) in section 194—

2 (A) by striking subsection (a)(1) and in-
3 serting the following:

4 “(1) to use the facility for any period of time
5 that the Secretary determines is appropriate for the
6 accomplishment of, and consistent with, the needs of
7 the Department of the Army and the purposes of the
8 ARMS Initiative; and”;

9 (B) by adding at the end the following new
10 subsection:

11 “(c) **AUTHORITY TO ACCEPT NON-MONETARY CON-**
12 **SIDERATION FOR USE OF FACILITIES.**—The Secretary
13 may accept non-monetary consideration in lieu of rental
14 payments for use of a facility under a contract entered
15 into under this section.”.

16 (b) **REPORT.**—Not later than July 1, 2001, the Sec-
17 retary of the Army shall submit to the congressional de-
18 fense committees a report on the progress of the imple-
19 mentation of the ARMS Initiative at manufacturing arse-
20 nals of the Department of the Army under the Armament
21 Retooling and Manufacturing Support Act of 1992 (as
22 amended by subsection (a)). The report shall contain a
23 comprehensive review of contracting at the manufacturing
24 arsenals of the Department of the Army and such rec-
25 ommendations as the Secretary considers appropriate.

1 **Subtitle C—Navy Programs**

2 **SEC. 121. SUBMARINE FORCE STRUCTURE.**

3 (a) LIMITATION ON RETIREMENT OF SUB-
4 MARINES.—The Secretary of Defense may not retire from
5 the active force structure of the Navy any Los Angeles
6 class nuclear-powered attack submarine (SSN) which has
7 less than 30 years of active service.

8 (b) REPORT.—Not later than April 15, 2001, the
9 President shall submit to Congress a report on the re-
10 quired force structure for nuclear-powered submarines, in-
11 cluding attack submarines (SSNs), ballistic missile sub-
12 marines (SSBNs), and cruise missile submarines
13 (SSGNs), to support the national military strategy
14 through 2020. The report shall include a detailed discus-
15 sion of the acquisition strategy and fleet maintenance re-
16 quirements to achieve and maintain that force structure
17 through—

18 (1) the procurement of new construction sub-
19 marines;

20 (2) the refueling of Los Angeles class attack
21 submarines (SSNs) to achieve the maximum amount
22 of operational useful service; and

23 (3) the conversion of Ohio class submarines
24 that are no longer required for the strategic deter-
25 rence mission from their current ballistic missile

1 (SSBN) configuration to a cruise-missile (SSGN)
2 configuration.

3 **SEC. 122. VIRGINIA CLASS SUBMARINE PROGRAM.**

4 (a) **CONTRACT AUTHORITY.**—The Secretary of the
5 Navy is authorized to enter into a contract or contracts
6 for the procurement of five Virginia class submarines dur-
7 ing fiscal years 2003 through 2006. Any such contract
8 shall provide that any obligation of the United States to
9 make payments under the contract is subject to the avail-
10 ability of funds provided in advance in appropriations
11 Acts. The submarines authorized to be procured under
12 this subsection are in addition to the submarines author-
13 ized under section 121(b) of the National Defense Author-
14 ization Act for Fiscal Year 1998 (Public Law 105–85; 111
15 Stat. 1648).

16 (b) **SHIPBUILDER TEAMING.**—Paragraphs (2)(A),
17 (3), and (4) of section 121(b) of National Defense Author-
18 ization Act for Fiscal Year 1998 (Public Law 105–85; 111
19 Stat. 1648) apply to the procurement of submarines under
20 this section.

21 (c) **LIMITATION OF LIABILITY.**—If a contract entered
22 into under this section is terminated, the United States
23 shall not be liable for termination costs in excess of the
24 total amount appropriated for the Virginia class sub-
25 marine program.

1 **SEC. 123. RETENTION OF CONFIGURATION OF CERTAIN**
2 **NAVAL RESERVE FRIGATES.**

3 For each FFG–7 class frigate produced in Flight I
4 or Flight II of that class that is commissioned in active
5 service, the Secretary of the Navy shall, for so long as
6 the vessel remains commissioned in active service—

7 (1) provide for the vessel to be configured and
8 equipped with the complete organic weapons system
9 capability for that vessel, as specified in the Navy’s
10 Operational Requirements Document; and

11 (2) retain those operational assets that are inte-
12 gral to the FFG–7 weapons system in their current
13 (as of the enactment of this Act) locations in order
14 to avoid disruption of established training and oper-
15 ational cycles.

16 **SEC. 124. EXTENSION OF MULTIYEAR PROCUREMENT AU-**
17 **THORITY FOR ARLEIGH BURKE CLASS DE-**
18 **STROYERS.**

19 (a) **AUTHORITY FOR ADDITIONAL MULTIYEAR PRO-**
20 **CUREMENT.**—Section 122(b) of the National Defense Au-
21 thorization Act for Fiscal Year 1997 (Public Law 104–
22 201; 110 Stat. 2446), as amended by section 122(a) of
23 the National Defense Authorization Act for Fiscal Year
24 2000 (Public Law 106–65; 113 Stat. 534), is amended—

25 (1) in the first sentence, by striking “18
26 Arleigh Burke class destroyers” and all that follows

1 through “2003” and inserting “Arleigh Burke class
2 destroyers”; and

3 (2) by inserting after the first sentence the fol-
4 lowing new sentence: “Vessels authorized under this
5 subsection shall be acquired at a procurement rate
6 of three ships per year in each of fiscal years 1998
7 through 2001 and up to three ships per year in each
8 of fiscal years 2002 through 2005.”.

9 (b) CLERICAL AMENDMENT.—The heading for such
10 subsection is amended by striking “OF 18 VESSELS”.

11 **SEC. 125. ECONOMIC ANALYSIS OF CERTAIN SHIPBUILDING**
12 **PROGRAMS.**

13 (a) ECONOMIC ANALYSIS.—The Secretary of De-
14 fense, in consultation with the Secretary of the Navy, shall
15 conduct an economic analysis on the potential benefits and
16 costs associated with full funding, and with alternative
17 funding mechanisms, for the procurement of large avia-
18 tion-capable naval vessels beginning in fiscal year 2002.

19 (b) COVERED VESSEL CLASSES.—For purposes of
20 this section, the term “large aviation-capable naval vessel”
21 means the following classes of vessel:

22 (1) The CVN(X) class aircraft carrier.

23 (2) The LHD and LHA replacement class am-
24 phibious assault ships.

1 (c) REPORT.—The Secretary shall submit to the con-
2 gressional defense committees a report detailing the re-
3 sults of the economic analysis under subsection (a). The
4 report shall be submitted concurrently with the submission
5 of the President’s Budget for fiscal year 2002, but in no
6 event later than February 5, 2001. The report shall in-
7 clude the following:

8 (1) A detailed description of the funding mecha-
9 nisms considered.

10 (2) The potential savings or costs associated
11 with each such funding mechanism.

12 (3) The year-to-year effect of each such funding
13 mechanism on production stability of other ship-
14 building programs funded within the Shipbuilding
15 and Conversion, Navy, account, given the current ac-
16 quisition plan of the Navy for the large aviation-ca-
17 pable ships and other shipbuilding programs through
18 fiscal year 2010.

19 (4) A description and discussion of any statu-
20 tory or regulatory restrictions that would preclude
21 the use of any of the funding mechanisms consid-
22 ered.

1 **Subtitle D—Air Force Programs**

2 **SEC. 131. ANNUAL REPORT ON OPERATIONAL STATUS OF**
3 **B-2 BOMBER.**

4 (a) IN GENERAL.—(1) Chapter 136 of title 10,
5 United States Code, is amended by adding at the end the
6 following new section:

7 **“§ 2282. B-2 bomber: annual report on operational**
8 **status**

9 “Not later than March 1 of each year, the Secretary
10 of Defense shall submit to the Committee on Armed Serv-
11 ices of the Senate and the Committee on Armed Services
12 of the House of Representatives a report on the oper-
13 ational status of the B-2 bomber. Each such report shall
14 include the following:

15 “(1) An assessment as to whether the B-2 air-
16 craft has a high probability of being able to perform
17 its intended missions.

18 “(2) Identification of all planned or ongoing de-
19 velopment of technologies to enhance B-2 aircraft
20 capabilities for which funds are programmed in the
21 future years defense program and an assessment as
22 to whether those technologies—

23 “(A) are consistent with the Air Force
24 bomber roadmap in effect at the time of the re-
25 port;

1 “(B) are consistent with the recommenda-
2 tions of the report of the Long-Range Air
3 Power panel established by section 8131 of the
4 Department of Defense Appropriations Act,
5 1998 (Public Law 105–56); and

6 “(C) will be sufficient to assure that the
7 B–2 aircraft will have a high probability of
8 being able to perform its intended missions in
9 the future.

10 “(3) Definition of any additional technology de-
11 velopment required to assure that the B–2 aircraft
12 will retain a high probability of being able to per-
13 form its intended missions and an estimate of the
14 funding required to develop those additional tech-
15 nologies.

16 “(4) An assessment as to whether the tech-
17 nologies identified pursuant to paragraph (2) are
18 adequately funded in the budget request for the next
19 fiscal year and whether funds have been identified
20 throughout the future years defense program to con-
21 tinue those technology developments at an adequate
22 level.”.

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

“2282. B–2 bomber: annual report on operational status.”.

1 (b) REPEAL OF SUPERSEDED REPORTING REQUIRE-
2 MENT.—Section 112 of the National Defense Authoriza-
3 tion Act for Fiscal Years 1990 and 1991 (Public Law
4 101–189) is repealed.

5 **SEC. 132. KC–135E REENGINEING KITS.**

6 Of the amount provided in section 103(1) for pro-
7 curement of aircraft for the Air Force, the amount of
8 \$52,000,000 provided for two reengining kits for KC–
9 135E modifications shall be available for the Air Force
10 Reserve Command.

11 **Subtitle E—Joint Programs**

12 **SEC. 141. STUDY OF PRODUCTION ALTERNATIVES FOR THE**
13 **JOINT STRIKE FIGHTER PROGRAM.**

14 (a) REPORT REQUIRED.—Not later than 180 days
15 after the date of the enactment of this Act, the Secretary
16 of Defense shall submit to Congress a report providing
17 the results of a study of production alternatives for the
18 Joint Strike Fighter aircraft program and the effects on
19 the tactical fighter aircraft industrial base of each alter-
20 native considered.

21 (b) MATTERS TO BE INCLUDED.—The report under
22 subsection (a) shall include the following:

23 (1) Examination of alternative production strat-
24 egies for the program, including—

1 (A) production of all aircraft under the
2 program at one location;

3 (B) production at dual locations; and

4 (C) production at multiple locations using
5 facilities of the existing bomber and fighter air-
6 craft production base.

7 (2) Identification of each major Government or
8 industry facility that is a potential location for pro-
9 duction of such aircraft.

10 (3) Identification of the anticipated costs of
11 production of that aircraft at each facility identified
12 pursuant to paragraph (2) under each of the alter-
13 native production strategies examined pursuant to
14 paragraph (1), based upon a reasonable profile for
15 the annual procurement of that aircraft once it en-
16 ters production.

17 (4) A comparison, for each such production
18 strategy, of the anticipated costs of carrying out
19 production of that aircraft at each such location
20 with the costs of carrying out such production at
21 each of the other such locations.

22 (c) COST COMPARISON.—In identifying costs under
23 subsection (b)(3) and carrying out the cost comparisons
24 required by subsection (b)(4), the Secretary shall include
25 consideration of each of the following factors:

- 1 (1) State tax credits.
- 2 (2) State and local incentives.
- 3 (3) Skilled resident workforce.
- 4 (4) Supplier and technical support bases.
- 5 (5) Available stealth production facilities.
- 6 (6) Environmental standards.

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

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

12 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

13 Funds are hereby authorized to be appropriated for
14 fiscal year 2001 for the use of the Department of Defense
15 for research, development, test, and evaluation as follows:

- 16 (1) For the Army, \$5,500,246,000.
- 17 (2) For the Navy, \$8,834,477,000.
- 18 (3) For the Air Force, \$13,677,108,000.
- 19 (4) For Defense-wide activities,
20 \$11,297,323,000, of which \$219,560,000 is author-
21 ized for Operational Test and Evaluation, Defense.

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

23 (a) FISCAL YEAR 2001.—Of the amounts authorized
24 to be appropriated by section 201, \$4,435,354,000 shall

1 be available for basic research and applied research
2 projects.

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

8 **Subtitle B—Program Require-**
9 **ments, Restrictions, and Limita-**
10 **tions**

11 **SEC. 211. HIGH ENERGY LASER PROGRAMS.**

12 (a) FUNDING FOR FISCAL YEAR 2001.—(1) Of the
13 amount authorized to be appropriated by section 201(4),
14 \$30,000,000 is authorized for high energy laser develop-
15 ment.

16 (2) Funds available under this section are available
17 to supplement the high energy laser programs of the mili-
18 tary departments and Defense Agencies, as determined by
19 the official designated under subsection (b).

20 (b) DESIGNATION OF OFFICIAL FOR HIGH ENERGY
21 LASER PROGRAMS.—(1) The Secretary of Defense shall
22 designate a senior civilian official in the Office of the Sec-
23 retary of Defense (in this section referred to as the “des-
24 ignated official”) to carry out responsibilities for the pro-
25 grams for which funds are provided under this section.

1 The designated official shall report directly to the Under
2 Secretary of Defense for Acquisition, Technology, and Lo-
3 gistics for matters concerning the responsibilities specified
4 in paragraph (2).

5 (2) The primary responsibilities of the designated of-
6 ficial shall include the following:

7 (A) Establishment of priorities for the high en-
8 ergy laser programs of the military departments and
9 the Defense Agencies.

10 (B) Coordination of high energy laser programs
11 among the military departments and the Defense
12 Agencies.

13 (C) Identification of promising high energy
14 laser technologies for which funding should be a
15 high priority for the Department of Defense and es-
16 tablishment of priority for funding among those
17 technologies.

18 (D) Preparation, in coordination with the Sec-
19 retaries of the military departments and the Direc-
20 tors of the Defense Agencies, of a detailed tech-
21 nology plan to develop and mature high energy laser
22 technologies.

23 (E) Planning and programming appropriate to
24 rapid evolution of high energy laser technology.

1 (F) Ensuring that high energy laser programs
2 of each military department and the Defense Agen-
3 cies are initiated and managed effectively and are
4 complementary with programs managed by the other
5 military departments and Defense Agencies and by
6 the Office of the Secretary of Defense.

7 (G) Ensuring that the high energy laser pro-
8 grams of the military department and the Defense
9 Agencies comply with the requirements specified in
10 subsection (c).

11 (c) COORDINATION AND FUNDING BALANCE.—In
12 carrying out the responsibilities specified in subsection
13 (b)(2), the designated official shall ensure that—

14 (1) high energy laser programs of each military
15 department and of the Defense Agencies are con-
16 sistent with the priorities identified in the designated
17 official's planning and programming activities;

18 (2) funding provided by the Office of the Sec-
19 retary of Defense for high energy laser research and
20 development complements high energy laser pro-
21 grams for which funds are provided by the military
22 departments and the Defense Agencies;

23 (3) beginning with fiscal year 2002, funding
24 from the Office of the Secretary of Defense in ap-
25 plied research and advanced technology development

1 program elements is not applied to technology ef-
2 forts in support of high energy laser programs that
3 are not funded by a military department or the De-
4 fense Agencies; and

5 (4) funding from the Office of the Secretary of
6 Defense to complement an applied research or ad-
7 vanced technology development high energy laser
8 program for which funds are provided by one of the
9 military departments or the Defense Agencies do not
10 exceed the amount provided by the military depart-
11 ment or the Defense Agencies for that program.

12 (d) SENSE OF THE CONGRESS.—It is the sense of
13 the Congress that—

14 (1) the Department of Defense should establish
15 funding for high energy laser programs within the
16 science and technology programs of each of the mili-
17 tary departments and the Ballistic Missile Defense
18 Organization; and

19 (2) the Secretary of Defense should establish a
20 goal that basic, applied, and advanced research in
21 high energy laser technology should constitute at
22 least 4.5 percent of the total science and technology
23 budget of the Department of Defense by fiscal year
24 2004.

1 (e) INTERAGENCY MEMORANDUM OF AGREEMENT.—

2 (1) The Secretary of Defense and the Administrator for
3 Nuclear Security of the Department of Energy shall enter
4 into a memorandum of agreement to conduct joint re-
5 search and development on military applications of high
6 energy lasers.

7 (2) The projects pursued under the memorandum of
8 agreement—

9 (A) shall be of mutual benefit to the national
10 security programs of the Department of Defense and
11 the National Nuclear Security Administration of the
12 Department of Energy;

13 (B) shall be prioritized jointly by officials des-
14 ignated to do so by the Secretary of Defense and the
15 Administrator; and

16 (C) shall be consistent with the technology plan
17 prepared pursuant to subsection (b)(2) and the re-
18 quirements identified in subsection (c).

19 (3) Costs of each project pursued under the memo-
20 randum of agreement shall be shared equally by the De-
21 partment of Defense and the National Nuclear Security
22 Administration.

23 (4) The memorandum of agreement shall provide for
24 appropriate peer review of projects pursued under the
25 memorandum of agreement.

1 (f) TECHNOLOGY PLAN.—The designated official
2 shall submit to the congressional defense committees by
3 February 15 of each fiscal year the technology plan pre-
4 pared pursuant to subsection (b)(2). The report shall be
5 submitted in unclassified and, if necessary, classified form.

6 (g) ANNUAL REPORT.—Not later than February 15
7 of 2001, 2002, and 2003, the Secretary of Defense shall
8 submit to the congressional defense committees a report
9 on high energy laser programs of the Department of De-
10 fense. Each report shall include an assessment of the fol-
11 lowing:

12 (1) The adequacy of the management structure
13 of the Department of Defense for high energy laser
14 programs.

15 (2) The funding available for high energy laser
16 programs.

17 (3) The technical progress achieved for high en-
18 ergy laser programs.

19 (4) The extent to which goals and objectives of
20 the high energy laser technology plan have been met.

21 (h) DEFINITION.—For purposes of this section, the
22 term “high energy laser” means a laser that has average
23 power in excess of one kilowatt and that has potential
24 weapons applications.

1 **SEC. 212. MANAGEMENT OF SPACE-BASED INFRARED SYS-**
2 **TEM—LOW.**

3 The Secretary of Defense shall direct that the Direc-
4 tor of the Ballistic Missile Defense Organization shall have
5 authority for program management for the ballistic missile
6 defense program known on the date of the enactment of
7 this Act as the Space-Based Infrared System—Low.

8 **SEC. 213. JOINT STRIKE FIGHTER.**

9 The Joint Strike Fighter program may not be ap-
10 proved for entry into the Engineering and Manufacturing
11 Development (EMD) stage of the acquisition process until
12 the Secretary of Defense certifies to the congressional de-
13 fense committees that the technological maturity of key
14 technologies for the program is sufficient to warrant entry
15 of the program into the Engineering and Manufacturing
16 Development stage.

17 **Subtitle C—Ballistic Missile**
18 **Defense**

19 **SEC. 231. FUNDING FOR FISCAL YEAR 2001.**

20 Of the funds authorized to be appropriated in section
21 201(4), \$2,066,200,000 shall be available for the National
22 Missile Defense program.

1 **SEC. 232. SENSE OF THE CONGRESS CONCERNING COMMIT-**
2 **MENT TO DEPLOYMENT OF NATIONAL MIS-**
3 **SILE DEFENSE SYSTEM.**

4 (a) STATEMENT OF POLICY.—Congress reaffirms the
5 policy of the United States declared in the National Mis-
6 sile Defense Act of 1999 (Public Law 106–38, signed into
7 law by the President on July 22, 1999).

8 (b) FINDINGS.—Congress makes the following find-
9 ings:

10 (1) An effective National Missile Defense sys-
11 tem is technologically feasible.

12 (2) Hostile “rogue” nations are capable of pos-
13 ing missile threats the United States which justify
14 deployment of a National Missile Defense system.

15 (c) SENSE OF THE CONGRESS.—It is the sense of the
16 Congress that the action of the President in signing the
17 National Missile Defense Act of 1999 entails a commit-
18 ment by the President to execute the policy declared in
19 that Act.

20 **SEC. 233. REPORTS ON BALLISTIC MISSILE THREAT POSED**
21 **BY NORTH KOREA.**

22 (a) REPORT ON BALLISTIC MISSILE THREAT.—Not
23 later than 2 weeks after the next flight test by North
24 Korea of a long-range ballistic missile, or 60 days after
25 the date of the enactment of this Act, whichever is sooner,
26 the President shall submit to Congress, in classified and

1 unclassified form, a report on the North Korean ballistic
2 missile threat to the United States. The report shall in-
3 clude the following:

4 (1) An assessment of the current North Korean
5 missile threat to the United States.

6 (2) An assessment of whether the United States
7 is capable of defeating the North Korean long-range
8 missile threat to the United States as of the date of
9 the report.

10 (3) An assessment of when the United States
11 will be capable of defeating the North Korean mis-
12 sile threat to the United States.

13 (4) An assessment of the potential for prolifera-
14 tion of North Korean missile technologies to other
15 states and whether such proliferation will accelerate
16 the development of additional long-range ballistic
17 missile threats to the United States.

18 (b) REPORT ON REDUCING VULNERABILITY.—Not
19 later than 2 weeks after the next flight test by North
20 Korea of a long-range ballistic missile, the President shall
21 submit to Congress a report providing the following:

22 (1) Any additional steps the President intends
23 to take to reduce the period of time during which
24 the Nation is vulnerable to the North Korean long-
25 range ballistic missile threat.

1 (2) The technical and programmatic viability of
2 testing any other missile defense systems against
3 targets with flight characteristics similar to the
4 North Korean long-range missile threat, and plans
5 to do so if such tests are considered to be a viable
6 alternative.

7 (c) DEFINITION.—For purposes of this section, the
8 term “United States”, when used in a geographic sense,
9 means the 50 States, the District of Columbia, and any
10 Commonwealth, territory, or possession of the United
11 States.

12 **SEC. 234. PLAN TO MODIFY BALLISTIC MISSILE DEFENSE**
13 **ARCHITECTURE TO COVER INTERMEDIATE-**
14 **RANGE BALLISTIC MISSILE THREATS.**

15 (a) PLAN.—The Director of the Ballistic Missile De-
16 fense Organization shall develop a plan to adapt ballistic
17 missile defense systems and architectures to counter po-
18 tential threats to the United States, United States forces
19 deployed outside the United States, and other United
20 States national security interests that are posed by bal-
21 listic missiles with ranges of 1,500 to 2,500 miles.

22 (b) USE OF SPACE-BASED SENSORS INCLUDED.—
23 The plan shall include—

24 (1) potential use of space-based sensors, includ-
25 ing the SBIRS Low and SBIRS High systems, Navy

1 theater missile defense assets, upgrades of land-
 2 based theater missile defenses, the airborne laser,
 3 and other assets available in the European theater;
 4 and

5 (2) a schedule for ground and flight testing
 6 against the identified threats.

7 (c) REPORT.—The Secretary of Defense shall assess
 8 the plan and, not later than February 15, 2001, shall sub-
 9 mit to the congressional defense committees a report on
 10 the results of the assessment.

11 **SEC. 235. DESIGNATION OF AIRBORNE LASER PROGRAM AS**
 12 **A PROGRAM ELEMENT OF BALLISTIC MIS-**
 13 **SILE DEFENSE PROGRAM.**

14 Section 223(a) of title 10, United States Code, is
 15 amended by adding at the end the following new para-
 16 graph:

17 “(13) Airborne Laser program.”.

18 **Subtitle D—Other Matters**

19 **SEC. 241. RECOGNITION OF THOSE INDIVIDUALS INSTRU-**
 20 **MENTAL TO NAVAL RESEARCH EFFORTS**
 21 **DURING THE PERIOD FROM BEFORE WORLD**
 22 **WAR II THROUGH THE END OF THE COLD**
 23 **WAR.**

24 (a) FINDINGS.—Congress makes the following find-
 25 ings:

1 (1) The contributions of the Nation’s scientific
2 community and of science research to the victory of
3 the United States and its allies in World War II re-
4 sulted in the understanding that science and tech-
5 nology are of critical importance to the future secu-
6 rity of the Nation.

7 (2) Academic institutions and oceanographers
8 provided vital support to the Navy and the Marine
9 Corps during World War II.

10 (3) Congress created the Office of Naval Re-
11 search in the Department of the Navy in 1946 to
12 ensure the availability of resources for research in
13 oceanography and other fields related to the mis-
14 sions of the Navy and Marine Corps.

15 (4) The Office of Naval Research of the De-
16 partment of the Navy, in addition to its support of
17 naval research within the Federal Government, has
18 also supported the conduct of oceanographic and sci-
19 entific research through partnerships with edu-
20 cational and scientific institutions throughout the
21 Nation.

22 (5) These partnerships have long been recog-
23 nized as among the most innovative and productive
24 research partnerships ever established by the Fed-
25 eral Government and have resulted in a vast im-

1 provement in understanding of basic ocean processes
2 and the development of new technologies critical to
3 the security and defense of the Nation.

4 (b) CONGRESSIONAL RECOGNITION AND APPRECIATION.—Congress—

6 (1) applauds the commitment and dedication of
7 the officers, scientists, researchers, students, and ad-
8 ministrators who were instrumental to the program
9 of partnerships for oceanographic and scientific re-
10 search between the Federal Government and aca-
11 demic institutions, including those individuals who
12 helped forge that program before World War II, im-
13 plement it during World War II, and improve it
14 throughout the Cold War;

15 (2) recognizes that the Nation, in ultimately
16 prevailing in the Cold War, relied to a significant ex-
17 tent on research supported by, and technologies de-
18 veloped through, those partnerships and, in par-
19 ticular, on the superior understanding of the ocean
20 environment generated through that research;

21 (3) supports efforts by the Secretary of the
22 Navy and the Chief of Naval Research to honor
23 those individuals, who contributed so greatly and un-
24 selfishly to the naval mission and the national de-
25 fense, through those partnerships during the period

1 beginning before World War II and continuing
2 through the end of the Cold War; and

3 (4) expresses appreciation for the ongoing ef-
4 forts of the Office of Naval Research to support
5 oceanographic and scientific research and the devel-
6 opment of researchers in those fields, to ensure that
7 such partnerships will continue to make important
8 contributions to the defense and the general welfare
9 of the Nation.

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
16 fiscal year 2001 for the use of the Armed Forces and other
17 activities and agencies of the Department of Defense for
18 expenses, not otherwise provided for, for operation and
19 maintenance, in amounts as follows:

20 (1) For the Army, \$19,492,617,000.

21 (2) For the Navy, \$23,321,809,000.

22 (3) For the Marine Corps, \$2,851,678,000.

23 (4) For the Air Force, \$22,351,164,000.

24 (5) For Defense-wide activities,
25 \$11,673,852,000.

1 (6) For the Army Reserve, \$1,565,918,000.

2 (7) For the Naval Reserve, \$967,646,000.

3 (8) For the Marine Corps Reserve,
4 \$150,469,000.

5 (9) For the Air Force Reserve, \$1,890,859,000.

6 (10) For the Army National Guard,
7 \$3,236,835,000.

8 (11) For the Air National Guard,
9 \$3,461,875,000.

10 (12) For the Defense Inspector General,
11 \$144,245,000.

12 (13) For the United States Court of Appeals
13 for the Armed Forces, \$8,574,000.

14 (14) For Environmental Restoration, Army,
15 \$389,932,000.

16 (15) For Environmental Restoration, Navy,
17 \$294,038,000.

18 (16) For Environmental Restoration, Air Force,
19 \$376,300,000.

20 (17) For Environmental Restoration, Defense-
21 wide, \$23,412,000.

22 (18) For Environmental Restoration, Formerly
23 Used Defense Sites, \$186,499,000.

24 (19) For Overseas Humanitarian, Disaster, and
25 Civic Aid programs, \$55,800,000.

1 (20) For Drug Interdiction and Counter-drug
2 Activities, Defense-wide, \$841,500,000.

3 (21) For the Kaho'olawe Island Conveyance,
4 Remediation, and Environmental Restoration Trust
5 Fund, \$25,000,000.

6 (22) For Defense Health Program,
7 \$11,571,523,000.

8 (23) For Cooperative Threat Reduction pro-
9 grams, \$433,400,000.

10 (24) For Overseas Contingency Operations
11 Transfer Fund, \$4,100,577,000.

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

13 Funds are hereby authorized to be appropriated for
14 fiscal year 2001 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 \$916,276,000.

20 (2) For the National Defense Sealift Fund,
21 \$737,109,000.

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

23 There is hereby authorized to be appropriated for fis-
24 cal year 2001 from the Armed Forces Retirement Home
25 Trust Fund the sum of \$69,832,000 for the operation of

1 the Armed Forces Retirement Home, including the United
2 States Soldiers' and Airmen's Home and the Naval Home.

3 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCK-**
4 **PILE TRANSACTION FUND.**

5 (a) **TRANSFER AUTHORITY.**—To the extent provided
6 in appropriations Acts, not more than \$150,000,000 is au-
7 thorized to be transferred from the National Defense
8 Stockpile Transaction Fund to operation and maintenance
9 accounts for fiscal year 2001 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
16 the same purposes and the same period as, the
17 amounts 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
24 1001.

1 **Subtitle B—Environmental**
2 **Provisions**

3 **SEC. 311. PAYMENT OF FINES AND PENALTIES IMPOSED**
4 **FOR ENVIRONMENTAL VIOLATIONS.**

5 (a) ARMY VIOLATIONS.—Using amounts authorized
6 to be appropriated by section 301(1) for operation and
7 maintenance for the Army, the Secretary of the Army may
8 pay the following amounts in connection with environ-
9 mental violations at the following locations:

10 (1) \$993,000 for Walter Reed Army Medical
11 Center, Washington, D.C., in satisfaction of a fine
12 imposed by Region 3 of the Environmental Protec-
13 tion Agency for a supplemental environmental
14 project.

15 (2) \$377,250 for Fort Campbell, Kentucky, in
16 satisfaction of a fine imposed by Region 4 of the En-
17 vironmental Protection Agency for a supplemental
18 environmental project.

19 (3) \$20,701 for Fort Gordon, Georgia, in satis-
20 faction of a fine imposed by the State of Georgia for
21 a supplemental environmental project.

22 (4) \$78,500 for Pueblo Chemical Depot, Colo-
23 rado, in satisfaction of a fine imposed by the State
24 of Colorado for supplemental environmental projects.

1 (5) \$20,000 for Deseret Chemical Depot, Utah,
2 in satisfaction of a fine imposed by the State of
3 Utah for a supplemental environmental project.

4 (b) NAVY VIOLATIONS.—Using amounts authorized
5 to be appropriated by section 301(2) for operation and
6 maintenance for the Navy, the Secretary of the Navy may
7 pay not more than the following amounts in connection
8 with environmental violations at the following military in-
9 stallations:

10 (1) \$108,800 for Allegany Ballistics Labora-
11 tory, West Virginia, in satisfaction of a penalty im-
12 posed by the West Virginia Division of Environ-
13 mental Protection.

14 (2) \$5,000 for Naval Air Station, Corpus Chris-
15 ti, Texas, in satisfaction of a penalty imposed by Re-
16 gion 6 of the Environmental Protection Agency.

17 (c) REDUCTION IN PAYMENT AMOUNTS.—An amount
18 specified in subsection (a) or (b) as the authorized pay-
19 ment for an environmental violation shall be reduced to
20 reflect any amounts previously paid by the Secretary con-
21 cerned in connection with that violation.

1 **SEC. 312. NECESSITY OF MILITARY LOW-LEVEL FLIGHT**
2 **TRAINING TO PROTECT NATIONAL SECURITY**
3 **AND ENHANCE MILITARY READINESS.**

4 (a) **NECESSITY OF CURRENT TRAINING ROUTES AND**
5 **AREAS.**—The environmental impact statements completed
6 as of the date of the enactment of this Act for each special
7 use airspace designated by a military department for the
8 performance of low-level training flights, including each
9 military training route, slow speed route, military oper-
10 ations area, restricted area, or low altitude tactical naviga-
11 tion area, are deemed to satisfy the requirements of the
12 National Environmental Policy Act of 1969 (42 U.S.C.
13 4321 et seq.) and regulations implementing such law for
14 such special use airspace and the use of such special use
15 airspace established in such environmental impact state-
16 ments.

17 (b) **PROTECTING FUTURE FLEXIBILITY FOR LOW-**
18 **LEVEL FLIGHT TRAINING.**—On and after the date of the
19 enactment of this Act, a proposal by a military department
20 to establish or to expand or otherwise modify a special
21 use airspace for low-level training flights shall be consid-
22 ered separately to determine whether the proposal is a
23 major Federal action significantly affecting the quality of
24 the human environment for purposes of the National Envi-
25 ronmental Policy Act of 1969.

1 **SEC. 313. USE OF ENVIRONMENTAL RESTORATION AC-**
2 **COUNTS TO RELOCATE ACTIVITIES FROM DE-**
3 **FENSE ENVIRONMENTAL RESTORATION**
4 **SITES.**

5 Subsection (b) of section 2703 of title 10, United
6 States Code, is amended to read as follows:

7 “(b) OBLIGATION OF AUTHORIZED AMOUNTS.—(1)
8 Funds authorized for deposit in an account under sub-
9 section (a) may be obligated or expended from the account
10 only—

11 “(A) to carry out the environmental restoration
12 functions of the Secretary of Defense and the Secre-
13 taries of the military departments under this chapter
14 and under any other provision of law; and

15 “(B) to relocate activities from defense sites, in-
16 cluding sites formerly used by the Department of
17 Defense that are released from Federal Government
18 control, at which the Secretary is responsible for en-
19 vironmental restoration functions.

20 “(2) The authority provided by paragraph (1)(B) ex-
21 pires September 30, 2003. Not more than 5 percent of
22 the funds deposited in an account under subsection (a)
23 for a fiscal year may be used for activities under para-
24 graph (1)(B).

25 “(3) If relocation assistance under paragraph (1)(B)
26 is to be provided with respect to a site formerly used by

1 the Department of Defense, but now released from Fed-
2 eral Government control, the Secretary of Defense or the
3 Secretary of the military department concerned may use
4 only fund transfer mechanisms otherwise available to the
5 Secretary. The Secretary may not provide assistance
6 under such paragraph for permanent relocation from the
7 affected site unless the Secretary determines that perma-
8 nent relocation is the most cost effective method of dealing
9 with the activities located at the affected site and notifies
10 the Congress of the determination before providing the as-
11 sistance.

12 “(4) Funds authorized for deposit in an account
13 under subsection (a) shall remain available until ex-
14 pended.”.

15 **SEC. 314. FINDINGS AND SENSE OF THE CONGRESS RE-**
16 **GARDING ENVIRONMENTAL RESTORATION**
17 **OF FORMER DEFENSE MANUFACTURING**
18 **SITE, SANTA CLARITA, CALIFORNIA.**

19 (a) FINDINGS.—The Congress finds the following:

20 (1) A former private sector munitions plant
21 may have demonstratively impacted the environment
22 of a 1,000-acre site in Santa Clarita, California.

23 (2) Munitions and rocket propellant manufac-
24 tured at this site for over 60 years may have con-
25 tributed to various contaminants including, but not

1 limited to, perchlorates and various volatile organic
2 compounds.

3 (3) The munitions plant used materials and
4 production methods in support of purchase orders
5 from the Department of Defense to meet the na-
6 tional security interests of the United States at the
7 time.

8 (4) The Santa Clarita site serves a unique role
9 in the future of the community and is the corner-
10 stone to many public benefits, including reduction in
11 transportation congestion, access to much-needed
12 schools, future local government centers, assurance
13 of quality drinking water, more than 400 acres of
14 public space, and affordable housing.

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

17 (1) every effort should be made to apply all
18 known public and private sector innovative tech-
19 nologies to restore the Santa Clarita site to produc-
20 tive use; and

21 (2) the experience gained from this site by the
22 private and public sector partnerships has the poten-
23 tial to pay dividends many times over.

1 **Subtitle C—Commissaries and Non-**
2 **appropriated Fund Instrumen-**
3 **talities**

4 **SEC. 321. USE OF APPROPRIATED FUNDS TO COVER OPER-**
5 **ATING EXPENSES OF COMMISSARY STORES.**

6 (a) IN GENERAL.—(1) Section 2484 of title 10,
7 United States Code, is amended to read as follows:

8 **“§ 2484. Commissary stores: use of appropriated**
9 **funds to cover operating expenses**

10 “(a) OPERATION OF AGENCY AND SYSTEM.—Except
11 as otherwise provided in this title, the operation of the
12 Defense Commissary Agency and the defense commissary
13 system may be funded using such amounts as are appro-
14 priated for such purpose.

15 “(b) OPERATING EXPENSES OF COMMISSARY
16 STORES.—Appropriated funds may be used to cover the
17 expenses of operating commissary stores and central prod-
18 uct processing facilities of the defense commissary system.
19 For purposes of this subsection, operating expenses in-
20 clude the following:

21 “(1) Salaries of employees of the United States,
22 host nations, and contractors supporting commissary
23 store operations.

24 “(2) Utilities.

25 “(3) Communications.

1 “(4) Operating supplies and services.

2 “(5) Second destination transportation costs
3 within or outside the United States.

4 “(6) Any cost associated with above-store level
5 management or other indirect support of a com-
6 missary store or a central product processing facil-
7 ity, including equipment maintenance and informa-
8 tion technology costs.”.

9 (2) The table of sections at the beginning of chapter
10 147 of such title is amended by striking the item relating
11 to section 2484 and inserting the following new item:

“2484. Commissary stores: use of appropriated funds to cover operating ex-
penses.”.

12 (b) **EFFECTIVE DATE.**—The amendments made by
13 this section shall take effect on October 1, 2001.

14 **SEC. 322. ADJUSTMENT OF SALES PRICES OF COMMISSARY**
15 **STORE GOODS AND SERVICES TO COVER**
16 **CERTAIN EXPENSES.**

17 (a) **ADJUSTMENT REQUIRED.**—Section 2486 of title
18 10, United States Code, is amended—

19 (1) in subsection (c), by striking “section 2484(b) or”
20 and inserting “subsection (d) or section”; and

21 (2) in subsection (d)—

22 (A) in paragraph (1), by striking “sections
23 2484 and” and inserting “section”; and

1 (B) by adding at the end the following new
2 paragraph:

3 “(3) The sales price of merchandise and services sold
4 in, at, or by commissary stores shall be adjusted to cover
5 the following:

6 “(A) The cost of first destination commercial
7 transportation of the merchandise in the United
8 States to the place of sale.

9 “(B) The actual or estimated cost of shrinkage,
10 spoilage, and pilferage of merchandise under the
11 control of commissary stores.”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect on October 1, 2001.

14 **SEC. 323. USE OF SURCHARGES FOR CONSTRUCTION AND**
15 **IMPROVEMENT OF COMMISSARY STORES.**

16 (a) EXPANSION OF AUTHORIZED USES.—Subsection
17 (b) of section 2685 of title 10, United States Code, is
18 amended to read as follows:

19 “(b) USE FOR CONSTRUCTION, REPAIR, IMPROVE-
20 MENT, AND MAINTENANCE.—(1) The Secretary of De-
21 fense may use the proceeds from the adjustments or sur-
22 charges authorized by subsection (a) only—

23 “(A) to acquire (including acquisition by lease),
24 construct, convert, expand, improve, repair, main-
25 tain, and equip the physical infrastructure of com-

1 missary stores and central product processing facili-
2 ties of the defense commissary system; and

3 “(B) to cover environmental evaluation and
4 construction costs, including surveys, administration,
5 overhead, planning, and design, related to activities
6 described in paragraph (1).

7 “(2) In paragraph (1), the term ‘physical infrastruc-
8 ture’ includes real property, utilities, and equipment (in-
9 stalled and free standing and including computer equip-
10 ment), necessary to provide a complete and usable com-
11 missary store or central product processing facility.”.

12 (b) AUTHORITY OF SECRETARY OF DEFENSE.—Such
13 section is further amended—

14 (1) in subsection (a), by striking “Secretary of
15 a military department, under regulations established
16 by him and approved by the Secretary of Defense,”
17 and inserting “Secretary of Defense”;

18 (2) in subsection (c)—

19 (A) by striking “Secretary of a military de-
20 partment, with the approval of the Secretary of
21 Defense and” and inserting “Secretary of De-
22 fense, with the approval of”; and

23 (B) by striking “Secretary of the military
24 department determines” and inserting “Sec-
25 retary determines”; and

1 (3) in subsection (d), by striking “Secretary of
2 a military department” and inserting “Secretary of
3 Defense”.

4 (c) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall take effect on October 1, 2001.

6 **SEC. 324. INCLUSION OF MAGAZINES AND OTHER PERIODI-**
7 **CALS AS AN AUTHORIZED COMMISSARY MER-**
8 **CHANDISE CATEGORY.**

9 (a) ADDITIONAL AUTHORIZED CATEGORY.—Sub-
10 section (b) of section 2486 of title 10, United States Code,
11 is amended—

12 (1) by redesignating paragraph (11) as para-
13 graph (12); and

14 (2) by inserting after paragraph (10) the fol-
15 lowing new paragraph:

16 “(11) Magazines and other periodicals.”.

17 (b) CONFORMING AMENDMENTS.—Subsection (f) of
18 such section is amended—

19 (1) by striking “(1)” before “Notwithstanding”;

20 (2) by striking “items in the merchandise cat-
21 egories specified in paragraph (2)” and inserting

22 “tobacco products”; and

23 (3) by striking paragraph (2).

1 **SEC. 325. USE OF MOST ECONOMICAL DISTRIBUTION METH-**
2 **OD FOR DISTILLED SPIRITS.**

3 Section 2488(c) of title 10, United States Code, is
4 amended—

5 (1) by striking paragraph (2); and

6 (2) by redesignating paragraph (3) as para-
7 graph (2).

8 **SEC. 326. REPORT ON EFFECTS OF AVAILABILITY OF SLOT**
9 **MACHINES ON UNITED STATES MILITARY IN-**
10 **STALLATIONS OVERSEAS.**

11 (a) **REPORT REQUIRED.**—Not later than March 31,
12 2001, the Secretary of Defense shall submit to Congress
13 a report evaluating the effect that the ready availability
14 of slot machines as a morale, welfare, and recreation activ-
15 ity on United States military installations outside of the
16 United States has on members of the Armed Forces, their
17 dependents, and other persons who use such slot ma-
18 chines, the morale of military communities overseas, and
19 the personal financial stability of members of the Armed
20 Forces.

21 (b) **MATTERS TO BE INCLUDED.**—The Secretary
22 shall include in the report—

23 (1) an estimate of the number of persons who
24 used such slot machines during the preceding 2
25 years and, of such persons, the percentage who were
26 enlisted members (shown both in the aggregate and

1 by pay grade), officers (shown both in the aggregate
2 and by pay grade), Department of Defense civilians,
3 other United States persons, and foreign nationals;

4 (2) to the extent feasible, information with re-
5 spect to military personnel referred to in paragraph
6 (1) showing the number (as a percentage and by pay
7 grade) who have—

8 (A) sought financial services counseling at
9 least partially due to the use of such slot ma-
10 chines;

11 (B) qualified for Government financial as-
12 sistance at least partially due to the use of such
13 slot machines; or

14 (C) had a personal check returned for in-
15 sufficient funds or received any other non-
16 payment notification from a creditor at least
17 partially due to the use of such slot machines;
18 and

19 (3) to the extent feasible, information with re-
20 spect to the average amount expended by each cat-
21 egory of persons referred to in paragraph (1) in
22 using such slot machines per visit, to be shown by
23 pay grade in the case of military personnel.

1 **Subtitle D—Performance of Func-**
2 **tions by Private-Sector Sources**

3 **SEC. 331. INCLUSION OF ADDITIONAL INFORMATION IN RE-**
4 **PORTS TO CONGRESS REQUIRED BEFORE**
5 **CONVERSION OF COMMERCIAL OR INDUS-**
6 **TRIAL TYPE FUNCTIONS TO CONTRACTOR**
7 **PERFORMANCE.**

8 (a) INFORMATION REQUIRED BEFORE COMMENCE-
9 MENT OF CONVERSION ANALYSIS.—Subsection (b)(1)(D)
10 of section 2461 of title 10, United States Code, is amend-
11 ed by inserting before the period the following: “, and a
12 certification that funds are specifically budgeted to pay for
13 the cost of the analysis”.

14 (b) INFORMATION REQUIRED IN NOTIFICATION OF
15 DECISION.—Subsection (c)(1) of such section is
16 amended—

17 (1) by redesignating subparagraphs (A), (B),
18 (C), (D), and (E) as subparagraphs (B), (C), (D),
19 (F), and (G), respectively;

20 (2) by inserting before subparagraph (B), as so
21 redesignated, the following new subparagraph:

22 “(A) The date when the analysis of that com-
23 mercial or industrial type function for possible
24 change to performance by the private sector was
25 commenced.”; and

1 (3) by inserting after subparagraph (D), as so
2 redesignated, the following new subparagraph:

3 “(E) The number of Department of Defense ci-
4 vilian employees who were performing the function
5 when the analysis was commenced and the number
6 of such employees whose employment was termi-
7 nated or otherwise adversely affected in imple-
8 menting the most efficient organization of the func-
9 tion or whose employment will be terminated or oth-
10 erwise adversely affected by the change to perform-
11 ance of the function by the private sector.”.

12 **SEC. 332. LIMITATION ON USE OF FUNDS FOR NAVY MA-**
13 **RINE CORPS INTRANET CONTRACT.**

14 (a) IN GENERAL.—None of the funds authorized to
15 be appropriated for fiscal year 2001 for the Department
16 of the Navy may be obligated or expended to carry out
17 a Navy Marine Corps Intranet contract until the date that
18 is 60 days after the date that the Secretary submits to
19 Congress the following information:

20 (1) Outcome-oriented performance measures re-
21 garding such contract.

22 (2) A description of the alternatives considered
23 to such contract, and the factors relied on in deter-
24 mining not to pursue such alternatives.

1 (3) A description of the baseline of current
2 costs to the Department of the Navy for performing
3 information technology services that would be car-
4 ried out under such contract and current mission ca-
5 pability regarding such services.

6 (4) An analysis of how civilian and military per-
7 sonnel who currently perform information technology
8 functions would be impacted by such contract, in-
9 cluding a description of—

10 (A) the number such personnel currently
11 performing such functions at the Echelon I
12 level;

13 (B) the number of such personnel who
14 would no longer perform such functions as a re-
15 sult of the Navy Marine Corps Intranet con-
16 tract, and what functions such personnel would
17 perform after the implementation of such con-
18 tract; and

19 (C) whether a reduction in force would be
20 necessary as a result of such contract.

21 (5) A complete funding profile with respect to
22 such contract, including a description of—

23 (A) the amount of funds obligated or ex-
24 pended in fiscal years 1999 and 2000 for infor-
25 mation technology at the Echelon I level, and

1 from what accounts such funds were obligated
2 or expended; and

3 (B) the accounts from which funds would
4 be used for the purpose of carrying out a Navy
5 Marine Corps Intranet contract in fiscal year
6 2001 and throughout the period of the future-
7 years defense plan of the Department of De-
8 fense.

9 (6) A risk assessment which—

10 (A) describes the probability of achieving
11 cost, schedule, and performance goals with re-
12 spect to such contract;

13 (B) categorizes all identified risks in terms
14 of the likelihood of occurrence and potential im-
15 pact of such risks; and

16 (C) establishes a plan for mitigation of
17 each risk that is identified as of high impor-
18 tance.

19 (7) A certification that, beginning in fiscal year
20 2002, the Department of the Navy will comply with
21 the requirements in OMB Circular A-11.

22 (b) GAO REPORT.—In any case in which the Sec-
23 retary of the Navy submits to Congress the information
24 described in subsection (a), not later than 60 days after
25 the date that the Secretary submits such information the

1 Comptroller General shall review and submit a report on
2 the information to the congressional defense committees.

3 (c) NAVY MARINE CORPS INTRANET CONTRACT DE-
4 FINED.—In this section, the term “Navy Marine Corps
5 Intranet contract” means a long-term arrangement with
6 the commercial sector that transfers the responsibility and
7 risk for providing and managing the vast majority of desk-
8 top, server, infrastructure, and communication assets and
9 services of the Department of the Navy.

10 **Subtitle E—Defense Dependents** 11 **Education**

12 **SEC. 341. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES** 13 **THAT BENEFIT DEPENDENTS OF MEMBERS** 14 **OF THE ARMED FORCES AND DEPARTMENT** 15 **OF DEFENSE CIVILIAN EMPLOYEES.**

16 (a) CONTINUATION OF DEPARTMENT OF DEFENSE
17 PROGRAM FOR FISCAL YEAR 2001.—Of the amount au-
18 thorized to be appropriated by section 301(5) for oper-
19 ation and maintenance for Defense-wide activities,
20 \$35,000,000 shall be available only for the purpose of pro-
21 viding educational agencies assistance (as defined in sub-
22 section (d)(1)) to local educational agencies.

23 (b) NOTIFICATION.—Not later than June 30, 2001,
24 the Secretary of Defense shall notify each local edu-

1 cational agency that is eligible for educational agencies as-
2 sistance for fiscal year 2001 of—

3 (1) that agency’s eligibility for educational
4 agencies assistance; and

5 (2) the amount of the educational agencies as-
6 sistance for which that agency is eligible.

7 (c) DISBURSEMENT OF FUNDS.—The Secretary of
8 Defense shall disburse funds made available under sub-
9 section (a) not later than 30 days after the date on which
10 notification to the eligible local educational agencies is
11 provided pursuant to subsection (b).

12 (d) DEFINITIONS.—In this section:

13 (1) The term “educational agencies assistance”
14 means assistance authorized under section 386(b) of
15 the National Defense Authorization Act for Fiscal
16 Year 1993 (Public Law 102–484; 20 U.S.C. 7703
17 note).

18 (2) The term “local educational agency” has
19 the meaning given that term in section 8013(9) of
20 the Elementary and Secondary Education Act of
21 1965 (20 U.S.C. 7713(9)).

1 **SEC. 342. ELIGIBILITY FOR ATTENDANCE AT DEPARTMENT**
2 **OF DEFENSE DOMESTIC DEPENDENT ELE-**
3 **MENTARY AND SECONDARY SCHOOLS.**

4 Section 2164(c) of title 10, United States Code, is
5 amended—

6 (1) in the subsection heading, by inserting
7 “AND OTHER PERSONS” after “EMPLOYEES”; and

8 (2) by adding at the end the following new
9 paragraph:

10 “(3)(A) The Secretary may authorize the dependent
11 of an American Red Cross employee described in subpara-
12 graph (B) to enroll in an education program provided by
13 the Secretary pursuant to subsection (a) if the American
14 Red Cross agrees to reimburse the Secretary for the edu-
15 cational services so provided.

16 “(B) An employee referred to in subparagraph (A)
17 is an American Red Cross employee who—

18 “(i) resides in Puerto Rico; and

19 “(ii) performs, on a full-time basis, emergency
20 services on behalf of members of the armed forces.

21 “(C) Amounts received under this paragraph as reim-
22 bursement for educational services shall be treated in the
23 same manner as amounts received under subsection (g).”.

1 **Subtitle F—Military Readiness**
2 **Issues**

3 **SEC. 351. ADDITIONAL CAPABILITIES OF, AND REPORTING**
4 **REQUIREMENTS FOR, THE READINESS RE-**
5 **PORTING SYSTEM.**

6 (a) MEASURING CANNIBALIZATION OF PARTS, SUP-
7 PLIES, AND EQUIPMENT.—Subsection (c) of section 117
8 of title 10, United States Code, is amended by adding at
9 the end the following new paragraph:

10 “(7) Measure, on a quarterly basis, the extent
11 to which units of the armed forces remove service-
12 able parts, supplies, or equipment from one vehicle,
13 vessel, or aircraft in order to render a different vehi-
14 cle, vessel, or aircraft operational.”.

15 (b) FUNDING TO ADDRESS DEFICIENCIES.—Sub-
16 section (e) of such section is amended—

17 (1) by inserting “(1)” before “The Secretary”;

18 (2) by striking “Each such report” and insert-
19 ing the following:

20 “(3) Each report under this subsection”; and

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

23 “(2) The monthly report submitted under paragraph
24 (1) that covers the first quarter of the then current fiscal
25 year shall also include a description of the funding pro-

1 posed in the President’s budget for the next fiscal year,
2 and for the subsequent fiscal years covered by the most
3 recent future-years defense program submitted under sec-
4 tion 221 of this title, to address each deficiency in readi-
5 ness identified during the joint readiness review conducted
6 for the first quarter of the current fiscal year.”.

7 **SEC. 352. REPORTING REQUIREMENTS REGARDING TRANS-**
8 **FERS FROM HIGH-PRIORITY READINESS AP-**
9 **PROPRIATIONS.**

10 (a) CONTINUATION OF REPORTING REQUIRE-
11 MENTS.—Section 483 of title 10, United States Code, is
12 amended by striking subsection (e).

13 (b) LEVEL OF DETAIL.—Subsection (c)(2) of such
14 section is amended by inserting before the period the fol-
15 lowing: “, including identification of the sources from
16 which funds were transferred into that activity and identi-
17 fication of the recipients of the funds transferred out of
18 that activity”.

19 (c) ADDITIONAL COVERED BUDGET ACTIVITIES.—
20 Subsection (d)(5) of such section is amended by adding
21 at the end the following new subparagraphs:

22 “(G) Combat Enforcement Forces.

23 “(H) Combat Communications.”.

1 **SEC. 353. DEPARTMENT OF DEFENSE STRATEGIC PLAN TO**
2 **REDUCE BACKLOG IN MAINTENANCE AND**
3 **REPAIR OF DEFENSE FACILITIES.**

4 (a) PLAN REQUIRED.—Section 2661 of title 10,
5 United States Code, is amended by adding at the end the
6 following new subsection:

7 “(c) PLAN TO ADDRESS MAINTENANCE AND REPAIR
8 BACKLOG.—(1) The Secretary of Defense shall develop,
9 and update annually thereafter, a strategic plan to reduce
10 the backlog in maintenance and repair needs of facilities
11 and infrastructure under the jurisdiction of the Depart-
12 ment of Defense or a military department. At a minimum,
13 the plan shall include or address the following:

14 “(A) A comprehensive strategy for the repair
15 and revitalization of facilities and infrastructure, or
16 for the demolition and replacement of unusable fa-
17 cilities, carried as backlog by the Secretary con-
18 cerned.

19 “(B) Measurable goals, over specified time
20 frames, for achieving the objectives of the strategy.

21 “(C) Expected funding for each military depart-
22 ment and Defense Agency to carry out the strategy
23 during the period covered by the most recent future-
24 years defense program submitted to Congress pursu-
25 ant to section 221 of this title.

1 “(D) The cost of the current backlog in mainte-
2 nance and repair for each military department and
3 Defense Agency, which shall be determined using the
4 standard costs to standard facility categories in the
5 Department of Defense Facilities Cost Factors
6 Handbook, shown both in the aggregate and individ-
7 ually for each major military installation.

8 “(E) The total number of square feet of build-
9 ing space of each military department and Defense
10 Agency to be demolished or proposed for demolition
11 under the plan, shown both in the aggregate and in-
12 dividually for each major military installation.

13 “(F) The initiatives underway to identify facil-
14 ity and infrastructure requirements at military in-
15 stallation to accommodate new and developing weap-
16 ons systems and to prepare installations to accom-
17 modate these systems.

18 “(2) Not later than March 15, 2001, the Secretary
19 shall submit the strategic plan to Congress. The annual
20 updates shall be submitted to Congress each year at or
21 about the time that the President’s budget is submitted
22 to Congress that year under section 1105(a) of title 31.”.

23 (b) **STYLISTIC AMENDMENTS.**—Such section is fur-
24 ther amended—

1 (1) in subsection (a), by inserting “AVAIL-
2 ABILITY OF OPERATION AND MAINTENANCE
3 FUNDS.—” after “(a)”; and

4 (2) in subsection (b), by inserting “GENERAL
5 LEASING AUTHORITY; MAINTENANCE OF DEFENSE
6 ACCESS ROADS.—” after “(b)”.

7 **Subtitle G—Other Matters**

8 **SEC. 361. AUTHORITY TO ENSURE DEMILITARIZATION OF** 9 **SIGNIFICANT MILITARY EQUIPMENT FOR-** 10 **MERLY OWNED BY THE DEPARTMENT OF DE-** 11 **FENSE.**

12 (a) AUTHORITY TO REQUIRE DEMILITARIZATION
13 AFTER DISPOSAL.—Chapter 153 of title 10, United
14 States Code, is amended by inserting after section 2572
15 the following new section:

16 **“§ 2573. Significant military equipment: continued** 17 **authority to require demilitarization** 18 **after disposal**

19 “(a) AUTHORITY TO REQUIRE DEMILITARIZATION.—
20 The Secretary of Defense may require any person in pos-
21 session of significant military equipment formerly owned
22 by the Department of Defense—

23 “(1) to demilitarize the equipment;

24 “(2) to have the equipment demilitarized by a
25 third party; or

1 “(3) to return the equipment to the Govern-
2 ment for demilitarization.

3 “(b) COST AND VALIDATION OF DEMILITARIZA-
4 TION.—When the demilitarization of significant military
5 equipment is carried out by the person in possession of
6 the equipment pursuant to paragraph (1) or (2) of sub-
7 section (a), the person shall be solely responsible for all
8 demilitarization costs, and the United States shall have
9 the right to validate that the equipment has been demili-
10 tarized.

11 “(c) RETURN OF EQUIPMENT TO GOVERNMENT.—
12 When the Secretary of Defense requires the return of sig-
13 nificant military equipment for demilitarization by the
14 Government, the Secretary shall bear all costs to transport
15 and demilitarize the equipment. If the person in possession
16 of the significant military equipment obtained the property
17 in the manner authorized by law or regulation and the
18 Secretary determines that the cost to demilitarize and re-
19 turn the property to the person is prohibitive, the Sec-
20 retary shall reimburse the person for the purchase cost
21 of the property and for the reasonable transportation costs
22 incurred by the person to purchase the equipment.

23 “(d) ESTABLISHMENT OF DEMILITARIZATION
24 STANDARDS.—The Secretary of Defense shall prescribe by

1 regulation what constitutes demilitarization for each type
2 of significant military equipment.

3 “(e) EXCEPTION FOR GOVERNMENT CONTRACTS.—

4 This section does not apply when a person is in possession
5 of significant military equipment formerly owned by the
6 Department of Defense for the purpose of demilitarizing
7 the equipment pursuant to a Government contract.

8 “(f) DEFINITION OF SIGNIFICANT MILITARY EQUIP-
9 MENT.—In this section, the term ‘significant military
10 equipment’ means—

11 “(1) an article for which special export controls
12 are warranted under the Arms Export Control Act
13 (22 U.S.C. 2751 et seq.) because of its capacity for
14 substantial military utility or capability, as identified
15 on the United States Munitions List maintained
16 under section 121.1 of title 22, Code of Federal
17 Regulations; and

18 “(2) any other article designated by the Depart-
19 ment of Defense as requiring demilitarization before
20 its disposal.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of such chapter is amended by inserting
23 after the item relating to section 2572 the following new
24 item:

“2573. Significant military equipment: continued authority to require demili-
tarization after disposal.”.

1 **SEC. 362. ANNUAL REPORT ON PUBLIC SALE OF CERTAIN**
2 **MILITARY EQUIPMENT IDENTIFIED ON**
3 **UNITED STATES MUNITIONS LIST.**

4 (a) ANNUAL REPORT REQUIRED.—Chapter 153 of
5 title 10, United States Code, is amended by adding at the
6 end the following new section:

7 **“§ 2582. Military equipment identified on United**
8 **States munitions list: annual report of**
9 **public sales**

10 “(a) REPORT REQUIRED.—The Secretary of Defense
11 shall prepare an annual report identifying each public sale
12 conducted by a military department or Defense Agency of
13 military items that are—

14 “(1) identified on the United States Munitions
15 List maintained under section 121.1 of title 22,
16 Code of Federal Regulations; and

17 “(2) assigned a demilitarization code of ‘B’ or
18 its equivalent.

19 “(b) ELEMENTS OF REPORT.—(1) A report under
20 this section shall cover all public sales described in sub-
21 section (a) that were conducted during the preceding fiscal
22 year.

23 “(2) The report shall specify the following for each
24 sale:

25 “(A) The date of the sale.

1 system funded by the defense working capital fund) that
2 is not registered with the Chief Information Officer of the
3 Department of Defense.

4 (b) MANNER OF REGISTRATION.—A system shall be
5 considered to be registered with the Chief Information Of-
6 ficer upon the furnishing to that officer of notice of the
7 system, together with such information concerning the
8 system as the Secretary of Defense may prescribe.

9 (c) QUARTERLY UPDATES.—In the case of each in-
10 formation technology system registered pursuant to this
11 section, the information required under subsection (b) to
12 be submitted as part of the registration shall be updated
13 on not less than a quarterly basis.

14 (d) COVERED INFORMATION TECHNOLOGY SYS-
15 TEMS.—An information technology system shall be consid-
16 ered to be a mission critical or mission essential informa-
17 tion technology system for purposes of this section as de-
18 fined by the Secretary of Defense.

19 (e) DEFINITIONS.—For purposes of this section:

20 (1) The term “Chief Information Officer”
21 means the senior official of the Department of De-
22 fense designated by the Secretary of Defense pursu-
23 ant to section 3506 of title 44, United States Code.

24 (2) The term “information technology system”
25 has the meaning given the term “information tech-

1 nology” in section 5002 of the Clinger-Cohen Act of
2 1996 (40 U.S.C. 1401).

3 **SEC. 364. STUDIES AND REPORTS REQUIRED AS PRE-**
4 **CONDITION TO CERTAIN MANPOWER REDUC-**
5 **TIONS.**

6 (a) **REQUIRED STUDIES AND REPORTS.**—Chapter
7 146 of title 10, United States Code, is amended by adding
8 at the end the following new section:

9 **“§ 2475. Consolidation of functions or activities and**
10 **reengineering or restructuring of organi-**
11 **zations, functions, or activities: required**
12 **studies and reports before manpower re-**
13 **ductions**

14 **“(a) REPORTING AND ANALYSIS REQUIREMENTS AS**
15 **PRECONDITION TO MANPOWER REDUCTIONS.**—The Sec-
16 retary of Defense may not initiate manpower reductions
17 at organizations or activities, or within functions, that are
18 commercial, commercial exempt from competition, military
19 essential, or inherently governmental until the Secretary
20 fully complies with the reporting and analysis require-
21 ments specified in subsections (b) and (c).

22 **“(b) NOTIFICATION AND ELEMENTS OF ANALYSIS.**—
23 Before commencing to analyze any commercial, commer-
24 cial exempt from competition, military essential, or inher-
25 ently governmental organization, function, or activity for

1 the consolidation, restructuring, or reengineering of mili-
2 tary personnel or Department of Defense civilian employ-
3 ees, the Secretary of Defense shall submit to Congress a
4 report containing the following:

5 “(1) The organization, function, or activity to
6 be analyzed for possible consolidation, restructuring,
7 or reengineering.

8 “(2) The location or locations at which military
9 personnel or Department of Defense civilian employ-
10 ees would be affected.

11 “(3) The number of military personnel or De-
12 partment of Defense civilian employee positions po-
13 tentially affected.

14 “(4) A description of the organization, function,
15 or activity to be analyzed for possible consolidation,
16 restructuring, or reengineering, including a descrip-
17 tion of all missions, duties, or military requirements
18 that might be affected.

19 “(5) An examination of the cost incurred by the
20 Department of Defense to perform the function or
21 to operate the organization or activity that will be
22 analyzed.

23 “(6) A certification that a proposed consolida-
24 tion, restructuring, or reengineering of a commer-
25 cial, commercial exempt from competition, military

1 essential, or inherently governmental organization,
2 function, or activity is not a result of a decision by
3 an official of a military department or Defense
4 Agency to impose predetermined constraints or limi-
5 tations on the number of military personnel or De-
6 partment of Defense civilian employees.

7 “(c) NOTIFICATION OF DECISION.—If, as a result of
8 the completion of an analysis carried out consistent with
9 the requirements of subsection (b), a decision is made to
10 consolidate, restructure, or reengineer an organization,
11 function, or activity, the Secretary of Defense shall submit
12 to the Committee on Armed Services of the House of Rep-
13 resentatives and the Committee on Armed Services of the
14 Senate a report describing that decision. The report shall
15 contain the following:

16 “(1) The Secretary’s certification that the con-
17 solidation, restructuring, or reengineering that was
18 analyzed will yield savings to the Department of De-
19 fense.

20 “(2) A projection of the savings that will be re-
21 alized as a result of the consolidation, restructuring,
22 or reengineering, compared with the cost incurred by
23 the Department of Defense to perform the function
24 or to operate the organization or activity prior to

1 such proposed consolidation, restructuring, or re-
2 engineering.

3 “(3) A description of all missions, duties, or
4 military requirements that will be affected as a re-
5 sult of the decision to consolidate, restructure, or re-
6 engineer the organization, function, or activity that
7 was analyzed.

8 “(4) The Secretary’s certification that the con-
9 solidation, restructuring or reengineering will not re-
10 sult in any diminution of military readiness.

11 “(5) A schedule for performing the consolida-
12 tion, restructuring or reengineering.

13 “(6) The Secretary’s certification that the en-
14 tire analysis is available for examination.

15 “(d) DELEGATION.—The responsibility to prepare re-
16 ports under subsections (b) and (c) may be delegated only
17 to the Deputy Under Secretary of Defense for Installa-
18 tions.

19 “(e) COMMENCEMENT; WAIVER FOR SMALL FUNC-
20 TIONS.—(1) The consolidation, restructuring, or re-
21 engineering of an organization, function, or activity for
22 which a report is required under subsection (c) shall not
23 begin until at least 45 days after the submission of the
24 report to the Committee on Armed Services of the House

1 of Representatives and the Committee on Armed Services
2 of the Senate.

3 “(2) Subsection (c) shall not apply to a consolidation,
4 restructuring, or reengineering that will result in the
5 elimination of 10 or fewer military or Department of De-
6 fense civilian employee positions.

7 “(f) COMPTROLLER GENERAL REVIEW.—Not later
8 than March 1 of each year, the Comptroller General shall
9 submit to Congress a report reviewing decisions taken by
10 the Secretary of Defense to consolidate, restructure, or re-
11 engineer organizations, functions, or activities during the
12 previous year and assessing the Secretary’s compliance
13 with this section. The report shall include a detailed as-
14 sessment by the Comptroller General of whether the sav-
15 ings projected by the Secretary to result from such deci-
16 sions are likely to be realized, and whether any decision
17 taken by the Secretary is likely to result in a diminution
18 of military readiness. The report shall also include detailed
19 audits of selected analyses performed by the Secretary or
20 to an official in the Office of the Secretary of Defense
21 senior to that Deputy Under Secretary.

22 “(g) RELATION TO OTHER LAW.—Nothing in this
23 section shall be construed to obviate the requirements set
24 forth in section 1597 of this title.”

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

“2475. Consolidation of functions or activities and reengineering or restructuring of organizations, functions, or activities: required studies and reports before manpower reductions.”.

4 **SEC. 365. NATIONAL GUARD ASSISTANCE FOR CERTAIN**
 5 **YOUTH AND CHARITABLE ORGANIZATIONS.**

6 Section 508 of title 32, United States Code, is
 7 amended—

8 (1) in subsection (b)(2), by inserting “or any
 9 other youth or charitable organization designated by
 10 the Secretary of Defense” after “Special Olympics”;
 11 and

12 (2) in subsection (d)(1)—

13 (A) by redesignating paragraph (14) as
 14 paragraph (15); and

15 (B) by inserting after paragraph (13) the
 16 following new paragraph (14):

17 “(14) Reach For Tomorrow.”.

18 **TITLE IV—MILITARY**
 19 **PERSONNEL 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 personnel as of September 30, 2001, as follows:

24 (1) The Army, 480,000.

1 (2) The Navy, 372,642.

2 (3) The Marine Corps, 172,600.

3 (4) The Air Force, 357,000.

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

6 (a) REVISED END STRENGTH FLOORS.—Section
7 691(b) of title 10, United States Code, is amended—

8 (1) in paragraph (2), by striking “371,781”
9 and inserting “372,000”;

10 (2) in paragraph (3), by striking “172,148”
11 and inserting “172,600”; and

12 (3) in paragraph (4), by striking “360,877”
13 and inserting “357,000”.

14 (b) EFFECTIVE DATE.—The amendments made by
15 subsection (a) shall take effect on October 1, 2000.

16 **SEC. 403. ADJUSTMENT TO END STRENGTH FLEXIBILITY**
17 **AUTHORITY.**

18 Section 691(e) of title 10, United States Code, is
19 amended by inserting “or greater than” after “identical
20 to”.

21 **Subtitle B—Reserve Forces**

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

23 (a) IN GENERAL.—The Armed Forces are authorized
24 strengths for Selected Reserve personnel of the reserve
25 components as of September 30, 2001, as follows:

1 (1) The Army National Guard of the United
2 States, 350,706.

3 (2) The Army Reserve, 205,300.

4 (3) The Naval Reserve, 88,900.

5 (4) The Marine Corps Reserve, 39,558.

6 (5) The Air National Guard of the United
7 States, 108,000.

8 (6) The Air Force Reserve, 74,358.

9 (7) The Coast Guard Reserve, 8,000.

10 (b) ADJUSTMENTS.—The end strengths prescribed by
11 subsection (a) for the Selected Reserve of any reserve com-
12 ponent shall be proportionately reduced by—

13 (1) the total authorized strength of units orga-
14 nized to serve as units of the Selected Reserve of
15 such component which are on active duty (other
16 than for training) at the end of the fiscal year; and

17 (2) the total number of individual members not
18 in units organized to serve as units of the Selected
19 Reserve of such component who are on active duty
20 (other than for training or for unsatisfactory partici-
21 pation in training) without their consent at the end
22 of the fiscal year.

23 Whenever such units or such individual members are re-
24 leased from active duty during any fiscal year, the end
25 strength prescribed for such fiscal year for the Selected

1 Reserve of such reserve component shall be proportion-
2 ately increased by the total authorized strengths of such
3 units and by the total number of such individual members.

4 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
5 **DUTY IN SUPPORT OF THE RESERVES.**

6 Within the end strengths prescribed in section
7 411(a), the reserve components of the Armed Forces are
8 authorized, as of September 30, 2001, the following num-
9 ber of Reserves to be serving on full-time active duty or
10 full-time duty, in the case of members of the National
11 Guard, for the purpose of organizing, administering, re-
12 cruiting, instructing, or training the reserve components:

13 (1) The Army National Guard of the United
14 States, 23,154.

15 (2) The Army Reserve, 13,106.

16 (3) The Naval Reserve, 14,649.

17 (4) The Marine Corps Reserve, 2,261.

18 (5) The Air National Guard of the United
19 States, 11,148.

20 (6) The Air Force Reserve, 1,336.

21 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
22 **(DUAL STATUS).**

23 The minimum number of military technicians (dual
24 status) as of the last day of fiscal year 2001 for the re-
25 serve components of the Army and the Air Force (notwith-

1 standing section 129 of title 10, United States Code) shall
 2 be the following:

3 (1) For the Army Reserve, 5,921.

4 (2) For the Army National Guard of the United
 5 States, 23,392.

6 (3) For the Air Force Reserve, 9,785.

7 (4) For the Air National Guard of the United
 8 States, 22,247.

9 **SEC. 414. INCREASE IN NUMBERS OF MEMBERS IN CER-**
 10 **TAIN GRADES AUTHORIZED TO BE ON ACTIVE**
 11 **DUTY IN SUPPORT OF THE RESERVES.**

12 (a) OFFICERS.—The table in section 12011(a) of title
 13 10, United States Code, is amended to read as follows:

“Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,405	1,071	998	140
Lieutenant Colonel or Commander	1,830	520	859	90
Colonel or Navy Captain	547	188	317	30”.

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

“Grade	Army	Navy	Air Force	Marine Corps
E-9	866	202	502	20
E-8	2,966	429	1,131	94”.

16 (c) EFFECTIVE DATE.—The amendments made by
 17 this section shall take effect on October 1, 2000.

1 **Subtitle C—Authorization of**
2 **Appropriations**

3 **SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**
4 **TARY PERSONNEL.**

5 There is hereby authorized to be appropriated to the
6 Department of Defense for military personnel for fiscal
7 year 2001 a total of \$75,801,666,000. The authorization
8 in the preceding sentence supersedes any other authoriza-
9 tion of appropriations (definite or indefinite) for such pur-
10 pose for fiscal year 2001.

11 **TITLE V—MILITARY PERSONNEL**
12 **POLICY**

13 **Subtitle A—General Personnel**
14 **Management Authorities**

15 **SEC. 501. AUTHORITY FOR SECRETARY OF DEFENSE TO**
16 **SUSPEND CERTAIN PERSONNEL STRENGTH**
17 **LIMITATIONS DURING WAR OR NATIONAL**
18 **EMERGENCY.**

19 (a) SENIOR ENLISTED MEMBERS ON ACTIVE
20 DUTY.—Section 517 of title 10, United States Code, is
21 amended by adding at the end the following new sub-
22 section:

23 “(c) Whenever under section 527 of this title the
24 President may suspend the operation of any provision of
25 section 523, 525, or 526 of this title, the Secretary of De-

1 fense may suspend the operation of any provision of this
2 section. Any such suspension shall, if not sooner ended,
3 end in the manner specified in section 527 for a suspen-
4 sion under that section.”.

5 (b) FIELD GRADE RESERVE COMPONENT OFFI-
6 CERS.—Section 12011 of such title is amended by adding
7 at the end the following new subsection:

8 “(c) Whenever under section 527 of this title the
9 President may suspend the operation of any provision of
10 section 523, 525, or 526 of this title, the Secretary of De-
11 fense may suspend the operation of any provision of this
12 section. Any such suspension shall, if not sooner ended,
13 end in the manner specified in section 527 for a suspen-
14 sion under that section.”.

15 (c) SENIOR ENLISTED MEMBER IN RESERVE COMPO-
16 NENTS.—Section 12012 of such title is amended by add-
17 ing at the end the following new subsection:

18 “(c) Whenever under section 527 of this title the
19 President may suspend the operation of any provision of
20 section 523, 525, or 526 of this title, the Secretary of De-
21 fense may suspend the operation of any provision of this
22 section. Any such suspension shall, if not sooner ended,
23 end in the manner specified in section 527 for a suspen-
24 sion under that section.”.

1 **SEC. 502. AUTHORITY TO ISSUE POSTHUMOUS COMMIS-**
2 **SIONS IN THE CASE OF MEMBERS DYING BE-**
3 **FORE OFFICIAL RECOMMENDATION FOR AP-**
4 **POINTMENT OR PROMOTION IS APPROVED**
5 **BY SECRETARY CONCERNED.**

6 (a) REPEAL OF LIMITATION TO DEATHS OCCURRING
7 AFTER SECRETARIAL APPROVAL.—Subsection (a)(3) of
8 section 1521 of title 10, United States Code, is amended
9 by striking “and the recommendation for whose appoint-
10 ment or promotion was approved by the Secretary con-
11 cerned”.

12 (b) EFFECTIVE DATE OF COMMISSION.—Subsection
13 (b) of such section is amended by striking “approval” both
14 places it appears and inserting “official recommendation”.

15 **SEC. 503. TECHNICAL CORRECTION TO RETIRED GRADE**
16 **RULE FOR ARMY AND AIR FORCE OFFICERS.**

17 (a) ARMY.—Section 3961(a) of title 10, United
18 States Code, is amended by striking “or for nonregular
19 service under chapter 1223 of this title”.

20 (b) AIR FORCE.—Section 8961(a) of such title is
21 amended by striking “or for nonregular service under
22 chapter 1223 of this title”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 subsections (a) and (b) shall apply to Reserve officers who
25 are promoted to a higher grade as a result of selection
26 for promotion under chapter 36 or chapter 1405 of title

1 10, United States Code, or having been found qualified
2 for Federal recognition in a higher grade under chapter
3 3 of title 32, United States Code, after October 5, 1994.

4 **SEC. 504. EXTENSION TO END OF CALENDAR YEAR OF EXPI-**
5 **RATION DATE FOR CERTAIN FORCE DRAW-**
6 **DOWN TRANSITION AUTHORITIES.**

7 (a) EARLY RETIREMENT AUTHORITY FOR ACTIVE
8 FORCE MEMBERS.—Section 4403(i) of the National De-
9 fense Authorization Act for Fiscal Year 1993 (10 U.S.C.
10 1293 note) is amended by striking “October 1, 2001” and
11 inserting “December 31, 2001”.

12 (b) SSB AND VSI.—Sections 1174a(h) and
13 1175(d)(3) of title 10, United States Code, are amended
14 by striking “September 30, 2001” and inserting “Decem-
15 ber 31, 2001”.

16 (c) SELECTIVE EARLY RETIREMENT BOARDS.—Sec-
17 tion 638a(a) of such title is amended by striking “Sep-
18 tember 30, 2001” and inserting “December 31, 2001”.

19 (d) TIME-IN-GRADE REQUIREMENT FOR RETENTION
20 OF GRADE UPON VOLUNTARY RETIREMENT.—Section
21 1370(a)(2)(A) of such title is amended by striking “Sep-
22 tember 30, 2001” and inserting “December 31, 2001”.

23 (e) MINIMUM COMMISSIONED SERVICE FOR VOL-
24 UNTARY RETIREMENT AS AN OFFICER.—Sections
25 3911(b), 6323(a)(2), and 8911(b) of such title are amend-

1 ed by striking “September 30, 2001” and inserting “De-
2 cember 31, 2001”.

3 (f) TRAVEL, TRANSPORTATION, AND STORAGE BEN-
4 EFITS.—Sections 404(c)(1)(C), 404(f)(2)(B)(v),
5 406(a)(2)(B)(v), and 406(g)(1)(C) of title 37, United
6 States Code, and section 503(c) of the National Defense
7 Authorization Act for Fiscal Year 1991 (37 U.S.C. 406
8 note) are amended by striking “September 30, 2001” and
9 inserting “December 31, 2001”.

10 (g) EDUCATIONAL LEAVE FOR PUBLIC AND COMMU-
11 NITY SERVICE.—Section 4463(f) of the National Defense
12 Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143a
13 note) is amended by striking “September 30, 2001” and
14 inserting “December 31, 2001”.

15 (h) TRANSITIONAL HEALTH BENEFITS.—Sub-
16 sections (a)(1), (c)(1), and (e) of section 1145 of title 10,
17 United States Code, are amended by striking “September
18 30, 2001” and inserting “December 31, 2001”.

19 (i) TRANSITIONAL COMMISSARY AND EXCHANGE
20 BENEFITS.—Section 1146 of such title is amended by
21 striking “September 30, 2001” both places it appears and
22 inserting “December 31, 2001”.

23 (j) TRANSITIONAL USE OF MILITARY HOUSING.—
24 Paragraphs (1) and (2) of section 1147(a) of such title

1 are amended by striking “September 30, 2001” and in-
2 serting “December 31, 2001”.

3 (k) CONTINUED ENROLLMENT OF DEPENDENTS IN
4 DEFENSE DEPENDENTS’ EDUCATION SYSTEM.—Section
5 1407(c)(1) of the Defense Dependents’ Education Act of
6 1978 (20 U.S.C. 926(c)(1)) is amended by striking “Sep-
7 tember 30, 2001” and inserting “December 31, 2001”.

8 (l) FORCE REDUCTION TRANSITION PERIOD DEFINI-
9 TION.—Section 4411 of the National Defense Authoriza-
10 tion Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is
11 amended by striking “September 30, 2001” and inserting
12 “December 31, 2001”.

13 (m) TEMPORARY SPECIAL AUTHORITY FOR FORCE
14 REDUCTION PERIOD RETIREMENTS.—Section 4416(b)(1)
15 of the National Defense Authorization Act for Fiscal Year
16 1993 (10 U.S.C. 12681 note) is amended by striking “Oc-
17 tober 1, 2001” and inserting “December 31, 2001”.

18 (n) RETIRED PAY FOR NON-REGULAR SERVICE.—
19 (1) Section 12731(f) of title 10, United States Code, is
20 amended by striking “September 30, 2001” and inserting
21 “December 31, 2001”.

22 (2) Section 12731a of such title is amended in sub-
23 sections (a)(1)(B) and (b) by striking “October 1, 2001”
24 and inserting “December 31, 2001”.

1 (o) REDUCTION OF TIME-IN-GRADE REQUIREMENT
2 FOR RETENTION OF GRADE UPON VOLUNTARY RETIRE-
3 MENT.—Section 1370(d)(5) of such title is amended by
4 striking “September 30, 2001” and inserting “December
5 31, 2001”.

6 (p) AFFILIATION WITH GUARD AND RESERVE
7 UNITS; WAIVER OF CERTAIN LIMITATIONS.—Section
8 1150(a) of such title is amended by striking “September
9 30, 2001” and inserting “December 31, 2001”.

10 (q) RESERVE MONTGOMERY GI BILL.—Section
11 16133(b)(1)(B) of such title is amended by striking “Sep-
12 tember 30, 2001” and inserting “December 31, 2001”.

13 **SEC. 505. CLARIFICATION OF REQUIREMENTS FOR COM-**
14 **POSITION OF ACTIVE-DUTY LIST SELECTION**
15 **BOARDS WHEN RESERVE OFFICERS ARE**
16 **UNDER CONSIDERATION.**

17 (a) CLARIFICATION.—Section 612(a) of title 10,
18 United States Code, is amended—

19 (1) in paragraph (1)—

20 (A) by striking “who are on the active-duty
21 list” in the second sentence; and

22 (B) by inserting after the second sentence
23 the following new sentence: “Each member of a
24 selection board (except as provided in para-

1 graphs (2), (3), and (4)) shall be an officer on
2 the active-duty list.”; and

3 (2) in paragraph (3)—

4 (A) by striking “of that armed force, with
5 the exact number of reserve officers to be” and
6 inserting “of that armed force on active duty
7 (whether or not on the active-duty list). The ac-
8 tual number of reserve officers shall be”; and

9 (B) by striking “his discretion, except
10 that” and inserting “the Secretary’s discretion.
11 Notwithstanding the first sentence of this para-
12 graph,”.

13 (b) **EFFECTIVE DATE.**—The amendments made by
14 subsection (a) shall apply to any selection board convened
15 under section 611(a) of title 10, United States Code, on
16 or after August 1, 1981.

17 **SEC. 506. VOLUNTARY SEPARATION INCENTIVE.**

18 (a) **AUTHORITY FOR TERMINATION UPON ENTITLE-**
19 **MENT TO RETIRED PAY.**—Section 1175(e)(3) of title 10,
20 United States Code, is amended—

21 (1) inserting “(A)” after “(3)”; and

22 (2) by adding at the end the following new sub-
23 paragraph:

24 “(B) If a member is receiving simultaneous voluntary
25 separation incentive payments and retired or retainer pay,

1 the member may elect to terminate the receipt of vol-
2 untary separation incentive payments. Any such election
3 is permanent and irrevocable. The rate of monthly
4 recoupment from retired or retainer pay of voluntary sepa-
5 ration incentive payments received after such an election
6 shall be reduced by a percentage that is equal to a fraction
7 with a denominator equal to the number of months that
8 the voluntary separation incentive payments were sched-
9 uled to be paid and a numerator equal to the number of
10 months that would not be paid as a result of the member's
11 decision to terminate the voluntary separation incentive.".

12 (b) EFFECTIVE DATE.—Subparagraph (B) of section
13 1175(e)(3) of title 10, United States Code, as added by
14 subsection (a), shall apply with respect to decisions by
15 members to terminate voluntary separation incentive pay-
16 ments under section 1175 of title 10, United States Code,
17 to be effective after September 30, 2000.

18 **SEC. 507. CONGRESSIONAL REVIEW PERIOD FOR ASSIGN-**
19 **MENT OF WOMEN TO DUTY ON SUBMARINES**
20 **AND FOR ANY PROPOSED RECONFIGURATION**
21 **OR DESIGN OF SUBMARINES TO ACCOMMO-**
22 **DATE FEMALE CREW MEMBERS.**

23 (a) IN GENERAL.—(1) Chapter 555 of title 10,
24 United States Code, is amended by adding at the end the
25 following new section:

1 **“§ 6035. Female members: congressional review pe-**
2 **riod for assignment to duty on sub-**
3 **marines or for reconfiguration of sub-**
4 **marines**

5 “(a) No change in the Department of the Navy policy
6 limiting service on submarines to males, as in effect on
7 May 10, 2000, may take effect until—

8 “(1) the Secretary of Defense submits to Con-
9 gress written notice of the proposed change; and

10 “(2) a period of 120 days of continuous session
11 of Congress expires following the date on which the
12 notice is received.

13 “(b) No funds available to the Department of the
14 Navy may be expended to reconfigure any existing sub-
15 marine, or to design any new submarine, to accommodate
16 female crew members until—

17 “(1) the Secretary of Defense submits to Con-
18 gress written notice of the proposed reconfiguration
19 or design; and

20 “(2) a period of 120 days of continuous session
21 of Congress expires following the date on which the
22 notice is received.

23 “(c) For purposes of this section—

24 “(1) the continuity of a session of Congress is
25 broken only by an adjournment of the Congress sine
26 die; and

1 “(D) on the reserve active-status list who
2 are on active duty under section 12301(d) of
3 this title, other than as provided in subpara-
4 graph (C), under a call or order to active duty
5 specifying a period of 3 years or less;”.

6 **SEC. 512. EXEMPTION OF RESERVE COMPONENT MEDICAL**
7 **AND DENTAL OFFICERS FROM COUNTING IN**
8 **GRADE STRENGTHS.**

9 Section 12005(a)(1) of title 10, United States Code,
10 is amended by adding at the end the following new sen-
11 tence: “Medical officers and dental officers shall be ex-
12 cluded in computing and determining the authorized
13 strengths under this subsection.”.

14 **SEC. 513. CONTINUATION OF OFFICERS ON THE RESERVE**
15 **ACTIVE STATUS LIST WITHOUT REQUIRE-**
16 **MENT FOR APPLICATION.**

17 Section 14701(a) of title 10, United States Code, is
18 amended by striking “Upon application, a reserve officer”
19 and inserting “A reserve officer”.

20 **SEC. 514. AUTHORITY TO RETAIN RESERVE COMPONENT**
21 **CHAPLAINS AND OFFICERS IN MEDICAL SPE-**
22 **CIALTIES UNTIL SPECIFIED AGE.**

23 Section 14703(a)(3) of title 10, United States Code,
24 is amended by striking “veterinary officers” and all that
25 follows through the period and inserting “Air Force nurse,

1 Medical Service Corps officer, biomedical sciences officer,
2 or chaplain.”.

3 **SEC. 515. AUTHORITY FOR TEMPORARY INCREASE IN NUM-**
4 **BER OF RESERVE COMPONENT PERSONNEL**
5 **SERVING ON ACTIVE DUTY OR FULL-TIME NA-**
6 **TIONAL GUARD DUTY IN CERTAIN GRADES.**

7 (a) FIELD GRADE OFFICERS.—Section 12011 of title
8 10, United States Code, as amended by section 501(b),
9 is amended by adding at the end the following new sub-
10 section:

11 “(d) Upon a determination by the Secretary of De-
12 fense that such action is in the national interest, the Sec-
13 retary may increase the number of officers serving in any
14 grade for a fiscal year pursuant to subsection (a) by not
15 more than the percent authorized by the Secretary under
16 section 115(c)(2) of this title.”.

17 (b) SENIOR ENLISTED MEMBERS.—Section 12012 of
18 such title, as amended by section 501(c), is amended by
19 adding at the end the following new subsection:

20 “(d) Upon a determination by the Secretary of De-
21 fense that such action is in the national interest, the Sec-
22 retary may increase the number of enlisted members serv-
23 ing in any grade for a fiscal year pursuant to subsection
24 (a) by not more than the percent authorized by the Sec-
25 retary under section 115(c)(2) of this title.”.

1 **SEC. 516. AUTHORITY FOR PROVISION OF LEGAL SERVICES**
2 **TO RESERVE COMPONENT MEMBERS FOL-**
3 **LOWING RELEASE FROM ACTIVE DUTY.**

4 (a) **LEGAL SERVICES.**—Section 1044(a) of title 10,
5 United States Code, is amended—

6 (1) by redesignating paragraph (4) as para-
7 graph (5); and

8 (2) by inserting after paragraph (3) the fol-
9 lowing new paragraph:

10 “(4) Members of a reserve component not cov-
11 ered by paragraph (1) or (2), but only during a pe-
12 riod, following a release from active duty under a
13 call or order to active duty for more than 29 days
14 under a mobilization authority (as determined by the
15 Secretary of Defense), that is not in excess of twice
16 the length of time served on active duty.”

17 (b) **DEPENDENTS.**—Paragraph (5) of such section
18 1044(a) (as redesignated by subsection (a)) is amended
19 by striking “and (3)” and inserting “(3), and (4)”.

20 (c) **IMPLEMENTING REGULATIONS.**—Regulations to
21 implement the amendments made by subsections (a) and
22 (b) shall be prescribed not later than 180 days after the
23 date of the enactment of this Act.

1 **SEC. 517. ENTITLEMENT TO SEPARATION PAY FOR RE-**
2 **SERVE OFFICERS RELEASED FROM ACTIVE**
3 **DUTY UPON DECLINING SELECTIVE CON-**
4 **TINUATION ON ACTIVE DUTY AFTER SECOND**
5 **FAILURE OF SELECTION FOR PROMOTION.**

6 (a) DISCHARGE OR RELEASE TO BE CONSIDERED
7 INVOLUNTARY.—Section 1174(c) of title 10, United
8 States Code, is amended by adding at the end the fol-
9 lowing new paragraph:

10 “(4) The discharge or release from active duty of an
11 officer under a law or regulation requiring that an officer
12 who has failed of selection for promotion to the next high-
13 er grade for the second time, or who declines continuation
14 on active duty after such a failure, be discharged or re-
15 leased from active duty shall be considered to be involun-
16 tary for purposes of paragraph (1)(A).”.

17 (b) EFFECTIVE DATE.—Paragraph (4) of section
18 1174(c) of title 10, United States Code, as added by sub-
19 section (a), shall apply with respect to an offer for selec-
20 tive continuation on active duty that is declined on or after
21 the date of the enactment of this Act.

1 **SEC. 518. EXTENSION OF INVOLUNTARY CIVIL SERVICE RE-**
2 **TIREMENT DATE FOR CERTAIN RESERVE**
3 **TECHNICIANS.**

4 (a) MANDATORY RETIREMENT NOT APPLICABLE
5 UNTIL AGE 60.—Section 10218 of title 10, United States
6 Code, is amended—

7 (1) in subsection (a)—

8 (A) by inserting “and is age 60 or older at
9 that time” after “unreduced annuity” in para-
10 graph (2);

11 (B) by inserting “or is under age 60 at
12 that time” after “unreduced annuity” in para-
13 graph (3)(A); and

14 (C) by inserting “and becoming 60 years
15 of age” after “unreduced annuity” in para-
16 graph (3)(B)(ii)(I); and

17 (2) in subsection (b)—

18 (A) by inserting “and is age 60 or older”
19 after “unreduced annuity” in paragraph (1);

20 (B) by inserting “or is under age 60” after
21 “unreduced annuity” in paragraph (2)(A); and

22 (C) by inserting “and becoming 60 years
23 of age” after “unreduced annuity” in para-
24 graph (2)(B)(ii)(I).

25 (b) TRANSITION PROVISION.—(1) An individual who
26 before the date of the enactment of this Act was involun-

1 tarily separated or retired from employment as an Army
2 Reserve or Air Force Reserve technician under section
3 10218 of title 10, United States Code, and who would not
4 have been so separated if the provisions of subsection (c)
5 of that section, as amended by subsection (a), had been
6 in effect at the time of such separation may, with the ap-
7 proval of the Secretary concerned, be reinstated to the
8 technician status held by that individual immediately be-
9 fore that separation.

10 (2) The authority under paragraph (1) applies only
11 to reinstatement for which an application is received by
12 the Secretary concerned before the end of the 1-year pe-
13 riod beginning on the date of the enactment of this Act.

14 **Subtitle C—Education and** 15 **Training**

16 **SEC. 521. COLLEGE TUITION ASSISTANCE PROGRAM FOR**
17 **PURSUIT OF DEGREES BY MEMBERS OF THE**
18 **MARINE CORPS PLATOON LEADERS CLASS**
19 **PROGRAM.**

20 (a) IN GENERAL.—Section 16401 of title 10, United
21 States Code, is amended as follows:

22 (1) The section heading is amended to read as
23 follows:

1 **“§ 16401. Marine Corps Platoon Leaders Class pro-**
2 **gram: college tuition assistance pro-**
3 **gram”.**

4 (2) Subsection (a) is amended—

5 (A) by striking “FINANCIAL” in the sub-
6 section heading and inserting “COLLEGE TUI-
7 TION”;

8 (B) by striking “an eligible enlisted” in the
9 matter preceding paragraph (1) and inserting
10 “a”; and

11 (C) in paragraph (2), by striking “three”
12 and inserting “four”.

13 (3) Subsection (b)(1) is amended—

14 (A) by striking “an enlisted” and inserting
15 “a”;

16 (B) in subparagraph (A), by striking “an
17 officer candidate in” and inserting “a member
18 of”;

19 (C) by striking subparagraph (B) and re-
20 designating subparagraphs (C) and (D) as sub-
21 paragraphs (B) and (C), respectively; and

22 (D) in subparagraph (C) (as so redesign-
23 dated), by striking “(3)” and inserting “(2)”.

24 (4) Subsection (b) is amended by striking para-
25 graph (2) and redesignating paragraph (3) as para-
26 graph (2).

1 (5) Subsection (f)(1) is amended by striking “A
2 member” and inserting “An enlisted member”.

3 (b) COMPUTATION OF CREDITABLE SERVICE.—Sec-
4 tion 205(f) of title 37, United States Code, is amended—

5 (1) by striking “section 12209” and inserting
6 “section 12203”; and

7 (2) by striking “a member” and inserting “an
8 enlisted member”.

9 (c) CLERICAL AMENDMENT.—The item relating to
10 section 16401 in the table of sections at the beginning of
11 chapter 1611 of such title is amended to read as follows:

 “16401. Marine Corps Platoon Leaders Class program: college tuition assistance
 program.”.

12 **SEC. 522. REVIEW OF ALLOCATION OF JUNIOR RESERVE**
13 **OFFICERS TRAINING CORPS UNITS AMONG**
14 **THE SERVICES.**

15 (a) REALLOCATION OF JROTC UNITS.—Not later
16 than March 31, 2001, the Secretary of Defense shall—

17 (1) review the allocation among the military de-
18 partments of the statutory maximum number of
19 Junior Reserve Officers’ Training Corps (JROTC)
20 units; and

21 (2) redistribute the allocation of those units
22 planned (as of the date of the enactment of this Act)
23 for fiscal years 2001 through 2006 so as to increase
24 the number of units for a military department that

1 proposes to more quickly eliminate the current wait-
2 ing list for such units and to commit the necessary
3 resources for that purpose.

4 (b) PROPOSAL FOR INCREASE IN STATUTORY MAX-
5 IMUM.—If, based on the review under subsection (a) and
6 the redistribution of the allocation of JROTC units under
7 that subsection, the Secretary determines that an increase
8 in the statutory maximum number of such units is war-
9 ranted, the Secretary shall include a proposal for such an
10 increase in the budget proposal of the Department of De-
11 fense for fiscal year 2002.

12 **SEC. 523. AUTHORITY FOR NAVAL POSTGRADUATE SCHOOL**
13 **TO ENROLL CERTAIN DEFENSE INDUSTRY CI-**
14 **VILIANS IN SPECIFIED PROGRAMS RELATING**
15 **TO DEFENSE PRODUCT DEVELOPMENT.**

16 (a) IN GENERAL.—(1) Chapter 605 of title 10,
17 United States Code, is amended by adding at the end the
18 following new section:

19 **“§ 7049. Defense industry civilians: admission to de-**
20 **fense product development program**

21 “(a) AUTHORITY FOR ADMISSION.—The Secretary of
22 the Navy may permit eligible defense industry employees
23 to receive instruction at the Naval Postgraduate School
24 in accordance with this section. Any such defense industry
25 employee may only be enrolled in, and may only be pro-

1 vided instruction in, a program leading to a masters’s de-
2 gree in a curriculum related to defense product develop-
3 ment. No more than 10 such defense industry employees
4 may be enrolled at any one time. Upon successful comple-
5 tion of the course of instruction in which enrolled, any
6 such defense industry employee may be awarded an appro-
7 priate degree under section 7048 of this title.

8 “(b) ELIGIBLE DEFENSE INDUSTRY EMPLOYEES.—
9 For purposes of this section, an eligible defense industry
10 employee is an individual employed by a private firm that
11 is engaged in providing to the Department of Defense sig-
12 nificant and substantial defense-related systems, products,
13 or services. A defense industry employee admitted for in-
14 struction at the school remains eligible for such instruction
15 only so long as that person remains employed by the same
16 firm.

17 “(c) ANNUAL CERTIFICATION BY THE SECRETARY
18 OF THE NAVY.—Defense industry employees may receive
19 instruction at the school during any academic year only
20 if, before the start of that academic year, the Secretary
21 of the Navy determines, and certifies to the Committee
22 on Armed Services of the Senate and the Committee on
23 Armed Services of the House of Representatives, that pro-
24 viding instruction to defense industry employees under
25 this section during that year—

1 “(1) will further the military mission of the
2 school;

3 “(2) will enhance the ability of the Department
4 of Defense and defense-oriented private sector con-
5 tractors engaged in the design and development of
6 defense systems to reduce the product and project
7 lead times required to bring such systems to initial
8 operational capability; and

9 “(3) will be done on a space-available basis and
10 not require an increase in the size of the faculty of
11 the school, an increase in the course offerings of the
12 school, or an increase in the laboratory facilities or
13 other infrastructure of the school.

14 “(d) PROGRAM REQUIREMENTS.—The Secretary of
15 the Navy shall ensure that—

16 “(1) the curriculum for the defense product de-
17 velopment program in which defense industry em-
18 ployees may be enrolled under this section is not
19 readily available through other schools and con-
20 centrates on defense product development functions
21 that are conducted by military organizations and de-
22 fense contractors working in close cooperation; and

23 “(2) the course offerings at the school continue
24 to be determined solely by the needs of the Depart-
25 ment of Defense.

1 “(e) TUITION.—The Superintendent of the school
2 shall charge tuition for students enrolled under this sec-
3 tion at a rate not less than the rate charged for employees
4 of the United States outside the Department of the Navy.

5 “(f) STANDARDS OF CONDUCT.—While receiving in-
6 struction at the school, students enrolled under this sec-
7 tion, to the extent practicable, are subject to the same reg-
8 ulations governing academic performance, attendance,
9 norms of behavior, and enrollment as apply to Government
10 civilian employees receiving instruction at the school.

11 “(g) USE OF FUNDS.—Amounts received by the
12 school for instruction of students enrolled under this sec-
13 tion shall be retained by the school to defray the costs
14 of such instruction. The source, and the disposition, of
15 such funds shall be specifically identified in records of the
16 school.”.

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

“7049. Defense industry civilians: admission to defense product development
program.”.

20 (b) PROGRAM EVALUATION AND REPORT.—(1) Be-
21 fore the start of the fourth year of instruction, but no ear-
22 lier than the start of the third year of instruction, of de-
23 fense industry employees at the Naval Postgraduate
24 School under section 7049 of title 10, United States Code,

1 as added by subsection (a), the Secretary of the Navy shall
2 conduct an evaluation of the admission of such students
3 under that section. The evaluation shall include the fol-
4 lowing:

5 (A) An assessment of whether the authority for
6 instruction of nongovernment civilians at the school
7 has resulted in a discernible benefit for the Govern-
8 ment.

9 (B) Determination of whether the receipt and
10 disposition of funds received by the school as tuition
11 for instruction of such civilians at the school have
12 been properly identified in records of the school.

13 (C) An assessment of the disposition of those
14 funds.

15 (D) An assessment of whether instruction of
16 such civilians at the school is in the best interests
17 of the Government.

18 (2) Not later than 30 days after completing the eval-
19 uation referred to in paragraph (1), the Secretary of the
20 Navy shall submit to the Secretary of Defense a report
21 on the program under such section. The report shall
22 include—

23 (A) the results of the evaluation under para-
24 graph (1);

1 (B) the Secretary's conclusions and rec-
2 ommendation with respect to continuing to allow
3 nongovernment civilians to receive instruction and
4 the Naval Postgraduate School as part of a program
5 related to defense product development; and

6 (C) any proposals for legislative changes rec-
7 ommended by the Secretary.

8 (3) Not later than 60 days after receiving the report
9 of the Secretary of the Navy under paragraph (2), the Sec-
10 retary of Defense shall submit the report, together with
11 any comments that the Secretary considers appropriate,
12 to the Committee on Armed Services of the Senate and
13 the Committee on Armed Services of the House of Rep-
14 resentatives.

15 **Subtitle D—Decorations, Awards,**
16 **and Commendations**

17 **SEC. 531. AUTHORITY FOR AWARD OF THE MEDAL OF**
18 **HONOR TO ANDREW J. SMITH FOR VALOR**
19 **DURING THE CIVIL WAR.**

20 (a) **WAIVER OF TIME LIMITATIONS.**—Notwith-
21 standing the time limitations specified in section 3744 of
22 title 10, United States Code, or any other time limitation
23 with respect to the awarding of certain medals to persons
24 who served in the military service, the President may
25 award the medal of honor, posthumously, under section

1 3741 of that title to Andrew J. Smith of Clinton, Illinois,
2 for the acts of valor during the Civil War described in sub-
3 section (b).

4 (b) ACTION DESCRIBED.—The acts of valor referred
5 to in subsection (a) are the actions of Andrew J. Smith
6 during the Civil War on November 30, 1864, while serving
7 as an infantry corporal in the 55th Massachusetts Vol-
8 untary Infantry during the Battle of Honey Hill in South
9 Carolina.

10 **SEC. 532. AUTHORITY FOR AWARD OF THE MEDAL OF**
11 **HONOR TO ED W. FREEMAN FOR VALOR DUR-**
12 **ING THE VIETNAM CONFLICT.**

13 (a) WAIVER OF TIME LIMITATIONS.—Notwith-
14 standing the time limitations specified in section 3744 of
15 title 10, United States Code, or any other time limitation
16 with respect to the awarding of certain medals to persons
17 who served in the military service, the President may
18 award the Medal of Honor, posthumously, under section
19 3741 of that title to Ed W. Freeman of Boise, Idaho, for
20 the acts of valor during the Vietnam Conflict described
21 in subsection (b).

22 (b) ACTION DESCRIBED.—The acts of valor referred
23 to in subsection (a) are the actions of Ed W. Freeman
24 on November 14, 1965, as a flight leader and second in
25 command of a 16-helicopter lift unit, serving in the grade

1 of captain at Landing Zone X-Ray in the battle of the
2 IaDrang Valley, Republic of Vietnam, with Alpha Com-
3 pany, 229th Assault Helicopter Battalion, 101st Cavalry
4 Division (Airmobile).

5 **SEC. 533. CONSIDERATION OF PROPOSALS FOR POST-**
6 **HUMOUS OR HONORARY PROMOTIONS OR**
7 **APPOINTMENTS OF MEMBERS OR FORMER**
8 **MEMBERS OF THE ARMED FORCES AND**
9 **OTHER QUALIFIED PERSONS.**

10 (a) IN GENERAL.—Chapter 80 of title 10, United
11 States Code, is amended by adding at the end the fol-
12 lowing new section:

13 **“§ 1563. Consideration of proposals for posthumous**
14 **and honorary promotions and appoint-**
15 **ments: procedures for review and rec-**
16 **ommendation**

17 “(a) REVIEW BY SECRETARY CONCERNED.—Upon
18 request of a Member of Congress, the Secretary concerned
19 shall review a proposal for the posthumous or honorary
20 promotion or appointment of a member or former member
21 of the armed forces, or any other person considered quali-
22 fied, that is not otherwise authorized by law. Based upon
23 such review, the Secretary shall make a determination as
24 to the merits of approving the posthumous or honorary

1 promotion or appointment and the other determinations
2 necessary to comply with subsection (b).

3 “(b) NOTICE OF RESULTS OF REVIEW.—Upon mak-
4 ing a determination under subsection (a) as to the merits
5 of approving the posthumous or honorary promotion or
6 appointment, the Secretary concerned shall submit to the
7 Committee on Armed Services of the Senate and the Com-
8 mittee on Armed Services of the House of Representatives
9 and to the requesting Member of Congress notice in writ-
10 ing of one of the following:

11 “(1) The posthumous or honorary promotion or
12 appointment does not warrant approval on the mer-
13 its.

14 “(2) The posthumous or honorary promotion or
15 appointment warrants approval and authorization by
16 law for the promotion or appointment is rec-
17 ommended.

18 “(3) The posthumous or honorary promotion or
19 appointment warrants approval on the merits and
20 has been recommended to the President as an excep-
21 tion to policy.

22 “(4) The posthumous or honorary promotion or
23 appointment warrants approval on the merits and
24 authorization by law for the promotion or appoint-
25 ment is required but is not recommended.

1 A notice under paragraph (1) or (4) shall be accompanied
 2 by a statement of the reasons for the decision of the Sec-
 3 retary.

4 “(c) DEFINITION.—In this section, the term ‘Member
 5 of Congress’ means—

6 “(1) a Senator; or

7 “(2) a Representative in, or a Delegate or Resi-
 8 dent Commissioner to, Congress.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
 10 at the beginning of such chapter is amended by adding
 11 at the end the following new item:

“1563. Consideration of proposals for posthumous and honorary promotions and
 appointments: procedures for review and recommendation.”.

12 **SEC. 534. WAIVER OF TIME LIMITATIONS FOR AWARD OF**
 13 **NAVY DISTINGUISHED FLYING CROSS TO**
 14 **CERTAIN PERSONS.**

15 (a) WAIVER.—Any limitation established by law or
 16 policy for the time within which a recommendation for the
 17 award of a military decoration or award must be sub-
 18 mitted shall not apply to awards of decorations described
 19 in this section, the award of each such decoration having
 20 been determined by the Secretary concerned to be war-
 21 ranted in accordance with section 1130 of title 10, United
 22 States Code.

23 (b) DISTINGUISHED FLYING CROSS.—Subsection (a)
 24 applies to the award of the Distinguished Flying Cross

1 for service during World War II or Korea (including mul-
2 tiple awards to the same individual) in the case of each
3 individual concerning whom the Secretary of the Navy (or
4 an officer of the Navy acting on behalf of the Secretary)
5 submitted to the Committee on Armed Services of the
6 House of Representatives and the Committee on Armed
7 Services of the Senate, during the period beginning on Oc-
8 tober 5, 1999, and ending on the day before the date of
9 the enactment of this Act, a notice as provided in section
10 1130(b) of title 10, United States Code, that the award
11 of the Distinguished Flying Cross to that individual is
12 warranted and that a waiver of time restrictions pre-
13 scribed by law for recommendation for such award is rec-
14 ommended.

15 **SEC. 535. ADDITION OF CERTAIN INFORMATION TO MARK-**
16 **ERS ON GRAVES CONTAINING REMAINS OF**
17 **CERTAIN UNKNOWNNS FROM THE U.S.S. ARI-**
18 **ZONA WHO DIED IN THE JAPANESE ATTACK**
19 **ON PEARL HARBOR ON DECEMBER 7, 1941.**

20 (a) INFORMATION TO BE PROVIDED SECRETARY OF
21 VETERANS AFFAIRS.—The Secretary of the Army shall
22 provide to the Secretary of Veterans Affairs certain infor-
23 mation, as specified in subsection (b), pertaining to the
24 remains of certain unknown persons that are interred in
25 the National Memorial Cemetery of the Pacific, Honolulu,

1 Hawaii. The Secretary of Veterans Affairs shall add to
2 the inscriptions on the markers on the graves containing
3 those remains the information provided.

4 (b) INFORMATION TO BE ADDED—The information
5 to be added to grave markers under subsection (a)—

6 (1) shall be determined by the Secretary of the
7 Army, based on a review of the information that, as
8 of the date of the enactment of this Act, has been
9 authenticated by the director of the Navy Historical
10 Center, Washington, D.C., pertaining to the inter-
11 ment of remains of certain unknown casualties from
12 the U.S.S. ARIZONA who died as a result of the
13 Japanese attack on Pearl Harbor on December 7,
14 1941; and

15 (2) shall, at a minimum, indicate that the in-
16 terred remains are from the U.S.S. ARIZONA.

17 (c) LIMITATION OF SCOPE OF SECTION.—This sec-
18 tion does not impose any requirement on the Secretary
19 of the Army to undertake a review of any information per-
20 taining to the interred remains of any unknown person
21 other than as provided in subsection (b).

22 **SEC. 536. SENSE OF THE CONGRESS REGARDING FINAL**
23 **CREW OF U.S.S. INDIANAPOLIS.**

24 (a) FINDINGS.—Congress finds the following:

1 (1) Shortly after midnight on the night of July
2 30, 1945, during the closing days of World War II,
3 the United States Navy heavy cruiser U.S.S. INDI-
4 ANAPOLIS (CA-35) was torpedoed and sunk by a
5 Japanese submarine.

6 (2) Of the 1,196 crew members, only 316 sur-
7 vived the attack and subsequent 5-day ordeal adrift
8 at sea, the rest dying from battle wounds, drowning,
9 shark attacks, exposure, or lack of food and water,
10 making the sinking of the INDIANAPOLIS the
11 worst sea disaster in United States naval history.

12 (3) Following the rescue of the surviving crew
13 members, the commanding officer of the INDIAN-
14 APOLIS, Captain Charles Butler McVay III, who
15 survived the sinking and the ordeal at sea, was
16 charged with “suffering a vessel to be hazarded
17 through negligence” and was convicted by a court-
18 martial of that charge, notwithstanding a great
19 many extenuating circumstances, some of which
20 were not presented at the court-martial trial.

21 (4) Captain McVay had an excellent record
22 throughout his naval career before the sinking of the
23 INDIANAPOLIS, beginning with his graduation
24 from the United States Naval Academy in 1919 and
25 including an excellent combat record that included

1 participation in the landings in North Africa and
2 award of the Silver Star for courage under fire
3 earned during the Solomon Islands campaign.

4 (5) After assuming command of the INDIAN-
5 APOLIS on November 18, 1944, Captain McVay led
6 the ship during her participation in the assaults on
7 Iwo Jima and Okinawa.

8 (6) During the latter assault, the INDIANAP-
9 OLIS suffered a damaging kamikaze attack which
10 penetrated the ship's hull, but the ship was made
11 seaworthy and skillfully returned by Captain McVay
12 and her crew to San Francisco for repairs.

13 (7) Following completion of those repairs, the
14 INDIANAPOLIS was given the mission of trans-
15 porting to the island of Tinian vital parts of the
16 atomic bomb which was dropped on Hiroshima, a
17 mission which was completed successfully on July
18 26, 1945, at a record average speed of 29 knots.

19 (8) Following the accomplishment of that mis-
20 sion, the INDIANAPOLIS sailed from Tinian to
21 Guam and from there embarked for Leyte Gulf in
22 the Philippines to join training with the fleet assem-
23 bling for the final assault on the Japanese mainland.

24 (9) As the INDIANAPOLIS began its trip
25 across the Philippine Sea on July 28, 1945, the war

1 was virtually over in that area of the south Pacific,
2 with hostilities having moved 1,000 miles to the
3 north, the Japanese navy's surface fleet was non-
4 existent, and United States naval intelligence re-
5 ported only four operational Japanese submarines in
6 the entire Pacific theater of war, all of which re-
7 sulted in the state of alert among shore-based per-
8 sonnel routing and tracking the INDIANAPOLIS
9 across the Philippine Sea being affected accordingly.

10 (10) Before departure from Guam Captain
11 McVay requested a destroyer escort because his ship
12 was not equipped with antisubmarine detection de-
13 vices, but, despite the fact that no capital ship such
14 as the INDIANAPOLIS had made the transit be-
15 tween Guam and the Philippines without escort dur-
16 ing World War II, that request was denied, and a
17 1996 report by the Navy's Judge Advocate General's
18 office concedes that "Captain McVay and the rout-
19 ing officer did not discuss the availability of an es-
20 cort after the operations officer for
21 COMMARIANNAS confirmed that an escort was
22 not necessary".

23 (11) Although Captain McVay was informed of
24 "submarine sightings" in the Philippine Sea, such
25 sightings were commonplace, and none of those re-

1 ported to Captain McVay had been confirmed, and
2 at the same time there was a failure to inform him
3 that a submarine within range of his path had sunk
4 the U.S.S. UNDERHILL 4 days before his depar-
5 ture from Guam.

6 (12) United States military intelligence activi-
7 ties, through a code-breaking system called ULTRA,
8 had learned that the Japanese submarine I-58 was
9 operating in the Philippine Sea area, but Captain
10 McVay was not told of this intelligence, which re-
11 mained classified as Top Secret until the early
12 1990's, and this intelligence (and the fact that it
13 was withheld from Captain McVay when he sailed
14 from Guam) was not brought to light at his court-
15 martial.

16 (13) The INDIANAPOLIS was sunk by this
17 same submarine.

18 (14) the commander of that submarine,
19 Mochitsura Hashimoto, testified at the court-martial
20 that once he had detected the ship, he would have
21 been able to make a successful torpedo attack
22 whether or not the ship was zigzagging.

23 (15) With visibility severely limited by a heavy
24 overcast at approximately 11 p.m. on the night of
25 July 29, 1945, Captain McVay gave the order to

1 cease zigzagging and retired to his cabin and shortly
2 after midnight the INDIANAPOLIS was struck by
3 two torpedoes and sunk within 12 minutes.

4 (16) The formal charge upon which Captain
5 McVay was convicted for “suffering a vessel to be
6 hazarded through negligence” contained the phrase
7 “in good visibility” in reference to the weather con-
8 ditions on that night, which is contrary to the recol-
9 lection of all survivors, who recall that the visibility
10 was very poor.

11 (17) After the INDIANAPOLIS was sunk, var-
12 ious Navy shore offices compounded the previous er-
13 rors which had led to the ship being placed in jeop-
14 ardy by failing to report the ship’s overdue arrival,
15 thus leaving the approximately 950 members of the
16 crew who survived the sinking of the ship adrift for
17 4 days and five nights until by chance the survivors
18 were spotted by a routine air patrol.

19 (18) A court of inquiry to investigate the sink-
20 ing was convened in Guam on August 13, 1945, just
21 2 weeks after the sinking and 9 days after the sur-
22 vivors were rescued (a date so soon after the sinking
23 that Captain William Hillbert, the Navy judge advo-
24 cate for the inquiry, admitted that the inquiry was
25 so rushed that they were “* * * starting the pro-

1 ceedings without having available all the necessary
2 data”) and recommended that Captain McVay be
3 issued a Letter of Reprimand and that he be court-
4 martialled.

5 (19) The headquarters staff of CINCPAC
6 (commanded by Fleet Admiral Chester Nimitz) dis-
7 agreed with the recommendation of the court of in-
8 quiry, stating that in not maintaining a zigzag
9 course Captain McVay at worst was guilty only of an
10 error in judgment and not gross negligence and con-
11 cluded that the rule requiring zigzagging would not
12 have applied in any event since Captain McVay’s or-
13 ders gave him discretion on that matter and took
14 precedence over all other orders (a point that was
15 never made by Captain McVay’s attorney during the
16 court-martial).

17 (20) The Department of the Navy delayed the
18 announcement of the sinking of the INDIANAP-
19 OLIS for almost 2 weeks to coincide with the an-
20 nouncement of the surrender of Japan, thus divert-
21 ing attention from the magnitude of the disaster and
22 lessening its public impact, and then, despite opposi-
23 tion by Admiral Nimitz and Admiral Raymond
24 Spruance (for whom the INDIANAPOLIS had
25 served as flagship), it brought court-martial charges

1 against Captain McVay in a rare instance when a
2 commanding officer's recommendations are con-
3 travened.

4 (21) Captain McVay thus became the first
5 United States Navy commanding officer brought to
6 trial for losing his ship in combat during World War
7 II, despite the fact that over 700 ships were lost
8 during World War II, including some under ques-
9 tionable circumstances.

10 (22) Captain McVay was convicted on February
11 23, 1946, on the charge of "suffering a vessel to be
12 hazarded through negligence", thus permanently
13 damaging his career as a naval officer, although
14 when Admiral Nimitz was advanced to the position
15 of Chief of Naval Operations later that same year,
16 he remitted Captain McVay's sentence and restored
17 him to active duty.

18 (23) Following his court-martial conviction,
19 Captain McVay remained on active duty until retir-
20 ing in 1949 upon completion of 30 years of active
21 naval service, with a final promotion, in accordance
22 with then-applicable law, to the grade of rear admi-
23 ral, effective upon the date of his retirement.

24 (24) Rear Admiral Charles Butler McVay III
25 (retired), died on November 6, 1968, without having

1 been exonerated from responsibility for the loss of
2 his ship and the lives of 880 members of her crew.

3 (25) The survivors of the INDIANAPOLIS still
4 living have remained steadfast in their support of
5 the exoneration of Captain McVay.

6 (26) In 1993, Congress, in section 1165 of the
7 National Defense Authorization Act for Fiscal Year
8 1994 (Public Law 103–160; 107 Stat. 1765; 16
9 U.S.C. 431 note), recognized the memorial to the
10 U.S.S. INDIANAPOLIS (CA–35) in Indianapolis,
11 Indiana, as the national memorial to that historic
12 warship and to her final crew.

13 (27) In 1994, Congress, in section 1052 of the
14 National Defense Authorization Act for Fiscal Year
15 1995 (Public Law 103–337; 108 Stat. 2844), stat-
16 ing that it was acting on behalf of the grateful peo-
17 ple of the United States—

18 (A) recognized the invaluable contributions
19 of the U.S.S. INDIANAPOLIS to the ending of
20 World War II; and

21 (B) on the occasion of the 50th anniver-
22 sary of her tragic sinking, and the dedication of
23 the national memorial in Indianapolis on July
24 30, 1995, commended that ship and her crew

1 for selfless and heroic service to the United
2 States.

3 (b) COURT-MARTIAL CONVICTION OF CHARLES BUT-
4 LER MCVAY, III.—It is the sense of the Congress that—

5 (1) the court-martial charges against then-Cap-
6 tain Charles Butler McVay III, United States Navy,
7 arising from the sinking of the U.S.S. INDIANAP-
8 OLIS (CA-35) on July 30, 1945, while under his
9 command were not morally sustainable;

10 (2) Captain McVay's conviction was a mis-
11 carriage of justice that led to his unjust humiliation
12 and damage to his naval career; and

13 (3) the American people should now recognize
14 Captain McVay's lack of culpability for the tragic
15 loss of the U.S.S. INDIANAPOLIS and the lives of
16 the men who died as a result of her sinking.

17 (c) PRESIDENTIAL UNIT CITATION.—(1) It is the
18 sense of the Congress that the President should award a
19 Presidential Unit Citation to the final crew of the U.S.S.
20 INDIANAPOLIS (CA-35) in recognition of the courage
21 and fortitude displayed by the members of that crew in
22 the face of tremendous hardship and adversity after their
23 ship was torpedoed and sunk on July 30, 1945.

24 (2) A citation described in paragraph (1) may be
25 awarded without regard to any provision of law or regula-

1 tion prescribing a time limitation that is otherwise applica-
2 ble with respect to recommendation for, or the award of,
3 such a citation.

4 **SEC. 537. POSTHUMOUS ADVANCEMENT OF REAR ADMIRAL**
5 **(RETIRED) HUSBAND E. KIMMEL AND MAJOR**
6 **GENERAL (RETIRED) WALTER C. SHORT ON**
7 **RETIRED LISTS.**

8 (a) FINDINGS.—Congress makes the following find-
9 ings:

10 (1) The late Rear Admiral (retired) Husband
11 E. Kimmel, formerly serving in the grade of admiral
12 as the Commander in Chief of the United States
13 Fleet and the Commander in Chief, United States
14 Pacific Fleet, had an excellent and unassailable
15 record throughout his career in the United States
16 Navy prior to the December 7, 1941, attack on
17 Pearl Harbor.

18 (2) The late Major General (retired) Walter C.
19 Short, formerly serving in the grade of lieutenant
20 general as the Commander of the United States
21 Army Hawaiian Department, had an excellent and
22 unassailable record throughout his career in the
23 United States Army prior to the December 7, 1941,
24 attack on Pearl Harbor.

1 (3) Numerous investigations following the at-
2 tack on Pearl Harbor have documented that then
3 Admiral Kimmel and then Lieutenant General Short
4 were not provided necessary and critical intelligence
5 that was available, that foretold of war with Japan,
6 that warned of imminent attack, and that would
7 have alerted them to prepare for the attack, includ-
8 ing such essential communiques as the Japanese
9 Pearl Harbor Bomb Plot message of September 24,
10 1941, and the message sent from the Imperial Japa-
11 nese Foreign Ministry to the Japanese Ambassador
12 in the United States from December 6–7, 1941,
13 known as the Fourteen-Part Message.

14 (4) On December 16, 1941, Admiral Kimmel
15 and Lieutenant General Short were relieved of their
16 commands and returned to their permanent ranks of
17 rear admiral and major general.

18 (5) Admiral William Harrison Standley, who
19 served as a member of the investigating commission
20 known as the Roberts Commission that accused Ad-
21 miral Kimmel and Lieutenant General Short of
22 “dereliction of duty” only 6 weeks after the attack
23 on Pearl Harbor, later disavowed the report main-
24 taining that “these two officers were martyred” and

1 “if they had been brought to trial, both would have
2 been cleared of the charge”.

3 (6) On October 19, 1944, a Naval Court of
4 Inquiry—

5 (A) exonerated Admiral Kimmel on the
6 grounds that his military decisions and the dis-
7 position of his forces at the time of the Decem-
8 ber 7, 1941, attack on Pearl Harbor were prop-
9 er “by virtue of the information that Admiral
10 Kimmel had at hand which indicated neither
11 the probability nor the imminence of an air at-
12 tack on Pearl Harbor”;

13 (B) criticized the higher command for not
14 sharing with Admiral Kimmel “during the very
15 critical period of 26 November to 7 December
16 1941, important information * * * regarding
17 the Japanese situation”; and

18 (C) concluded that the Japanese attack
19 and its outcome was attributable to no serious
20 fault on the part of anyone in the naval service.

21 (7) On June 15, 1944, an investigation con-
22 ducted by Admiral T. C. Hart at the direction of the
23 Secretary of the Navy produced evidence, subse-
24 quently confirmed, that essential intelligence con-
25 cerning Japanese intentions and war plans was

1 available in Washington but was not shared with Ad-
2 miral Kimmel.

3 (8) On October 20, 1944, the Army Pearl Har-
4 bor Board of Investigation determined that—

5 (A) Lieutenant General Short had not
6 been kept “fully advised of the growing tense-
7 ness of the Japanese situation which indicated
8 an increasing necessity for better preparation
9 for war”;

10 (B) detailed information and intelligence
11 about Japanese intentions and war plans were
12 available in “abundance”, but were not shared
13 with Lieutenant General Short’s Hawaii com-
14 mand; and

15 (C) Lieutenant General Short was not pro-
16 vided “on the evening of December 6th and the
17 early morning of December 7th, the critical in-
18 formation indicating an almost immediate break
19 with Japan, though there was ample time to
20 have accomplished this”.

21 (9) The reports by both the Naval Court of In-
22 quiry and the Army Pearl Harbor Board of Inves-
23 tigation were kept secret, and Rear Admiral (re-
24 tired) Kimmel and Major General (retired) Short

1 were denied their requests to defend themselves
2 through trial by court-martial.

3 (10) The joint committee of Congress that was
4 established to investigate the conduct of Admiral
5 Kimmel and Lieutenant General Short completed, on
6 May 31, 1946, a 1,075-page report which included
7 the conclusions of the committee that the two offi-
8 cers had not been guilty of dereliction of duty.

9 (11) The Officer Personnel Act of 1947, in es-
10 tablishing a promotion system for the Navy and the
11 Army, provided a legal basis for the President to
12 honor any officer of the Armed Forces of the United
13 States who served his country as a senior com-
14 mander during World War II with a placement of
15 that officer, with the advice and consent of the Sen-
16 ate, on the retired list with the highest grade held
17 while on the active duty list.

18 (12) On April 27, 1954, the then Chief of
19 Naval Personnel, Admiral J. L. Holloway, Jr., rec-
20 ommended that Rear Admiral Kimmel be advanced
21 in rank in accordance with the provisions of the Of-
22 ficer Personnel Act of 1947.

23 (13) On November 13, 1991, a majority of the
24 members of the Board for the Correction of Military
25 Records of the Department of the Army found that

1 the late Major General (retired) Short “was unjustly
2 held responsible for the Pearl Harbor disaster” and
3 that “it would be equitable and just” to advance him
4 to the rank of lieutenant general on the retired list”.

5 (14) In October 1994, the then Chief of Naval
6 Operations, Admiral Carlisle Trost, withdrew his
7 1988 recommendation against the advancement of
8 Rear Admiral (retired) Kimmel (by then deceased)
9 and recommended that the case of Rear Admiral
10 Kimmel be reopened.

11 (15) Although the Dorn Report, a report on the
12 results of a Department of Defense study that was
13 issued on December 15, 1995, did not provide sup-
14 port for an advancement of the late Rear Admiral
15 (retired) Kimmel or the late Major General (retired)
16 Short in grade, it did set forth as a conclusion of the
17 study that “responsibility for the Pearl Harbor dis-
18 aster should not fall solely on the shoulders of Admi-
19 ral Kimmel and Lieutenant General Short, it should
20 be broadly shared”.

21 (16) The Dorn Report found—

22 (A) that “Army and Navy officials in
23 Washington were privy to intercepted Japanese
24 diplomatic communications * * * which pro-

1 vided crucial confirmation of the imminence of
2 war”;

3 (B) that “the evidence of the handling of
4 these messages in Washington reveals some in-
5 eptitude, some unwarranted assumptions and
6 misestimations, limited coordination, ambiguous
7 language, and lack of clarification and follow-up
8 at higher levels”; and

9 (C) that “together, these characteristics re-
10 sulted in failure * * * to appreciate fully and
11 to convey to the commanders in Hawaii the
12 sense of focus and urgency that these intercepts
13 should have engendered”.

14 (17) On July 21, 1997, Vice Admiral David C.
15 Richardson (United States Navy, retired) responded
16 to the Dorn Report with his own study which con-
17 firmed findings of the Naval Court of Inquiry and
18 the Army Pearl Harbor Board of Investigation and
19 established, among other facts, that the war effort
20 in 1941 was undermined by a restrictive intelligence
21 distribution policy, and the degree to which the com-
22 manders of the United States forces in Hawaii were
23 not alerted about the impending attack on Hawaii
24 was directly attributable to the withholding of intel-

1 ligence from then Admiral Kimmel and Lieutenant
2 General Short.

3 (18) Rear Admiral (retired) Kimmel and Major
4 General (retired) Short are the only two officers eli-
5 gible for advancement under the Officer Personnel
6 Act of 1947 as senior World War II commanders
7 who were excluded from the list of retired officers
8 presented for advancement on the retired lists to
9 their highest wartime ranks under that Act.

10 (19) This singular exclusion from advancement
11 of Rear Admiral (retired) Kimmel and Major Gen-
12 eral (retired) Short from the Navy retired list and
13 the Army retired list, respectively, serves only to
14 perpetuate the myth that the senior commanders in
15 Hawaii were derelict in their duty and responsible
16 for the success of the attack on Pearl Harbor, and
17 is a distinct and unacceptable expression of dishonor
18 toward two of the finest officers who have served in
19 the Armed Forces of the United States.

20 (20) Major General (retired) Walter Short died
21 on September 23, 1949, and Rear Admiral (retired)
22 Husband Kimmel died on May 14, 1968, without
23 having been accorded the honor of being returned to
24 their wartime ranks as were their fellow veterans of
25 World War II.

1 (21) The Veterans of Foreign Wars, the Pearl
2 Harbor Survivors Association, the Admiral Nimitz
3 Foundation, the Naval Academy Alumni Association,
4 the Retired Officers Association, the Pearl Harbor
5 Commemorative Committee, and other associations
6 and numerous retired military officers have called
7 for the rehabilitation of the reputations and honor of
8 the late Rear Admiral (retired) Kimmel and the late
9 Major General (retired) Short through their post-
10 humous advancement on the retired lists to their
11 highest wartime grades.

12 (b) REQUEST FOR ADVANCEMENT ON RETIRED
13 LISTS.—(1) The President is requested—

14 (A) to advance the late Rear Admiral (retired)
15 Husband E. Kimmel to the grade of admiral on the
16 retired list of the Navy; and

17 (B) to advance the late Major General (retired)
18 Walter C. Short to the grade of lieutenant general
19 on the retired list of the Army.

20 (2) Any advancement in grade on a retired list re-
21 quested under paragraph (1) shall not increase or other-
22 wise modify the compensation or benefits from the United
23 States to which any person is now or may in the future
24 be entitled based upon the military service of the officer
25 advanced.

1 (c) SENSE OF THE CONGRESS.—It is the sense of the
2 Congress that—

3 (1) the late Rear Admiral (retired) Husband E.
4 Kimmel performed his duties as Commander in
5 Chief, United States Pacific Fleet, competently and
6 professionally, and, therefore, the losses incurred by
7 the United States in the attacks on the naval base
8 at Pearl Harbor, Hawaii, and other targets on the
9 island of Oahu, Hawaii, on December 7, 1941, were
10 not a result of dereliction in the performance of
11 those duties by the then Admiral Kimmel; and

12 (2) the late Major General (retired) Walter C.
13 Short performed his duties as Commanding General,
14 Hawaiian Department, competently and profes-
15 sionally, and, therefore, the losses incurred by the
16 United States in the attacks on Hickam Army Air
17 Field and Schofield Barracks, Hawaii, and other
18 targets on the island of Oahu, Hawaii, on December
19 7, 1941, were not a result of dereliction in the per-
20 formance of those duties by the then Lieutenant
21 General Short.

22 **SEC. 538. COMMENDATION OF CITIZENS OF REMY, FRANCE,**
23 **FOR WORLD WAR II ACTIONS.**

24 (a) FINDINGS.—The Congress finds the following:

1 (1) On August 2, 1944, a squadron of P-51s
2 from the United States 364th Fighter Group strafed
3 a German munitions train in Remy, France.

4 (2) The resulting explosion killed Lieutenant
5 Houston Braly, one of the attacking pilots, and de-
6 stroyed much of the village of Remy, including seven
7 stained glass windows in the 13th Century church.

8 (3) Despite threats of reprisals from the occu-
9 pying German authorities, the citizens of Remy re-
10 covered Lieutenant Braly's body from the wreckage,
11 buried his body with dignity and honor in the
12 church's cemetery, and decorated the grave site daily
13 with fresh flowers.

14 (4) On Armistice Day, 1995, the village of
15 Remy renamed the crossroads near the site of Lieu-
16 tenant Braly's death in his honor.

17 (5) The surviving members of the 364th Fight-
18 er Group desire to express their gratitude to the
19 brave citizens of Remy.

20 (6) To express their gratitude, the surviving
21 members of the 364th Fighter Group have organized
22 a nonprofit corporation to raise funds, through its
23 project "Windows for Remy", to restore the church's
24 stained glass windows.

1 (b) COMMENDATION AND RECOGNITION.—The Con-
 2 gress commends the bravery and honor of the citizens of
 3 Remy, France, for their actions with respect to the Amer-
 4 ican fighter pilot Lieutenant Houston Braly during and
 5 after August 1944, and recognizes the efforts of the sur-
 6 viving members of the United States 364th Fighter Group
 7 to raise funds to restore the stained glass windows of
 8 Remy’s 13th Century church.

9 **Subtitle E—Military Justice**
 10 **Matters**

11 **SEC. 541. RECOGNITION BY STATES OF MILITARY TESTA-**
 12 **MENTARY INSTRUMENTS.**

13 (a) IN GENERAL.—Chapter 53 of title 10, United
 14 States Code, is amended by inserting after section 1044c
 15 the following new section:

16 **“§ 1044d. Military testamentary instruments: require-**
 17 **ment for recognition by States**

18 “(a) TESTAMENTARY INSTRUMENTS TO BE GIVEN
 19 LEGAL EFFECT.—A military testamentary instrument—

20 “(1) is exempt from any requirement of form,
 21 formality, or recording before probate that is pro-
 22 vided for testamentary instruments under the laws
 23 of a State; and

24 “(2) has the same legal effect as a testa-
 25 mentary instrument prepared and executed in ac-

1 cordance with the laws of the State in which it is
2 presented for probate.

3 “(b) MILITARY TESTAMENTARY INSTRUMENTS.—

4 For purposes of this section, a military testamentary in-
5 strument is an instrument that is prepared with testa-
6 mentary intent in accordance with regulations prescribed
7 under this section and that—

8 “(1) is executed in accordance with subsection
9 (c) by (or on behalf of) a person, as a testator, who
10 is eligible for military legal assistance;

11 “(2) makes a disposition of property of the tes-
12 tator; and

13 “(3) takes effect upon the death of the testator.

14 “(c) REQUIREMENTS FOR EXECUTION OF MILITARY
15 TESTAMENTARY INSTRUMENTS.—An instrument is valid
16 as a military testamentary instrument only if—

17 “(1) the instrument is executed by the testator
18 (or, if the testator is unable to execute the instru-
19 ment personally, the instrument is executed in the
20 presence of, by the direction of, and on behalf of the
21 testator);

22 “(2) the instrument is executed in the presence
23 of a military legal assistance counsel acting as pre-
24 siding attorney;

1 “(3) the instrument is executed in the presence
2 of at least two disinterested witnesses (in addition to
3 the presiding attorney), each of whom attests to wit-
4 nessing the testator’s execution of the instrument by
5 signing it; and

6 “(4) the instrument is executed in accordance
7 with such additional requirements as may be pro-
8 vided in regulations prescribed under this section.

9 “(d) SELF-PROVING MILITARY TESTAMENTARY IN-
10 STRUMENTS.—(1) If the document setting forth a military
11 testamentary instrument meets the requirements of para-
12 graph (2), then the signature of a person on the document
13 as the testator, an attesting witness, a notary, or the pre-
14 siding attorney, together with a written representation of
15 the person’s status as such and the person’s military grade
16 (if any) or other title, is prima facie evidence of the fol-
17 lowing:

18 “(A) That the signature is genuine.

19 “(B) That the signatory had the represented
20 status and title at the time of the execution of the
21 will.

22 “(C) That the signature was executed in com-
23 pliance with the procedures required under the regu-
24 lations prescribed under subsection (f).

1 “(2) A document setting forth a military testa-
2 mentary instrument meets the requirements of this para-
3 graph if it includes (or has attached to it), in a form and
4 content required under the regulations prescribed under
5 subsection (f), each of the following:

6 “(A) A certificate, executed by the testator,
7 that includes the testator’s acknowledgment of the
8 testamentary instrument.

9 “(B) An affidavit, executed by each witness
10 signing the testamentary instrument, that attests to
11 the circumstances under which the testamentary in-
12 strument was executed.

13 “(C) A notarization, including a certificate of
14 any administration of an oath required under the
15 regulations, that is signed by the notary or other of-
16 ficial administering the oath.

17 “(e) STATEMENT TO BE INCLUDED.—(1) Under reg-
18 ulations prescribed under this section, each military testa-
19 mentary instrument shall contain a statement that sets
20 forth the provisions of subsection (a).

21 “(2) Paragraph (1) shall not be construed to make
22 inapplicable the provisions of subsection (a) to a testa-
23 mentary instrument that does not include a statement de-
24 scribed in that paragraph.

1 “(f) REGULATIONS.—Regulations for the purposes of
2 this section shall be prescribed jointly by the Secretary
3 of Defense and by the Secretary of Transportation with
4 respect to the Coast Guard when it is not operating as
5 a service in the Department of the Navy.

6 “(g) DEFINITIONS.—In this section:

7 “(1) The term ‘person eligible for military legal
8 assistance’ means a person who is eligible for legal
9 assistance under section 1044 of this title.

10 “(2) The term ‘military legal assistance counsel’
11 means—

12 “(A) a judge advocate (as defined in sec-
13 tion 801(13) of this title); or

14 “(B) a civilian attorney serving as a legal
15 assistance officer under the provisions of sec-
16 tion 1044 of this title.

17 “(3) The term ‘State’ includes the District of
18 Columbia, the Commonwealth of Puerto Rico, the
19 Commonwealth of the Northern Mariana Islands,
20 and each possession of the United States.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of such chapter is amended by inserting
23 after the item relating to section 1044e the following new
24 item:

“1044d. Military testamentary instruments: requirement for recognition by
States.”.

1 **SEC. 542. PROBABLE CAUSE REQUIRED FOR ENTRY OF**
2 **NAMES OF SUBJECTS INTO OFFICIAL CRIMI-**
3 **NAL INVESTIGATIVE REPORTS.**

4 (a) IN GENERAL.—(1) Chapter 80 of title 10, United
5 States Code, is amended by adding after section 1563, as
6 added by section 533(a), the following new section:

7 **“§ 1564. Military criminal investigations: probable**
8 **cause required for entry of names of sub-**
9 **jects into official investigative reports**

10 “(a) PROBABLE CAUSE REQUIRED FOR ‘TITLING’.—
11 The Secretary of Defense shall require that an employee
12 of a military criminal investigative organization or a mem-
13 ber of the armed forces assigned to a military criminal
14 investigative organization, in connection with the inves-
15 tigation of a reported crime, may not designate any per-
16 son, by name or by any other identifying information, as
17 a suspect in the case in any official investigative report,
18 or in a central index for potential retrieval and analysis
19 by law enforcement organizations, unless there is probable
20 cause to believe that that person committed the crime.

21 “(b) STANDARD FOR REMOVAL OF ‘TITLING’ INFOR-
22 MATION FROM RECORDS.—The Secretary of Defense shall
23 establish a uniform standard applicable throughout the
24 Department of Defense for removal from an official inves-
25 tigative report of a reported crime, and from any applica-
26 ble central index, of the name of a person (and any other

1 identifying information about that person) that was en-
2 tered in the report or index to designate that person as
3 a suspect in the case when it is subsequently determined
4 that there is not probable cause to believe that that person
5 committed the crime.

6 “(c) CRIMINAL INVESTIGATIVE ORGANIZATION DE-
7 FINED.—In this section, the term ‘criminal investigative
8 organization’ means any of the following:

9 “(1) The Defense Criminal Investigative Service
10 (or any successor to that service).

11 “(2) The Army Criminal Investigation Com-
12 mand (or any successor to that command).

13 “(3) The Naval Criminal Investigative Service
14 (or any successor to that service).

15 “(4) The Air Force Office of Special Investiga-
16 tions (or any successor to that office).”.

17 (2) The table of sections at the beginning of such
18 chapter is amended by adding after the item relating to
19 section 1563, as added by section 533(b), the following
20 new item:

“1564. Military criminal investigations: probable cause required for entry of
names of subjects into official investigative reports.”.

21 (b) EFFECTIVE DATE.—Section 1564 of title 10,
22 United States Code, as added by subsection (a), shall take
23 effect at the end of the 180-day period beginning on the
24 date of the enactment of this Act.

1 **SEC. 543. COLLECTION AND USE OF DNA IDENTIFICATION**
2 **INFORMATION FROM VIOLENT AND SEXUAL**
3 **OFFENDERS IN THE ARMED FORCES.**

4 (a) IN GENERAL.—(1) Chapter 80 of title 10, United
5 States Code, is amended by adding after section 1564, as
6 added by section 542(a)(1), the end the following new sec-
7 tion:

8 **“§ 1565. DNA identification information: collection**
9 **from violent and sexual offenders; use**

10 “(a) COLLECTION OF DNA SAMPLES.—The Sec-
11 retary concerned shall collect a DNA sample from each
12 member of the armed forces under the Secretary’s juris-
13 diction who is, or has been, convicted of a qualifying mili-
14 tary offense (as determined under subsection (e)).

15 “(b) ANALYSIS OF SAMPLES.—The Secretary con-
16 cerned shall furnish each DNA sample collected under
17 subsection (a) to the Secretary of Defense. The Secretary
18 of Defense shall carry out a DNA analysis on each such
19 DNA sample.

20 “(c) DEFINITIONS.—In this section:

21 “(1) The term ‘DNA sample’ means a tissue,
22 fluid, or other bodily sample of an individual on
23 which a DNA analysis can be carried out.

24 “(2) The term ‘DNA analysis’ means analysis
25 of the deoxyribonucleic acid (DNA) identification in-
26 formation in a bodily sample.

1 “(d) USE IN CODIS.—(1) The Secretary of Defense
2 shall furnish the results of each DNA analysis carried out
3 under subsection (b) to the Director of the Federal Bu-
4 reau of Investigation for use in the Combined DNA Index
5 System (in this section referred to as ‘CODIS’) of the
6 Federal Bureau of Investigation.

7 “(2) The Secretary of Defense, in consultation with
8 the Director of the Federal Bureau of Investigation, shall
9 establish procedures providing that if a DNA sample has
10 been collected from a person pursuant to subsection (a),
11 and the Secretary receives notice that each conviction of
12 that person of a qualifying military offense has been over-
13 turned, the Secretary shall promptly transmit a notice of
14 that fact to the Director in accordance with section
15 210304(d) of the Violent Crime Control and Law Enforce-
16 ment Act of 1994.

17 “(e) QUALIFYING MILITARY OFFENSES.—(1) Subject
18 to paragraph (2), the Secretary of Defense, in consultation
19 with the Attorney General, shall determine those violent
20 or sexual offenses under the Uniform Code of Military
21 Justice that shall be considered for purposes of this sec-
22 tion as qualifying military offenses.

23 “(2) An offense under the Uniform Code of Military
24 Justice that is equivalent to a serious violent felony (as
25 that term is defined in section 3559(c)(2)(F) of title 18),

1 as determined by the Secretary in consultation with the
2 Attorney General, shall be considered for purposes of this
3 section as a qualifying military offense.

4 “(f) WAIVER.—The Secretary of Defense may waive
5 the requirement of subsection (a) for a member if CODIS
6 contains a DNA analysis with respect to that member.

7 “(g) REGULATIONS.—This section shall be carried
8 out under regulations prescribed by the Secretary of De-
9 fense, in consultation with the Secretary of Transportation
10 and the Attorney General. Those regulations shall apply,
11 to the extent practicable, uniformly throughout the armed
12 forces.”.

13 (2) The table of sections at the beginning of such
14 chapter is amended by adding after the item relating to
15 section 1564, as added by section 542(a)(2), the following
16 new item:

“1565. DNA identification information: collection from violent and sexual of-
fenders; use.”.

17 (b) INITIAL DETERMINATION OF QUALIFYING MILI-
18 TARY OFFENSES.—The initial determination of qualifying
19 military offenses under section 1565(e) of title 10, United
20 States Code, as added by subsection (a)(1), shall be made
21 not later than 120 days after the date of the enactment
22 of this Act.

1 (c) EXPANSION OF DNA IDENTIFICATION INDEX.—
2 Section 811(a) of the Antiterrorism and Effective Death
3 Penalty Act of 1996 (28 U.S.C. 531 note) is amended—

4 (1) by striking “and” at the end of paragraph
5 (1);

6 (2) by striking the period at the end of para-
7 graph (2) and inserting “; and”; and

8 (3) by inserting after paragraph (2) the fol-
9 lowing new paragraph:

10 “(3) the Director of the Federal Bureau of In-
11 vestigation shall expand the combined DNA Identi-
12 fication System (CODIS) to include analyses of
13 DNA samples collected from members of the Armed
14 Forces convicted of a qualifying military offense in
15 accordance with section 1565 of title 10, United
16 States Code.”.

17 (d) INDEX TO FACILITATE LAW ENFORCEMENT EX-
18 CHANGE OF DNA IDENTIFICATION INFORMATION.—Sec-
19 tion 210304 of the Violent Crime Control and Law En-
20 forcement Act of 1994 (42 U.S.C. 14132) is amended—

21 (1) in subsection (a)—

22 (A) by striking “and” at the end of para-
23 graph (3);

24 (B) by striking the period at the end of
25 paragraph (4) and inserting “; and”; and

1 (C) by inserting after paragraph (4) the
2 following new paragraph:

3 “(5) analyses of DNA samples collected from
4 members of the Armed Forces convicted of a quali-
5 fying military offense in accordance with section
6 1565 of title 10, United States Code.”;

7 (2) in subsection (b)(2), by striking “, at reg-
8 ular intervals of not to exceed 180 days,” and insert-
9 ing “semiannual”; and

10 (3) by adding at the end the following new sub-
11 section:

12 “(d) EXPUNGEMENT OF RECORDS OF MILITARY OF-
13 FENDERS.—If the Director of the Federal Bureau of In-
14 vestigation receives a notice transmitted under section
15 1565(d)(2) of title 10, United States Code, the Director
16 shall promptly expunge from the index described in sub-
17 section (a) any DNA analysis furnished under section
18 1565(d)(1) of such title with respect to the person de-
19 scribed in the notice.”.

1 **SEC. 544. CLARIFICATION AND REAFFIRMATION OF THE IN-**
2 **TENT OF CONGRESS REGARDING THE**
3 **COURT-MARTIAL SENTENCE OF CONFINEMENT FOR LIFE WITHOUT ELIGIBILITY FOR**
4 **PAROLE.**
5

6 (a) CLARIFICATION OF EFFECT OF SENTENCE.—(1)
7 Section 856a(b) of title 10, United States Code (article
8 56a of the Uniform Code of Military Justice), is
9 amended—

10 (1) by striking “unless—” and inserting “un-
11 less the sentence (or a portion of the sentence in-
12 cluding that part of the sentence providing for con-
13 finement for life without eligibility for parole)—”;

14 (2) by striking paragraph (1) and inserting the
15 following:

16 “(1) is set aside or otherwise modified as a re-
17 sult of—

18 “(A) action taken under section 860 of this
19 title (article 60) by the convening authority or
20 another person authorized to act under that
21 section; or

22 “(B) any other action taken during post-
23 trial procedure and review under any other pro-
24 vision of subchapter IX;

25 (3) in paragraph (2), by striking “the sen-
26 tence”; and

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

3 “(3) a reprieve or pardon by the President.”.

4 (b) OFFICERS SENTENCED TO DISMISSAL.—Sub-
5 section (b) of section 871 of such title (article 71) is
6 amended by inserting after the second sentence the fol-
7 lowing new sentence: “However, if the sentence extends
8 to confinement for life without eligibility for parole, that
9 part of the sentence providing for confinement for life
10 without eligibility for parole may not be commuted, remit-
11 ted, or suspended.”.

12 (c) ACTION BY CONVENING AUTHORITY AFTER SEN-
13 TENCE ORDERED EXECUTED.—Subsection (d) of that
14 section is amended by adding at the end the following new
15 sentence: “In the case of a sentence that extends to con-
16 finement for life without eligibility for parole, that part
17 of the sentence extending to confinement for life without
18 eligibility for parole may not be suspended after it is or-
19 dered executed.”.

20 (d) SECRETARIAL AUTHORITY TO REMIT OR SUS-
21 PEND SENTENCE.—Section 874(a) of such title (article
22 74(a)) is amended by inserting before the period at the
23 end the following: “or, in the case of a sentence that ex-
24 tends to confinement for life without eligibility for parole,

1 that part of the sentence that extends to confinement for
2 life without eligibility for parole”.

3 (e) PAROLE.—Section 952 of that title is amended
4 by adding at the end the following new subsection:

5 “(c) Parole may not be granted for an offender serv-
6 ing a sentence of confinement for life without eligibility
7 for parole.”.

8 (f) REMISSION OR SUSPENSION OF SENTENCE.—Sec-
9 tion 953 of such title is amended by inserting in para-
10 graph (1) after “selected offenders” the following: “other
11 than offenders serving a sentence of confinement for life
12 without eligibility for parole”.

13 **SEC. 545. AUTHORITY FOR CIVILIAN SPECIAL AGENTS OF**
14 **MILITARY DEPARTMENT CRIMINAL INVES-**
15 **TIGATIVE ORGANIZATIONS TO EXECUTE WAR-**
16 **RANTS AND MAKE ARRESTS.**

17 (a) DEPARTMENT OF THE ARMY.—(1) Chapter 373
18 of title 10, United States Code, is amended by adding at
19 the end the following new section:

20 **“§ 4027. Civilian special agents of the Criminal Inves-**
21 **tigation Command: authority to execute**
22 **warrants and make arrests**

23 “(a) AUTHORITY.—The Secretary of the Army may
24 authorize any Department of the Army civilian employee
25 described in subsection (b) to have the same authority to

1 execute and serve warrants and other processes issued
2 under the authority of the United States and to make ar-
3 rests without a warrant as may be authorized under sec-
4 tion 1585a of this title for special agents of the Defense
5 Criminal Investigative Service.

6 “(b) AGENTS TO HAVE AUTHORITY.—Subsection (a)
7 applies to any employee of the Department of the Army
8 who is a special agent of the Army Criminal Investigation
9 Command (or a successor to that command) whose duties
10 include conducting, supervising, or coordinating investiga-
11 tions of criminal activity in programs and operations of
12 the Department of the Army.

13 “(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—
14 The authority provided under subsection (a) shall be exer-
15 cised in accordance with guidelines prescribed by the Sec-
16 retary of the Army and approved by the Secretary of De-
17 fense and the Attorney General and any other applicable
18 guidelines prescribed by the Secretary of the Army, the
19 Secretary of Defense, or the Attorney General.”.

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

“4027. Civilian special agents of the Criminal Investigation Command: authority
to execute warrants and make arrests.”.

1 (b) DEPARTMENT OF THE NAVY.—(1) Chapter 643
2 of title 10, United States Code, is amended by adding at
3 the end the following new section:

4 **“§ 7451. Special agents of the Naval Criminal Inves-**
5 **tigative Service: authority to execute**
6 **warrants and make arrests**

7 “(a) AUTHORITY.—The Secretary of the Navy may
8 authorize any Department of the Navy civilian employee
9 described in subsection (b) to have the same authority to
10 execute and serve warrants and other processes issued
11 under the authority of the United States and to make ar-
12 rests without a warrant as may be authorized under sec-
13 tion 1585a of this title for special agents of the Defense
14 Criminal Investigative Service.

15 “(b) AGENTS TO HAVE AUTHORITY.—Subsection (a)
16 applies to any employee of the Department of the Navy
17 who is a special agent of the Naval Criminal Investigative
18 Service (or any successor to that service) whose duties in-
19 clude conducting, supervising, or coordinating investiga-
20 tions of criminal activity in programs and operations of
21 the Department of the Navy.

22 “(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—
23 The authority provided under subsection (a) shall be exer-
24 cised in accordance with guidelines prescribed by the Sec-
25 retary of the Navy and approved by the Secretary of De-

1 fense and the Attorney General and any other applicable
2 guidelines prescribed by the Secretary of the Navy, the
3 Secretary of Defense, or the Attorney General.”.

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

“7451. Special agents of the Naval Criminal Investigative Service: authority to
execute warrants and make arrests.”.

7 (c) DEPARTMENT OF THE AIR FORCE.—(1) Chapter
8 873 of title 10, United States Code, is amended by adding
9 at the end the following new section:

10 **“§ 9027. Civilian special agents of the Office of Spe-**
11 **cial Investigations: authority to execute**
12 **warrants and make arrests**

13 “(a) AUTHORITY.—The Secretary of the Air Force
14 may authorize any Department of the Air Force civilian
15 employee described in subsection (b) to have the same au-
16 thority to execute and serve warrants and other processes
17 issued under the authority of the United States and to
18 make arrests without a warrant as may be authorized
19 under section 1585a of this title for special agents of the
20 Defense Criminal Investigative Service.

21 “(b) AGENTS TO HAVE AUTHORITY.—Subsection (a)
22 applies to any employee of the Department of the Air
23 Force who is a special agent of the Air Force Office of
24 Special Investigations (or a successor to that office) whose

1 duties include conducting, supervising, or coordinating in-
 2 vestigations of criminal activity in programs and oper-
 3 ations of the Department of the Air Force.

4 “(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—
 5 The authority provided under subsection (a) shall be exer-
 6 cised in accordance with guidelines prescribed by the Sec-
 7 retary of the Air Force and approved by the Secretary of
 8 Defense and the Attorney General and any other applica-
 9 ble guidelines prescribed by the Secretary of the Air Force,
 10 the Secretary of Defense, or the Attorney General.”.

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

“9027. Civilian special agents of the Office of Special Investigations: authority
 to execute warrants and make arrests.”.

14 **Subtitle F—Other Matters**

15 **SEC. 551. FUNERAL HONORS DUTY COMPENSATION.**

16 (a) COMPENSATION OF MEMBERS OF THE NATIONAL
 17 GUARD.—Section 115(b)(2) of title 32, United States
 18 Code, is amended by inserting before the period at the
 19 end the following: “or compensation at the rate prescribed
 20 in section 206 of title 37”.

21 (b) COMPENSATION OF MEMBERS OF A RESERVE
 22 COMPONENT.—Section 12503(b)(2) of title 10, United
 23 States Code, is amended by inserting before the period at

1 the end the following: “or compensation at the rate pre-
2 scribed in section 206 of title 37”.

3 (c) CONFORMING AMENDMENT.—Section 435(c) of
4 title 37, United States Code, is repealed.

5 (d) EFFECTIVE DATE.—The amendments made by
6 this section shall apply with respect to funeral honors duty
7 performed on or after October 1, 2000.

8 **SEC. 552. TEST OF ABILITY OF RESERVE COMPONENT IN-**
9 **TELLIGENCE UNITS AND PERSONNEL TO**
10 **MEET CURRENT AND EMERGING DEFENSE**
11 **INTELLIGENCE NEEDS.**

12 (a) TEST PROGRAM REQUIRED.—(1) Beginning not
13 later than June 1, 2001, the Secretary of Defense shall
14 conduct a 3-year test program of reserve component intel-
15 ligence units and personnel. The purpose of the test pro-
16 gram shall be—

17 (A) to determine the most effective peacetime
18 structure and operational employment of reserve
19 component intelligence assets for meeting current
20 and future Department of Defense peacetime oper-
21 ational intelligence requirements; and

22 (B) to establish a means to coordinate and
23 transition that peacetime intelligence operational
24 support network into use for meeting wartime re-
25 quirements.

1 (2) The test program shall be carried out using the
2 Joint Reserve Intelligence Program and appropriate re-
3 serve component intelligence units and personnel.

4 (3) In conducting the test program, the Secretary of
5 Defense shall expand the current Joint Reserve Intel-
6 ligence Program as needed to meet the objectives of the
7 test program.

8 (b) OVERSIGHT PANEL.—The Secretary shall estab-
9 lish an oversight panel to structure the test program so
10 as to achieve the objectives of the test program, ensure
11 proper funding for the test program, and oversee the con-
12 duct and evaluation of the test program. The panel mem-
13 bers shall include—

14 (1) the Assistant Secretary of Defense for Com-
15 mand, Control, Communications and Intelligence;

16 (2) the Assistant Secretary of Defense for Re-
17 serve Affairs; and

18 (3) representatives from the Defense Intel-
19 ligence Agency, the Army, Navy, Air Force, and Ma-
20 rine Corps, the Joint Staff, and the combatant com-
21 mands.

22 (c) TEST PROGRAM OBJECTIVES.—The test program
23 shall have the following objectives:

24 (1) To identify the range of peacetime roles and
25 missions that are appropriate for reserve component

1 intelligence units and personnel, including the fol-
2 lowing missions: counterdrug, counterintelligence,
3 counterterrorism, information operations, informa-
4 tion warfare, and other emerging threats.

5 (2) To recommend a process for justifying and
6 validating reserve component intelligence force struc-
7 ture and manpower to support the peacetime roles
8 and missions identified under paragraph (1) and to
9 establish a means to coordinate and transition that
10 peacetime operational support network and structure
11 into wartime requirements.

12 (3) To provide, pursuant to paragraphs (1) and
13 (2), the basis for new or revised intelligence and re-
14 serve component policy guidelines for the peacetime
15 use, organization, management, infrastructure ,and
16 funding of reserve component intelligence units and
17 personnel.

18 (4) To determine the most effective structure,
19 organization, manning, and management of Joint
20 Reserve Intelligence Centers to enable them to be
21 both reserve training facilities and virtual collabo-
22 rative production facilities in support of Department
23 of Defense peacetime operational intelligence re-
24 quirements.

1 (5) To determine the most effective uses of
2 technology for virtual collaborative intelligence oper-
3 ational support during peacetime and wartime.

4 (6) To determine personnel and career manage-
5 ment initiatives or modifications that are required to
6 improve the recruiting and retention of personnel in
7 the reserve component intelligence specialties and oc-
8 cupational skills.

9 (7) To identify and make recommendations for
10 the elimination of statutory prohibitions and barriers
11 to using reserve component intelligence units and in-
12 dividuals to carry out peacetime operational require-
13 ments.

14 (d) **REPORTS.**—The Secretary of Defense shall sub-
15 mit to Congress—

16 (1) interim reports on the status of the test
17 program not later than July 1, 2002, and July 1,
18 2003; and

19 (2) a final report, with such recommendations
20 for changes as the Secretary considers necessary,
21 not later than December 1, 2004.

22 **SEC. 553. NATIONAL GUARD CHALLENGE PROGRAM.**

23 (a) **EXPENDITURE LIMITATIONS.**—Subsection (b) of
24 section 509 of title 32, United States Code, is amended—

1 (1) by inserting “(1)” before “The Secretary of
2 Defense”;

3 (2) by striking “, except that Federal expendi-
4 tures under the program may not exceed
5 \$62,500,000 for any fiscal year”; and

6 (3) by adding at the end the following new
7 paragraph:

8 “(2) The Secretary shall carry out the National
9 Guard Challenge Program using funds appropriated di-
10 rectly to the Secretary for the program and nondefense
11 Federal funds made available or transferred to the Sec-
12 retary by other Federal agencies to support the program.
13 However, the amount of funds appropriated directly to the
14 Secretary of Defense and expended for the program in a
15 fiscal year may not exceed \$62,500,000.”.

16 (b) REGULATIONS.—Such section is further amended
17 by adding at the end the following new subsection:

18 “(m) REGULATIONS.—The Secretary of Defense shall
19 prescribe regulations to carry out the National Guard
20 Challenge Program. The regulations shall address at a
21 minimum the following:

22 “(1) The terms to be included in the program
23 agreements required by subsection (d).

24 “(2) The qualifications for persons to partici-
25 pate in the program, as required by subsection (e).

1 out the study, the Secretary shall consider the views and
2 recommendations of the Chairman of the Joint Chiefs and
3 the other members of the Joint Chiefs of Staff.

4 (b) MATTERS TO BE INCLUDED.—The study shall,
5 as a minimum—

6 (1) determine whether use of civilian contractor
7 personnel as pilots and other air crew members for
8 such operational support missions would be a cost
9 effective means of freeing for duty in units with
10 combat and combat support missions those military
11 pilots and other personnel who now perform such
12 operational support missions; and

13 (2) the effect on retention of military pilots and
14 other personnel if they are no longer required to fly
15 operational support missions.

16 (c) SUBMISSION OF REPORT.—The Secretary shall
17 submit a report containing the results of the study to the
18 Committee on Armed Services of the Senate and the Com-
19 mittee on Armed Services of the House of Representatives
20 not later than 6 months after the date of the enactment
21 of this Act.

1 **SEC. 555. PILOT PROGRAM TO ENHANCE MILITARY RE-**
2 **CRUITING BY IMPROVING MILITARY AWARE-**
3 **NESS OF SCHOOL COUNSELORS AND EDU-**
4 **CATORS.**

5 (a) IN GENERAL.—The Secretary of Defense shall
6 conduct a pilot program to determine if cooperation with
7 military recruiters by local educational agencies and by in-
8 stitutions of higher education could be enhanced by im-
9 proving the understanding of school counselors and edu-
10 cators about military recruiting and military career oppor-
11 tunities. The pilot program shall be conducted during a
12 3-year period beginning not later than 180 days after the
13 date of the enactment of this Act.

14 (b) CONDUCT OF PILOT PROGRAM THROUGH PAR-
15 TICIPATION IN INTERACTIVE INTERNET SITE.—(1) The
16 pilot program shall be conducted by means of participation
17 by the Department of Defense in a qualifying interactive
18 Internet site.

19 (2) For purposes of this section, a qualifying inter-
20 active Internet site is an Internet site in existence as of
21 the date of the enactment of this Act that is designed to
22 provide to employees of local educational agencies and in-
23 stitutions of higher education participating in the Internet
24 site—

25 (A) systems for communicating;

1 (B) resources for individual professional devel-
2 opment;

3 (C) resources to enhance individual on-the-job
4 effectiveness; and

5 (D) resources to improve organizational effec-
6 tiveness.

7 (3) Participation in an Internet site by the Depart-
8 ment of Defense for purposes of this section shall
9 include—

10 (A) funding;

11 (B) assistance; and

12 (C) access by other Internet site participants to
13 Department of Defense aptitude testing programs,
14 career development information, and other resources,
15 in addition to information on military recruiting and
16 career opportunities.

17 (c) REPORT.—The Secretary of Defense shall submit
18 to the Committee on Armed Services of the Senate and
19 the Committee on Armed Services of the House of Rep-
20 resentatives a report providing the Secretary's findings
21 and conclusions on the pilot program not later than 180
22 days after the end of the 3-year program period.

1 **SEC. 556. REIMBURSEMENT FOR EXPENSES INCURRED BY**
2 **MEMBERS IN CONNECTION WITH CANCELLA-**
3 **TION OF LEAVE ON SHORT NOTICE.**

4 (a) IN GENERAL.—(1) Chapter 157 of title 10,
5 United States Code, is amended by adding at the end the
6 following new section:

7 **“§ 2647. Reimbursement for expenses incurred in**
8 **connection with leave canceled due to**
9 **contingency operations**

10 “(a) AUTHORIZATION TO REIMBURSE.—The Sec-
11 retary concerned may reimburse a member of the armed
12 forces under the jurisdiction of the Secretary for travel
13 and related expenses (to the extent not otherwise reim-
14 bursable under law) incurred by the member as a result
15 of the cancellation of previously approved leave when the
16 leave is canceled in connection with the member’s partici-
17 pation in a contingency operation and the cancellation oc-
18 curs within 48 hours of the time the leave would have com-
19 menced.

20 “(b) REGULATIONS.—The Secretary of Defense shall
21 prescribe regulations to establish the criteria for the appli-
22 cability of subsection (a).

23 “(c) CONCLUSIVENESS OF SETTLEMENT.—The set-
24 tlement of an application for reimbursement under sub-
25 section (a) is final and conclusive.”.

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

“2647. Reimbursement for expenses incurred in connection with leave canceled
due to contingency operations.”.

4 (b) **EFFECTIVE DATE.**—Section 2647 of title 10,
5 United States Code, as added by subsection (a) shall apply
6 with respect to any travel and related expenses incurred
7 by a member in connection with leave canceled after the
8 date of the enactment of this Act.

9 **TITLE VI—COMPENSATION AND**
10 **OTHER PERSONNEL BENEFITS**
11 **Subtitle A—Pay and Allowances**

12 **SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2001.**

13 (a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—The
14 adjustment to become effective during fiscal year 2001 re-
15 quired by section 1009 of title 37, United States Code,
16 in the rates of monthly basic pay authorized members of
17 the uniformed services shall not be made.

18 (b) **INCREASE IN BASIC PAY.**—Effective on January
19 1, 2001, the rates of monthly basic pay for members of
20 the uniformed services are increased by 3.7 percent.

1 **SEC. 602. REVISED METHOD FOR CALCULATION OF BASIC**
2 **ALLOWANCE FOR SUBSISTENCE.**

3 (a) ANNUAL REVISION OF RATE.—Section 402(b)(1)
4 of title 37, United States Code, is amended by striking
5 paragraph (1) and inserting the following new paragraph:

6 “(1) The monthly rate of basic allowance for subsist-
7 ence to be in effect for an enlisted member for a year (be-
8 ginning on January 1 of that year) shall be equal to the
9 sum of—

10 “(A) the monthly rate of basic allowance for
11 subsistence that was in effect for an enlisted mem-
12 ber for the preceding year; plus

13 “(B) the product of the monthly rate under
14 subparagraph (A) and the percentage increase in the
15 monthly cost of a liberal food plan for a male in the
16 United States who is between 20 and 50 years of
17 age over the preceding fiscal year, as determined by
18 the Secretary of Agriculture each October 1.”.

19 (b) EARLY TERMINATION OF BAS TRANSITIONAL
20 AUTHORITY.—Subsections (c) through (f) of section 602
21 of the National Defense Authorization Act for Fiscal Year
22 1998 (Public Law 105–85; 37 U.S.C. 402 note) are re-
23 pealed.

24 (c) EFFECTIVE DATE.—The amendments made by
25 this section shall take effect on October 1, 2001.

1 **SEC. 603. FAMILY SUBSISTENCE SUPPLEMENTAL ALLOW-**
2 **ANCE FOR LOW-INCOME MEMBERS OF THE**
3 **ARMED FORCES.**

4 (a) SUPPLEMENTAL ALLOWANCE AUTHORIZED.—(1)
5 Chapter 7 of title 37, United States Code, is amended by
6 inserting after section 402 the following new section:

7 **“§ 402a. Supplemental subsistence allowance for low-**
8 **income members with dependents**

9 “(a) SUPPLEMENTAL ALLOWANCE AUTHORIZED.—
10 (1) The Secretary concerned may increase the basic allow-
11 ance for subsistence to which a member of the armed
12 forces described in subsection (b) is otherwise entitled
13 under section 402 of this title by an amount (in this sec-
14 tion referred to as the ‘supplemental subsistence allow-
15 ance’) designed to remove the member’s household from
16 eligibility for benefits under the food stamp program.

17 “(2) The supplemental subsistence allowance may not
18 exceed \$500 per month. In establishing the amount of the
19 supplemental subsistence allowance to be paid an eligible
20 member under this paragraph, the Secretary shall take
21 into consideration the amount of the basic allowance for
22 housing that the member receives under section 403 of
23 this title or would otherwise receive under such section,
24 in the case of a member who is not entitled to that allow-
25 ance as a result of assignment to quarters of the United

1 States or a housing facility under the jurisdiction of a uni-
2 formed service.

3 “(3) In the case of a member described in subsection
4 (b) who establishes to the satisfaction of the Secretary
5 concerned that the allotment of the member’s household
6 under the food stamp program, calculated in the absence
7 of the supplemental subsistence allowance, would exceed
8 the amount established by the Secretary concerned under
9 paragraph (2), the amount of the supplemental subsist-
10 ence allowance for the member shall be equal to the lesser
11 of the following:

12 “(A) The value of that allotment.

13 “(B) \$500.

14 “(b) ELIGIBLE MEMBERS.—(1) Subject to subsection
15 (d), a member of the armed forces is eligible to receive
16 the supplemental subsistence allowance if the Secretary
17 concerned determines that the member’s income, together
18 with the income of the rest of the member’s household (if
19 any), is within the highest income standard of eligibility,
20 as then in effect under section 5(c) of the Food Stamp
21 Act of 1977 (7 U.S.C. 2014(c)) and without regard to
22 paragraph (1) of such section, for participation in the food
23 stamp program.

24 “(2) In determining whether a member meets the eli-
25 gibility criteria under paragraph (1), the Secretary—

1 “(A) shall not take into consideration the
2 amount of the supplemental subsistence allowance
3 payable under this section; but

4 “(B) shall take into consideration the amount
5 of the basic allowance for housing that the member
6 receives under section 403 of this title or would oth-
7 erwise receive under such section, in the case of a
8 member who is not entitled to that allowance as a
9 result of assignment to quarters of the United
10 States or a housing facility under the jurisdiction of
11 a uniformed service.

12 “(c) APPLICATION FOR ALLOWANCE.—To request
13 the supplemental subsistence allowance, a member shall
14 submit an application to the Secretary concerned in such
15 form and containing such information as the Secretary
16 concerned may prescribe. A member applying for the sup-
17 plemental subsistence allowance shall furnish such evi-
18 dence regarding the member’s satisfaction of the eligibility
19 criteria under subsection (b) as the Secretary concerned
20 may require.

21 “(d) EFFECTIVE PERIOD.—The eligibility of a mem-
22 ber to receive the supplemental subsistence allowance ter-
23 minates upon the occurrence of any of the following
24 events, even though the member continues to meet the eli-
25 gibility criteria described in subsection (b):

1 “(1) Payment of the supplemental subsistence
2 allowance for 12 consecutive months.

3 “(2) Promotion of the member to a higher
4 grade.

5 “(3) Transfer of the member in a permanent
6 change of station.

7 “(e) REAPPLICATION.—Upon the termination of the
8 effective period of the supplemental subsistence allowance
9 for a member, or in anticipation of the imminent termi-
10 nation of the allowance, a member may reapply for the
11 allowance under subsection (c) if the member continues
12 to meet, or once again meets, the eligibility criteria de-
13 scribed in subsection (b).

14 “(f) REPORTING REQUIREMENT.—Not later than
15 March 1 of each year after 2001, the Secretary of Defense
16 shall submit to Congress a report specifying the number
17 of members of the armed forces who received, at any time
18 during the preceding year, the supplemental subsistence
19 allowance. In preparing the report, the Secretary of De-
20 fense shall consult with the Secretary of Transportation.
21 No report is required under this subsection after March
22 1, 2006.

23 “(g) DEFINITIONS.—In this section:

24 “(1) The term ‘Secretary concerned’ means the
25 Secretary of Defense, and the Secretary of Trans-

1 portation, with respect to the Coast Guard when it
2 is not operating as a service in the Navy.

3 “(2) The terms ‘allotment’ and ‘household’ have
4 the meanings given those terms in section 3 of the
5 Food Stamp Act of 1977 (7 U.S.C. 2012).

6 “(3) The term ‘food stamp program’ means the
7 program established pursuant to section 4 of the
8 Food Stamp Act of 1977 (7 U.S.C. 2013).

9 “(h) TERMINATION OF AUTHORITY.—No supple-
10 mental subsistence allowance may be made under this sec-
11 tion after September 30, 2006.”

12 (2) The table of sections at the beginning of such
13 chapter is amended by inserting after the item relating
14 to section 402 the following:

“402a. Supplemental subsistence allowance for low-income members with de-
pendents.”

15 (b) EFFECTIVE DATE.—Section 402a of title 37,
16 United States Code, as added by subsection (a), shall take
17 effect on the first day of the first month that begins not
18 less than 180 days after the date of the enactment of this
19 Act.

20 **SEC. 604. CALCULATION OF BASIC ALLOWANCE FOR HOUS-**
21 **ING FOR INSIDE THE UNITED STATES.**

22 (a) SECRETARY OF DEFENSE TO PRESCRIBE
23 RATES.—Paragraph (2) of section 403(b) of title 37,
24 United States Code, is amended to read as follows:

1 “(2) The Secretary of Defense shall prescribe the
2 monthly amount of the basic allowance for housing for a
3 member of a uniformed service who is entitled to the allow-
4 ance in a military housing area in the United States at
5 a rate based upon the costs of adequate housing in the
6 area determined under paragraph (1).”.

7 (b) MINIMUM ANNUAL AMOUNT AVAILABLE FOR
8 HOUSING ALLOWANCES.—Paragraph (3) of such section
9 is amended to read as follows:

10 “(3) The total amount that may be paid for a fiscal
11 year for the basic allowance for housing under this sub-
12 section may not be less than the product of—

13 “(A) the total amount authorized to be paid for
14 such allowance for the preceding fiscal year; and

15 “(B) a fraction—

16 “(i) the numerator of which is the index of
17 the national average monthly cost of housing
18 for June of the preceding fiscal year; and

19 “(ii) the denominator of which is the index
20 of the national average monthly cost of housing
21 for June of the second preceding fiscal year.”.

22 (c) REPEAL OF REQUIRED ADJUSTMENT.—Para-
23 graph (5) of such section is repealed.

24 (d) BASIS FOR REDUCTION IN MEMBER’S ALLOW-
25 ANCE.—Paragraph (6) of such section is amended by

1 striking “, changes in the national average monthly cost
2 of housing,”.

3 (e) EXTENSION OF TRANSITION PERIOD.—Section
4 603(b) of the National Defense Authorization Act for Fis-
5 cal Year 1998 (Public Law 105–85; 37 U.S.C. 403 note)
6 is amended by striking “six years” and inserting “eight
7 years”.

8 (f) READJUSTMENT OF ALLOWANCE FOR CERTAIN
9 PERIOD.—A member of the uniformed services who was
10 entitled to the basic allowance for housing for a military
11 housing area in the United States during the period that
12 began on January 1, 2000, and ended on March 1, 2000,
13 shall be paid the allowance at a monthly rate not less than
14 the rate in effect on December 31, 1999, in that area for
15 members serving in the same pay grade and with the same
16 dependency status as the member.

17 **SEC. 605. EQUITABLE TREATMENT OF JUNIOR ENLISTED**
18 **MEMBERS IN COMPUTATION OF BASIC AL-**
19 **LOWANCE FOR HOUSING.**

20 (a) DETERMINATION OF COSTS OF ADEQUATE
21 HOUSING.—Subsection (b)(1) of section 403 of title 37,
22 United States Code, is amended by adding at the end the
23 following new sentence: “In determining what constitutes
24 adequate housing for members, the Secretary may not dif-

1 ferentiate between members with dependents in pay
2 grades E-1 through E-4.”.

3 (b) SINGLE RATE; MINIMUM.—Subsection (b) of
4 such section, as amended by section 604(c) of this Act,
5 is further amended by inserting after paragraph (4) the
6 following new paragraph:

7 “(5) The Secretary shall establish a single monthly
8 rate for members of the uniformed services with depend-
9 ents in pay grades E-1 through E-4 in the same military
10 housing area. The rate shall be consistent with the rates
11 paid to members in pay grades other than pay grades E-
12 1 through E-4 and shall be based on the following:

13 “(A) The average cost of a two-bedroom apart-
14 ment in that military housing area.

15 “(B) One-half of the difference between the av-
16 erage cost of a two-bedroom townhouse in that area
17 and the amount determined in subparagraph (A).”.

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect on July 1, 2001.

20 **SEC. 606. BASIC ALLOWANCE FOR HOUSING AUTHORIZED**
21 **FOR ADDITIONAL MEMBERS WITHOUT DE-**
22 **PENDENTS WHO ARE ON SEA DUTY.**

23 (a) PAYMENT AUTHORIZED.—Subsection (f)(2)(B) of
24 section 403 of title 37, United States Code, is amended

1 by striking “E-5” both places it appears and inserting
2 “E-4 or E-5”.

3 (b) CONFORMING AMENDMENT.—Subsection
4 (m)(1)(B) of such section is amended by striking “E-4”
5 and inserting “E-3”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall take effect on October 1, 2001.

8 **SEC. 607. PERSONAL MONEY ALLOWANCE FOR SENIOR EN-**
9 **LISTED MEMBERS OF THE ARMED FORCES.**

10 (a) AUTHORITY.—Section 414 of title 37, United
11 States Code, is amended by adding at the end the fol-
12 lowing new subsection:

13 “(c) ALLOWANCE FOR SENIOR ENLISTED MEM-
14 BERS.—In addition to other pay or allowances authorized
15 by this title, a noncommissioned officer is entitled to a
16 personal money allowance of \$2,000 a year while serving
17 as the Sergeant Major of the Army, the Master Chief
18 Petty Officer of the Navy, the Chief Master Sergeant of
19 the Air Force, the Sergeant Major of the Marine Corps,
20 or the Master Chief Petty Officer of the Coast Guard.”.

21 (b) STYLISTIC AMENDMENTS.—Such section is fur-
22 ther amended—

23 (1) in subsection (a), by inserting “ALLOWANCE
24 FOR OFFICERS SERVING IN CERTAIN RANKS OR PO-
25 SITIONS.—” after “(a)”; and

1 (2) in subsection (b), by inserting “ALLOWANCE
2 FOR CERTAIN NAVAL OFFICERS.—” after “(b)”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on October 1, 2000.

5 **SEC. 608. ALLOWANCE FOR OFFICERS FOR PURCHASE OF**
6 **REQUIRED UNIFORMS AND EQUIPMENT.**

7 (a) INITIAL ALLOWANCE FOR OFFICERS.—Section
8 415(a) of title 37, United States Code, is amended by
9 striking “\$200” and inserting “\$400”.

10 (b) ADDITIONAL ALLOWANCE.—Section 416(a) of
11 such title is amended by striking “\$100” and inserting
12 “\$200”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect on October 1, 2000.

15 **SEC. 609. INCREASE IN MONTHLY SUBSISTENCE ALLOW-**
16 **ANCE FOR MEMBERS OF**
17 **PRECOMMISSIONING PROGRAMS.**

18 (a) MINIMUM AND MAXIMUM RATES.—Subsection
19 (a) of section 209 of title 37, United States Code, is
20 amended—

21 (1) by inserting “(1)” before “Except”;

22 (2) by striking “subsistence allowance of \$200
23 a month” and inserting “monthly subsistence allow-
24 ance at a rate prescribed under paragraph (2)”;

1 (3) by striking “Subsistence” and inserting the
2 following:

3 “(3) A subsistence”; and

4 (4) by inserting after the first sentence the fol-
5 lowing:

6 “(2) The Secretary of Defense shall prescribe by reg-
7 ulation the monthly rates for subsistence allowances pro-
8 vided under this section. The rate may not be less than
9 \$250 per month, but may not exceed \$600 per month.”.

10 (b) CONFORMING AMENDMENTS.—(1) Subsection (b)
11 of such section is amended by striking “in the amount pro-
12 vided in subsection (a)” and inserting “at a rate pre-
13 scribed under subsection (a)(2)”.

14 (2) Subsection (d) of such section is amended by
15 striking “the same rate as that prescribed by subsection
16 (a),” and inserting “the monthly rate prescribed under
17 subsection (a)(2)”.

18 (c) STYLISTIC AMENDMENTS.—Such section is fur-
19 ther amended—

20 (1) in subsection (a), by inserting “SENIOR
21 ROTC MEMBERS IN ADVANCED TRAINING.—” after
22 “(a)”;

23 (2) in subsection (b), by inserting “SENIOR
24 ROTC MEMBERS APPOINTED IN RESERVES.—”
25 after “(b)”;

1 (3) in subsection (c), by inserting “PAY WHILE
2 ATTENDING TRAINING OR PRACTICE CRUISE.—”
3 after “(c)” the first place it appears; and

4 (4) in subsection (d), by inserting “MEMBERS
5 OF MARINE CORPS OFFICER CANDIDATE PRO-
6 GRAM.—” after “(d)”.

7 (d) EFFECTIVE DATE.—The amendments made by
8 subsections (a) and (b) shall take effect October 1, 2001.

9 **SEC. 610. ADDITIONAL AMOUNT AVAILABLE FOR FISCAL**
10 **YEAR 2001 INCREASE IN BASIC ALLOWANCE**
11 **FOR HOUSING INSIDE THE UNITED STATES.**

12 In addition to the amount determined by the Sec-
13 retary of Defense under section 403(b)(3) of title 37,
14 United States Code (as amended by section 604(b)), to
15 be the total amount to be paid during fiscal year 2001
16 for the basic allowance for housing for military housing
17 areas inside the United States, \$30,000,000 of the amount
18 authorized to be appropriated by section 421 for military
19 personnel shall be used by the Secretary to further in-
20 crease the total amount available for the basic allowance
21 for housing for military housing areas inside the United
22 States.

1 **Subtitle B—Bonuses and Special**
2 **and Incentive Pays**

3 **SEC. 611. EXTENSION OF CERTAIN BONUSES AND SPECIAL**
4 **PAY AUTHORITIES FOR RESERVE FORCES.**

5 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN
6 CRITICALLY SHORT WARTIME SPECIALTIES.—Section
7 302g(f) of title 37, United States Code, is amended by
8 striking “December 31, 2000” and inserting “December
9 31, 2001”.

10 (b) SELECTED RESERVE REENLISTMENT BONUS.—
11 Section 308b(f) of such title is amended by striking “De-
12 cember 31, 2000” and inserting “December 31, 2001”.

13 (c) SELECTED RESERVE ENLISTMENT BONUS.—Sec-
14 tion 308c(e) of such title is amended by striking “Decem-
15 ber 31, 2000” and inserting “December 31, 2001”.

16 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-
17 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section
18 308d(c) of such title is amended by striking “December
19 31, 2000” and inserting “December 31, 2001”.

20 (e) SELECTED RESERVE AFFILIATION BONUS.—Sec-
21 tion 308e(e) of such title is amended by striking “Decem-
22 ber 31, 2000” and inserting “December 31, 2001”.

23 (f) READY RESERVE ENLISTMENT AND REENLIST-
24 MENT BONUS.—Section 308h(g) of such title is amended

1 by striking “December 31, 2000” and inserting “Decem-
2 ber 31, 2001”.

3 (g) PRIOR SERVICE ENLISTMENT BONUS.—Section
4 308i(f) of such title is amended by striking “December
5 31, 2000” and inserting “December 31, 2001”.

6 (h) REPAYMENT OF EDUCATION LOANS FOR CER-
7 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-
8 LECTED RESERVE.—Section 16302(d) of title 10, United
9 States Code, is amended by striking “January 1, 2001”
10 and inserting “January 1, 2002”.

11 **SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL**
12 **PAY AUTHORITIES FOR NURSE OFFICER CAN-**
13 **DIDATES, REGISTERED NURSES, AND NURSE**
14 **ANESTHETISTS.**

15 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-
16 GRAM.—Section 2130a(a)(1) of title 10, United States
17 Code, is amended by striking “December 31, 2000” and
18 inserting “December 31, 2001”.

19 (b) ACCESSION BONUS FOR REGISTERED NURSES.—
20 Section 302d(a)(1) of title 37, United States Code, is
21 amended by striking “December 31, 2000” and inserting
22 “December 31, 2001”.

23 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-
24 THETISTS.—Section 302e(a)(1) of title 37, United States

1 Code, is amended by striking “December 31, 2000” and
2 inserting “December 31, 2001”.

3 **SEC. 613. EXTENSION OF AUTHORITIES RELATING TO PAY-**
4 **MENT OF OTHER BONUSES AND SPECIAL**
5 **PAYS.**

6 (a) AVIATION OFFICER RETENTION BONUS.—Sec-
7 tion 301b(a) of title 37, United States Code, is amended
8 by striking “December 31, 2000,” and inserting “Decem-
9 ber 31, 2001,”.

10 (b) REENLISTMENT BONUS FOR ACTIVE MEM-
11 BERS.—Section 308(g) of such title is amended by strik-
12 ing “December 31, 2000” and inserting “December 31,
13 2001”.

14 (c) ENLISTMENT BONUS FOR PERSONS WITH CRIT-
15 ICAL SKILLS.—Section 308a(d) of such title is amended
16 by striking “December 31, 2000” and inserting “Sep-
17 tember 30, 2001”.

18 (d) ARMY ENLISTMENT BONUS.—Section 308f(e) of
19 such title is amended by striking “December 31, 2000”
20 and inserting “September 30, 2001”.

21 (e) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-
22 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
23 312(e) of such title is amended by striking “December 31,
24 2000” and inserting “December 31, 2001”.

1 (f) NUCLEAR CAREER ACCESSION BONUS.—Section
2 312b(c) of such title is amended by striking “December
3 31, 2000” and inserting “December 31, 2001”.

4 (g) NUCLEAR CAREER ANNUAL INCENTIVE
5 BONUS.—Section 312c(d) of such title is amended by
6 striking “December 31, 2000” and inserting “December
7 31, 2001”.

8 **SEC. 614. CONSISTENCY OF AUTHORITIES FOR SPECIAL**
9 **PAY FOR RESERVE MEDICAL AND DENTAL**
10 **OFFICERS.**

11 (a) CONSISTENT DESCRIPTIONS OF ACTIVE DUTY.—
12 Section 302(h)(1) of title 37, United States Code, is
13 amended by inserting before the period at the end the fol-
14 lowing: “, including active duty in the form of annual
15 training, active duty for training, and active duty for spe-
16 cial work”.

17 (b) RELATION TO OTHER SPECIAL PAY AUTHORI-
18 TIES.—Subsection (d) of section 302f of such title is
19 amended to read as follows:

20 “(d) EXCEPTION.—While a reserve medical or dental
21 officer receives a special pay under section 302 or 302b
22 of this title by reason of subsection (a), the officer shall
23 not be entitled to special pay under section 302(h) or
24 302b(h) of this title.”.

1 **SEC. 615. SPECIAL PAY FOR COAST GUARD PHYSICIAN AS-**
2 **SISTANTS.**

3 Section 302c(d)(1) of title 37, United States Code,
4 is amended by inserting “an officer in the Coast Guard
5 or Coast Guard Reserve designated as a physician assist-
6 ant,” after “nurse,”.

7 **SEC. 616. SPECIAL DUTY ASSIGNMENT PAY FOR ENLISTED**
8 **MEMBERS.**

9 (a) INCREASE IN MONTHLY RATE.—Subsection (a)
10 of section 307 of title 37, United States Code, is amended
11 by striking “\$275” and inserting “\$600”.

12 (b) ELIMINATION OF SEPARATE RATE FOR RECRUIT-
13 ERS.—Such subsection is further amended by striking the
14 last sentence.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect on October 1, 2001, and shall
17 apply with respect to months beginning on or after that
18 date.

19 **SEC. 617. REVISION OF CAREER SEA PAY.**

20 (a) IN GENERAL.—Section 305a of title 37, United
21 States Code, is amended by striking subsections (a), (b),
22 and (c) and inserting the following new subsections:

23 “(a) AVAILABILITY OF SPECIAL PAY.—A member of
24 a uniformed service who is entitled to basic pay is also
25 entitled, while on sea duty, to career sea pay at a monthly

1 rate prescribed by the Secretary concerned, but not to ex-
2 ceed \$750 per month.

3 “(b) ELIGIBILITY FOR PREMIUM.—A member of a
4 uniformed service entitled to career sea pay under sub-
5 section (a) who has served 36 consecutive months of sea
6 duty is also entitled to a career sea pay premium for the
7 37th consecutive month and each subsequent consecutive
8 month of sea duty served by the member. The monthly
9 amount of the premium shall be prescribed by the Sec-
10 retary concerned, but may not exceed \$350 per month.

11 “(c) REGULATIONS.—The Secretaries concerned shall
12 prescribe regulations to carry out this section. Regulations
13 prescribed by the Secretary of a military department shall
14 be subject to the approval of the Secretary of Defense.”.

15 (b) STYLISTIC AMENDMENT.—Subsection (d) of such
16 section is amended by striking “(d)” and inserting “(d)
17 DEFINITION OF SEA DUTY.—”.

18 (c) EFFECTIVE DATE.—The amendments made by
19 subsection (a) shall take effect on October 1, 2001, and
20 shall apply with respect to months beginning on or after
21 that date.

22 **SEC. 618. REVISION OF ENLISTMENT BONUS AUTHORITY.**

23 (a) BONUS AUTHORIZED.—(1) Title 37, United
24 States Code, is amended by inserting after section 308i
25 the following new section:

1 **“§ 309. Special pay: enlistment bonus**

2 “(a) BONUS AUTHORIZED; BONUS AMOUNT.—A per-
3 son who enlists in an armed force for a period of at least
4 2 years may be paid a bonus in an amount not to exceed
5 \$20,000. The bonus may be paid in a single lump sum
6 or in periodic installments.

7 “(b) REPAYMENT OF BONUS.—(1) A member of the
8 armed forces who voluntarily, or because of the member’s
9 misconduct, does not complete the term of enlistment for
10 which a bonus was paid under this section, or a member
11 who is not technically qualified in the skill for which the
12 bonus was paid, if any (other than a member who is not
13 qualified because of injury, illness, or other impairment
14 not the result of the member’s misconduct), shall refund
15 to the United States that percentage of the bonus that
16 the unexpired part of member’s enlistment is of the total
17 enlistment period for which the bonus was paid.

18 “(2) An obligation to reimburse the United States
19 imposed under paragraph (1) is for all purposes a debt
20 owed to the United States.

21 “(3) A discharge in bankruptcy under title 11 that
22 is entered less than 5 years after the termination of an
23 enlistment for which a bonus was paid under this section
24 does not discharge the person receiving the bonus from
25 the debt arising under paragraph (1).

1 “(c) RELATION TO PROHIBITION ON BOUNTIES.—
2 The enlistment bonus authorized by this section is not a
3 bounty for purposes of section 514(a) of title 10.

4 “(d) REGULATIONS.—This section shall be adminis-
5 tered under regulations prescribed by the Secretary of De-
6 fense for the armed forces under the jurisdiction of the
7 Secretary of Defense and by the Secretary of Transpor-
8 tation for the Coast Guard when the Coast Guard is not
9 operating as a service in the Navy.

10 “(e) DURATION OF AUTHORITY.—No bonus shall be
11 paid under this section with respect to any enlistment in
12 the armed forces made before October 1, 2001, or after
13 December 31, 2001.”.

14 (2) The table of sections at the beginning of chapter
15 5 of such title is amended by inserting after the item relat-
16 ing to section 308i the following new item:

“309. Special pay: enlistment bonus.”.

17 (b) REPEAL OF SUPERSEDED ENLISTMENT BONUS
18 AUTHORITIES.—(1) Sections 308a and 308f of title 37,
19 United States Code, are repealed.

20 (2) The table of sections at the beginning of chapter
21 5 of such title is amended by striking the items relating
22 to sections 308a and 308f.

23 (c) EFFECTIVE DATE.—The amendments made by
24 subsection (b) shall take effect on October 1, 2001.

1 **SEC. 619. AUTHORIZATION OF RETENTION BONUS FOR**
2 **MEMBERS OF THE ARMED FORCES QUALI-**
3 **FIED IN A CRITICAL MILITARY SKILL.**

4 (a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37,
5 United States Code, is amended by adding at the end the
6 following new section:

7 **“§ 323. Special pay: retention incentives for members**
8 **qualified in a critical military skill**

9 “(a) RETENTION BONUS AUTHORIZED.—An officer
10 or enlisted member of the armed forces who is serving on
11 active duty and is qualified in a designated critical military
12 skill may be paid a retention bonus as provided in this
13 section if—

14 “(1) in the case of an officer, the member exe-
15 cutes a written agreement to remain on active duty
16 for at least 1 year; or

17 “(2) in the case of an enlisted member, the
18 member reenlists or voluntarily extends the mem-
19 ber’s enlistment for a period of at least 1 year.

20 “(b) DESIGNATION OF CRITICAL SKILLS.—(1) A des-
21 ignated critical military skill referred to in subsection (a)
22 is a military skill designated as critical by the Secretary
23 of Defense, or by the Secretary of Transportation with re-
24 spect to the Coast Guard when it is not operating as a
25 service in the Navy.

1 “(2) The Secretary of Defense, and the Secretary of
2 Transportation with respect to the Coast Guard when it
3 is not operating as a service in the Navy, shall notify Con-
4 gress, in advance, of each military skill to be designated
5 by the Secretary as critical for purposes of this section.
6 The notice shall be submitted at least 90 days before any
7 bonus with regard to that critical skill is offered under
8 subsection (a) and shall include a discussion of the neces-
9 sity for the bonus, the amount and method of payment
10 of the bonus, and the retention results that the bonus is
11 expected to achieve.

12 “(c) PAYMENT METHODS.—A bonus under this sec-
13 tion may be paid in a single lump sum or in periodic in-
14 stallments.

15 “(d) MAXIMUM BONUS AMOUNT.—A member may
16 enter into an agreement under this section, or reenlist or
17 voluntarily extend the member’s enlistment, more than
18 once to receive a bonus under this section. However, a
19 member may not receive a total of more than \$200,000
20 in payments under this section.

21 “(e) CERTAIN MEMBERS INELIGIBLE.—A retention
22 bonus may not be provided under subsection (a) to a mem-
23 ber of the armed forces who—

24 “(1) has completed more than 25 years of ac-
25 tive duty; or

1 “(2) will complete the member’s twenty-fifth
2 year of active duty before the end of the period of
3 active duty for which the bonus is being offered.

4 “(f) RELATIONSHIP TO OTHER INCENTIVES.—A re-
5 tention bonus paid under this section is in addition to any
6 other pay and allowances to which a member is entitled.

7 “(g) REPAYMENT OF BONUS.—(1) If an officer who
8 has entered into a written agreement under subsection (a)
9 fails to complete the total period of active duty specified
10 in the agreement, or an enlisted member who voluntarily
11 or because of misconduct does not complete the term of
12 enlistment for which a bonus was paid under this section,
13 the Secretary of Defense, and the Secretary of Transpor-
14 tation with respect to members of the Coast Guard when
15 it is not operating as a service in the Navy, may require
16 the member to repay the United States, on a pro rata
17 basis and to the extent that the Secretary determines con-
18 ditions and circumstances warrant, all sums paid under
19 this section.

20 “(2) An obligation to repay the United States im-
21 posed under paragraph (1) is for all purposes a debt owed
22 to the United States.

23 “(3) A discharge in bankruptcy under title 11 that
24 is entered less than 5 years after the termination of a writ-
25 ten agreement entered into under subsection (a) does not

1 discharge the member from a debt arising under para-
2 graph (2).

3 “(h) ANNUAL REPORT.—Not later than February 15
4 of each year, the Secretary of Defense and the Secretary
5 of Transportation shall submit to Congress a report—

6 “(1) analyzing the effect, during the preceding
7 fiscal year, of the provision of bonuses under this
8 section on the retention of members qualified in the
9 critical military skills for which the bonuses were of-
10 fered; and

11 “(2) describing the intentions of the Secretary
12 regarding the continued use of the bonus authority
13 during the current and next fiscal years.

14 “(i) TERMINATION OF BONUS AUTHORITY.—No
15 bonus may be paid under this section with respect to any
16 reenlistment, or voluntary extension of an enlistment, in
17 the armed forces entered into after December 31, 2001,
18 and no agreement under this section may be entered into
19 after that date.”.

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

“323. Special pay: retention incentives for members qualified in critical military
skill.”.

1 (b) EFFECTIVE DATE.—Section 323 of title 10,
2 United States Code, as added by subsection (a), shall take
3 effect on October 1, 2000.

4 **SEC. 620. ELIMINATION OF REQUIRED CONGRESSIONAL**
5 **NOTIFICATION BEFORE IMPLEMENTATION**
6 **OF CERTAIN SPECIAL PAY AUTHORITY.**

7 (a) RETENTION SPECIAL PAY FOR OPTOMETRISTS.—
8 (1) Section 302a(b)(1) of title 37, United States Code,
9 is amended by striking “an officer described in paragraph
10 (2) may be paid” and inserting “the Secretary concerned
11 may pay an officer described in paragraph (2) a”.

12 (2) Section 617 of the National Defense Authoriza-
13 tion Act for Fiscal Year 1991 (Public Law 101–510; 104
14 Stat. 1578) is amended by striking subsection (b).

15 (b) SPECIAL PAY FOR OFFICERS IN NURSING SPE-
16 CIALTIES.—(1) Section 302e(b)(2)(A) of title 37, United
17 States Code, is amended by striking “the Secretary” and
18 inserting “the Secretary of the military department con-
19 cerned”.

20 (2) Section 614 of the National Defense Authoriza-
21 tion Act for Fiscal Year 1991 (Public Law 101–510; 104
22 Stat. 1577) is amended by striking subsection (c).

1 **Subtitle C—Travel and**
2 **Transportation Allowances**

3 **SEC. 631. ADVANCE PAYMENTS FOR TEMPORARY LODGING**
4 **OF MEMBERS AND DEPENDENTS.**

5 (a) **SUBSISTENCE EXPENSES.**— Section 404a of title
6 37, United States Code, is amended—

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

9 (2) by striking subsection (a) and inserting the
10 following:

11 “(a) **PAYMENT OR REIMBURSEMENT OF SUBSIST-**
12 **ENCE EXPENSES.**—(1) Under regulations prescribed by
13 the Secretaries concerned, a member of a uniformed serv-
14 ice who is ordered to make a change of permanent station
15 described in paragraph (2) shall be paid or reimbursed for
16 subsistence expenses of the member and the member’s de-
17 pendants for the period (subject to subsection (e)) for
18 which the member and dependents occupy temporary
19 quarters incident to that change of permanent station.

20 “(2) Paragraph (1) applies to the following:

21 “(A) A permanent change of station from any
22 duty station to a duty station in the United States
23 (other than Hawaii or Alaska).

24 “(B) A permanent change of station from a
25 duty station in the United States (other than Hawaii

1 or Alaska) to a duty station outside the United
2 States or in Hawaii or Alaska.

3 “(C) In the case of an enlisted member who is
4 reporting to the member’s first permanent duty sta-
5 tion, the change from the member’s home of record
6 or initial technical school to that first permanent
7 duty station.

8 “(b) PAYMENT IN ADVANCE.—The Secretary con-
9 cerned may make any payment for subsistence expenses
10 to a member under this section in advance of the member
11 actually incurring the expenses. The amount of an advance
12 payment made to a member shall be computed on the basis
13 of the Secretary’s determination of the average number
14 of days that members and their dependents occupy tem-
15 porary quarters under the circumstances applicable to the
16 member and the member’s dependents.

17 “(c) MAXIMUM PAYMENT PERIOD.—(1) In the case
18 of a change of permanent station described in subpara-
19 graph (A) or (C) of subsection (a)(2), the period for which
20 subsistence expenses are to be paid or reimbursed under
21 this section may not exceed 10 days.

22 “(2) In the case of a change of permanent station
23 described in subsection (a)(2)(B)—

1 ered in determining the per diem allowance for a member
2 in a travel status.

3 “(c) TREATMENT OF HOUSING COST AND ALLOW-
4 ANCE.—Housing cost and allowance may be disregarded
5 in prescribing a station cost of living allowance under this
6 section.”.

7 (c) STYLISTIC AMENDMENTS.—Section 404a of such
8 title is further amended—

9 (1) in subsection (d), as redesignated by sub-
10 section (a), by striking “(d)” and inserting “(d)
11 DAILY SUBSISTENCE RATES.—”; and

12 (2) in subsection (e), as redesignated by sub-
13 section (a), by striking “(e)” and inserting “(e)
14 MAXIMUM DAILY PAYMENT.—”.

15 **SEC. 632. ADDITIONAL TRANSPORTATION ALLOWANCE RE-**
16 **GARDING BAGGAGE AND HOUSEHOLD EF-**
17 **FACTS.**

18 (a) PET QUARANTINE FEES.—Section 406(a)(1) of
19 title 37, United States Code, is amended by adding at the
20 end the following new sentence: “The Secretary concerned
21 may also reimburse the member for mandatory pet quar-
22 antine fees for household pets, but not to exceed \$275 per
23 change of station, when the member incurs the fees inci-
24 dent to such change of station.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect October 1, 2000.

3 **SEC. 633. EQUITABLE DISLOCATION ALLOWANCES FOR**
4 **JUNIOR ENLISTED MEMBERS.**

5 Section 407(c)(1) of title 37, United States Code, is
6 amended by inserting before the period the following: “,
7 except that the Secretary concerned may not differentiate
8 between members with dependents in pay grades E–1
9 through E–5”.

10 **SEC. 634. AUTHORITY TO REIMBURSE MILITARY RECRUIT-**
11 **ERS, SENIOR ROTC CADRE, AND MILITARY**
12 **ENTRANCE PROCESSING PERSONNEL FOR**
13 **CERTAIN PARKING EXPENSES.**

14 (a) REIMBURSEMENT AUTHORITY.—(1) Chapter 7 of
15 title 37, United States Code, is amended by inserting after
16 section 411h the following new section:

17 **“§ 411i. Travel and transportation allowances: park-**
18 **ing expenses**

19 “(a) REIMBURSEMENT AUTHORITY.—The Secretary
20 of Defense may reimburse a member of the Army, Navy,
21 Air Force, or Marine Corps described in subsection (b)
22 for expenses incurred by the member in parking a pri-
23 vately owned vehicle being used by the member to com-
24 mune to the member’s place of duty.

1 “(b) ELIGIBLE MEMBERS.—A member referred to in
2 subsection (a) is a member who is—

3 “(1) assigned to duty as a recruiter for any of
4 the armed forces;

5 “(2) assigned to duty with a military entrance
6 processing facility of the armed forces; or

7 “(3) detailed for instructional and administra-
8 tive duties at any institution where a unit of the
9 Senior Reserve Officers’ Training Corps is main-
10 tained.

11 “(c) INCLUSION OF CERTAIN CIVILIAN EMPLOY-
12 EES.—The Secretary of Defense may extend the reim-
13 bursement authority provided by subsection (a) to civilian
14 employees of the Department of Defense whose employ-
15 ment responsibilities include performing activities related
16 to the duties specified in subsection (b).”.

17 (2) The table of sections at the beginning of such
18 chapter is amended by inserting after the item relating
19 to section 411h the following new item:

“411i. Travel and transportation allowances: parking expenses.”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect on October 1, 2000.

22 **SEC. 635. EXPANSION OF FUNDED STUDENT TRAVEL FOR**
23 **DEPENDENTS.**

24 Section 430 of title 37, United States Code, is
25 amended—

1 (1) in subsections (a)(3) and (b)(1), by striking
2 “for the purpose of obtaining a secondary or under-
3 graduate college education” and inserting “for the
4 purpose of obtaining a formal education”; and

5 (2) in subsection (f)—

6 (A) by striking “In this section, the term”
7 and inserting the following:

8 “In this section:

9 “(1) The term”; and

10 (B) by adding at the end the following new
11 subparagraph:

12 “(2) The term ‘formal education’ means the fol-
13 lowing:

14 “(A) A secondary education.

15 “(B) An undergraduate college education.

16 “(C) A graduate education pursued on a
17 full-time basis at an institution of higher edu-
18 cation (as defined in section 101 of the Higher
19 Education Act of 1965 (20 U.S.C. 1001)).

20 “(D) Vocational education pursued on a
21 full-time basis at a post-secondary vocational
22 institution (as defined in section 102(c) of the
23 Higher Education Act of 1965 (20 U.S.C.
24 1002(c))).”.

1 **Subtitle D—Retirement and**
2 **Survivor Benefit Matters**

3 **SEC. 641. INCREASE IN MAXIMUM NUMBER OF RESERVE**
4 **RETIREMENT POINTS THAT MAY BE CRED-**
5 **ITED IN ANY YEAR.**

6 Section 12733(3) of title 10, United States Code, is
7 amended by striking “but not more than” and all that
8 follows and inserting “but not more than—

9 “(A) 60 days in any 1 year of service be-
10 fore the year of service that includes September
11 23, 1996;

12 “(B) 75 days in the year of service that in-
13 cludes September 23, 1996, and in any subse-
14 quent year of service before the year of service
15 that includes the date of the enactment of the
16 National Defense Authorization Act for Fiscal
17 Year 2001; and

18 “(C) 90 days in the year of service that in-
19 cludes the date of the enactment of the Na-
20 tional Defense Authorization Act for Fiscal
21 Year 2001 and in any subsequent year of serv-
22 ice.”.

1 **SEC. 642. RESERVE COMPONENT SURVIVOR BENEFIT PLAN**

2 **SPOUSAL CONSENT REQUIREMENT.**

3 (a) **ELIGIBLE PARTICIPANTS.**—Subsection (a)(2)(B)
4 of section 1448 of title 10, United States Code, is amend-
5 ed to read as follows:

6 “(B) **RESERVE-COMPONENT ANNUITY PAR-**
7 **TICIPANTS.**—A person who (i) is eligible to par-
8 ticipate in the Plan under paragraph (1)(B),
9 and (ii) is married or has a dependent child
10 when he is notified under section 12731(d) of
11 this title that he has completed the years of
12 service required for eligibility for reserve-compo-
13 nent retired pay, unless the person elects (with
14 his spouse’s concurrence, if required under
15 paragraph (3)) not to participate in the Plan
16 before the end of the 90-day period beginning
17 on the date on which he receives that notifica-
18 tion.”.

19 (b) **SUBSEQUENT ELECTION TO PARTICIPATE.**—
20 Subsection (a)(3)(B) of such section is amended—

21 (1) by striking “who elects to provide” and in-
22 serting “who is eligible to provide”;

23 (2) by redesignating clauses (i) and (ii) as
24 clauses (iii) and (iv), respectively; and

25 (3) by inserting before clause (iii) (as so redес-
26 igned) the following new clauses:

1 “(i) not to participate in the Plan;

2 “(ii) to designate under subsection
3 (e)(2) the effective date for commencement
4 of annuity payments under the Plan in the
5 event that the member dies before becom-
6 ing 60 years of age to be the sixtieth anni-
7 versary of the member’s birth (rather than
8 the day after the date of the member’s
9 death);”.

10 (c) CONFORMING AMENDMENTS.—Such section is
11 further amended—

12 (1) in subsection (a)(2), by striking “described
13 in clauses (i) and (ii)” in the sentence following sub-
14 paragraph (B) (as amended by subsection (a)) and
15 all that follows through “that clause” and inserting
16 “who elects under subparagraph (B) not to partici-
17 pate in the Plan”;

18 (2) in subsection (a)(4)—

19 (A) by striking “not to participate in the
20 Plan” in subparagraph (A); and

21 (B) by striking “to participate in the
22 Plan” in subparagraph (B); and

23 (3) in subsection (e), by striking “making such
24 election”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section apply only with respect to a notification under
3 section 12731(d) of title 10, United States Code, made
4 after January 1, 2001, that a member of a reserve compo-
5 nent has completed the years of service required for eligi-
6 bility for reserve-component retired pay.

7 **SEC. 643. EFFECTIVE DATE OF DISABILITY RETIREMENT**
8 **FOR MEMBERS DYING IN CIVILIAN MEDICAL**
9 **FACILITIES.**

10 (a) IN GENERAL.—(1) Chapter 61 of title 10, United
11 States Code, is amended by inserting after section 1219
12 the following new section:

13 **“§ 1220. Members dying in civilian medical facilities:**
14 **authority for determination of later time**
15 **of death to allow disability retirement**

16 “(a) AUTHORITY FOR LATER TIME-OF-DEATH DE-
17 TERMINATION TO ALLOW DISABILITY RETIREMENT.—In
18 the case of a member of the armed forces who dies in a
19 civilian medical facility in a State, the Secretary concerned
20 may, solely for the purpose of allowing retirement of the
21 member under section 1201 or 1204 of this title and sub-
22 ject to subsection (b), specify a date and time of death
23 of the member later than the date and time of death deter-
24 mined by the attending physician in that civilian medical
25 facility.

1 “(b) LIMITATIONS.—A date and time of death may
2 be determined by the Secretary concerned under sub-
3 section (a) only if that date and time—

4 “(1) are consistent with the date and time of
5 death that reasonably could have been determined by
6 an attending physician in a military medical facility
7 if the member had died in a military medical facility
8 in the same State as the civilian medical facility; and

9 “(2) are not more than 48 hours later than the
10 date and time of death determined by the attending
11 physician in the civilian medical facility.

12 “(c) STATE DEFINED.—In this section, the term
13 ‘State’ includes the District of Columbia and any Com-
14 monwealth or possession of the United States.”.

15 (2) The table of sections at the beginning of such
16 chapter is amended by inserting after the item relating
17 to section 1219 the following new item:

“1220. Members dying in civilian medical facilities: authority for determination
of later time of death to allow disability retirement.”.

18 (b) EFFECTIVE DATE.—(1) Section 1220 of title 10,
19 United States Code, as added by subsection (a), shall
20 apply with respect to any member of the Armed Forces
21 dying in a civilian medical facility on or after January 1,
22 1998.

23 (2) In the case of any such member dying on or after
24 such date and before the date of the enactment of this

1 Act, any specification by the Secretary concerned under
2 such section with respect to the date and time of death
3 of such member shall be made not later than 180 days
4 after the date of the enactment of this Act.

5 **Subtitle E—Other Matters**

6 **SEC. 651. PARTICIPATION IN THRIFT SAVINGS PLAN.**

7 For purposes of subtitle F of title VI of the National
8 Defense Authorization Act for Fiscal Year 2000 (Public
9 Law 106–65; 113 Stat. 670), both of the conditions under
10 section 663(b)(1) of such Act shall be considered met on
11 July 15, 2001 (unless earlier met).

12 **TITLE VII—HEALTH CARE** 13 **PROVISIONS**

14 **Subtitle A—Health Care Services**

15 **SEC. 701. TWO-YEAR EXTENSION OF AUTHORITY FOR USE**

16 **OF CONTRACT PHYSICIANS AT MILITARY EN-**
17 **TRANCE PROCESSING STATIONS AND ELSE-**
18 **WHERE OUTSIDE MEDICAL TREATMENT FA-**
19 **CILITIES.**

20 Section 1091(a)(2) of title 10, United States Code,
21 is amended by striking “December 31, 2000” in the sec-
22 ond sentence and inserting “December 31, 2002”.

1 **SEC. 702. MEDICAL AND DENTAL CARE FOR MEDAL OF**
2 **HONOR RECIPIENTS.**

3 (a) IN GENERAL.—(1) Chapter 55 of title 10, United
4 States Code, is amended by inserting after section 1074g
5 the following new section:

6 **“§ 1074h. Medical and dental care: medal of honor re-**
7 **ciipients; dependents**

8 “(a) MEDAL OF HONOR RECIPIENTS.—A former
9 member of the armed forces who is a Medal of Honor re-
10 cipient and who is not otherwise entitled to medical and
11 dental benefits under this chapter may, upon request, be
12 given medical and dental care provided by the admin-
13 istering Secretaries in the same manner as if entitled to
14 retired pay.

15 “(b) DEPENDENTS.—A person who is a dependent of
16 a Medal of Honor recipient and who is not otherwise enti-
17 tled to medical and dental benefits under this chapter
18 may, upon request, be given medical and dental care pro-
19 vided by the administering Secretaries in the same manner
20 as if the Medal of Honor recipient were, or (if deceased)
21 was at the time of death, entitled to retired pay.

22 “(c) DEFINITIONS—In this section:

23 “(1) The term ‘Medal of Honor recipient’
24 means a member or former member of the armed
25 forces who has been awarded a medal of honor

1 under section 3741, 6241, or 8741 of this title or
2 section 491 of title 14.

3 “(2) The term ‘dependent’ has the meaning
4 given that term in subparagraphs (A), (B), (C), and
5 (D) of section 1072(2) of this title.”.

6 (2) The table of sections at the beginning of such
7 chapter is amended by inserting after the item relating
8 to section 1074g the following new item:

“1074h. Medical and dental care: medal of honor recipients; dependents.”.

9 (b) **EFFECTIVE DATE.**—Section 1074h of title 10,
10 United States Code, shall apply with respect to medical
11 and dental care provided on or after the date of the enact-
12 ment of this Act.

13 **SEC. 703. PROVISION OF DOMICILIARY AND CUSTODIAL**
14 **CARE FOR CHAMPUS BENEFICIARIES AND**
15 **CERTAIN FORMER CHAMPUS BENEFICIARIES.**

16 (a) **IN GENERAL.**—Section 703(a) of the National
17 Defense Authorization Act for Fiscal Year 2000 (Public
18 Law 106–65; 113 Stat. 682; 10 U.S.C. 1077 note) is
19 amended by adding at the end the following:

20 “(4) The Secretary may provide payment for domi-
21 ciliary or custodial care services provided to an eligible
22 beneficiary for which payment was discontinued by reason
23 of section 1086(d) of title 10, United States Code, and
24 subsequently reestablished under other legal authority.
25 Such payment is authorized for the period beginning on

1 the date of discontinuation of payment for domiciliary or
2 custodial care services and ending on the date of reestab-
3 lishment of payment for such services.”.

4 (b) COST LIMITATION FOR INDIVIDUAL CASE MAN-
5 AGEMENT PROGRAM.—(1) Section 1079(a)(17) of title 10,
6 United States Code, is amended—

7 (A) by inserting “(A)” after “(17)”; and

8 (B) by adding at the end the following:

9 “(B) The total amount expended under sub-
10 paragraph (A) for a fiscal year may not exceed
11 \$100,000,000.”.

12 (2) Section 703 of the National Defense Authoriza-
13 tion Act for Fiscal Year 2000 is amended by adding at
14 the end the following:

15 “(e) COST LIMITATION.—The total amount paid for
16 services for eligible beneficiaries under subsection (a) for
17 a fiscal year (together with the costs of administering the
18 authority under that subsection) shall be included in the
19 expenditures limited by section 1079(a)(17)(B) of title 10,
20 United States Code.”.

21 (3) The amendments made by paragraphs (1) and (2)
22 shall apply to fiscal years after fiscal year 1999.

1 **SEC. 704. DEMONSTRATION PROJECT FOR EXPANDED AC-**
2 **CESS TO MENTAL HEALTH COUNSELORS.**

3 (a) **REQUIREMENT TO CONDUCT DEMONSTRATION**
4 **PROJECT.**—The Secretary of Defense shall conduct a
5 demonstration project under which licensed and certified
6 professional mental health counselors who meet eligibility
7 requirements for participation as providers under the Ci-
8 vilian Health and Medical Program of the Uniformed
9 Services (hereafter in this section referred to as
10 “CHAMPUS”) or the TRICARE program may provide
11 services to covered beneficiaries under chapter 55 of title
12 10, United States Code, without referral by physicians or
13 adherence to supervision requirements.

14 (b) **DURATION AND LOCATION OF PROJECT.**—The
15 Secretary shall conduct the demonstration project required
16 by subsection (a)—

17 (1) during the 2-year period beginning October
18 1, 2001; and

19 (2) in one established TRICARE region.

20 (c) **REGULATIONS.**—The Secretary shall prescribe
21 regulations regarding participation in the demonstration
22 project required by subsection (a).

23 (d) **PLAN FOR PROJECT.**—Not later than March 31,
24 2001, the Secretary shall submit to the Committees on
25 Armed Services of the Senate and the House of Represent-
26 atives a plan to carry out the demonstration project. The

1 plan shall include, but not be limited to, a description of
2 the following:

3 (1) The TRICARE region in which the project
4 will be conducted.

5 (2) The estimated funds required to carry out
6 the demonstration project.

7 (3) The criteria for determining which profes-
8 sional mental health counselors will be authorized to
9 participate under the demonstration project.

10 (4) The plan of action, including critical mile-
11 stone dates, for carrying out the demonstration
12 project.

13 (e) REPORT.—Not later than February 1, 2003, the
14 Secretary shall submit to Congress a report on the dem-
15 onstration project carried out under this section. The re-
16 port shall include the following:

17 (1) A description of the extent to which expend-
18 itures for reimbursement of licensed or certified pro-
19 fessional mental health counselors change as a result
20 of allowing the independent practice of such coun-
21 selors.

22 (2) Data on utilization and reimbursement re-
23 garding non-physician mental health professionals
24 other than licensed or certified professional mental

1 health counselors under CHAMPUS and the
2 TRICARE program.

3 (3) Data on utilization and reimbursement re-
4 garding physicians who make referrals to, and su-
5 pervise, mental health counselors.

6 (4) A description of the administrative costs in-
7 curred as a result of the requirement for documenta-
8 tion of referral to mental health counselors and su-
9 pervision activities for such counselors.

10 (5) For each of the categories described in
11 paragraphs (1) through (4), a comparison of data
12 for a 1-year period for the area in which the dem-
13 onstration project is being implemented with cor-
14 responding data for a similar area in which the dem-
15 onstration project is not being implemented.

16 (6) A description of the ways in which allowing
17 for independent reimbursement of licensed or cer-
18 tified professional mental health counselors affects
19 the confidentiality of mental health and substance
20 abuse services for covered beneficiaries under
21 CHAMPUS and the TRICARE program.

22 (7) A description of the effect, if any, of chang-
23 ing reimbursement policies on the health and treat-
24 ment of covered beneficiaries under CHAMPUS and
25 the TRICARE program, including a comparison of

1 the treatment outcomes of covered beneficiaries who
2 receive mental health services from licensed or cer-
3 tified professional mental health counselors acting
4 under physician referral and supervision, other non-
5 physician mental health providers recognized under
6 the program, and physicians, with treatment out-
7 comes under the demonstration project allowing
8 independent practice of professional counselors on
9 the same basis as other non-physician mental health
10 providers.

11 (8) The effect of policies of the Department of
12 Defense on the willingness of licensed or certified
13 professional mental health counselors to participate
14 as health care providers in CHAMPUS and the
15 TRICARE program.

16 (9) Any policy requests or recommendations re-
17 garding mental health counselors made by health
18 care plans and managed care organizations partici-
19 pating in CHAMPUS or the TRICARE program.

20 **SEC. 705. TELERADIOLOGY DEMONSTRATION PROJECT.**

21 (a) **REQUIREMENT TO CONDUCT PROJECT.**—(1) The
22 Secretary of Defense shall conduct a demonstration
23 project for the purpose of increasing efficiency of oper-
24 ations with respect to teleradiology at a military medical
25 treatment facility and supporting remote clinics and in-

1 creasing coordination with respect to teleradiology between
2 such facility and clinics. Under the project, a military
3 medical treatment facility and each clinic supported by
4 such facility shall be linked by a digital radiology network
5 through which digital radiology X-rays may be sent elec-
6 tronically from clinics to the military medical treatment
7 facility.

8 (2) The demonstration project shall be conducted at
9 a multi-specialty tertiary-care military medical treatment
10 facility affiliated with a university medical school, that is
11 supported by at least five geographically dispersed remote
12 clinics of the Departments of the Army, Navy, and Air
13 Force, and clinics of the Department of Veterans Affairs
14 and the Coast Guard.

15 (b) DURATION OF PROJECT.—The Secretary shall
16 conduct the project during the 2-year period beginning on
17 the date of the enactment of this Act.

18 **Subtitle B—TRICARE Program**

19 **SEC. 711. ADDITIONAL BENEFICIARIES UNDER TRICARE** 20 **PRIME REMOTE PROGRAM IN THE CONTI-** 21 **NENTAL UNITED STATES.**

22 (a) COVERAGE OF OTHER UNIFORMED SERVICES.—
23 (1) Section 1074(c) of title 10, United States Code, is
24 amended—

1 (A) by striking “armed forces” each place it ap-
2 pears, except in paragraph (3)(A), and inserting
3 “uniformed services”;

4 (B) in paragraph (1), by inserting after “mili-
5 tary department” in the first sentence the following:
6 “, the Department of Transportation (with respect
7 to the Coast Guard when it is not operating as a
8 service in the Navy), or the Department of Health
9 and Human Services (with respect to the National
10 Oceanic and Atmospheric Administration and the
11 Public Health Service)”;

12 (C) in paragraph (2), by adding at the end the
13 following:

14 “(C) The Secretary of Defense shall consult with the
15 other administering Secretaries in the administration of
16 this paragraph.”; and

17 (D) in paragraph (3)(A), by striking “The Sec-
18 retary of Defense may not require a member of the
19 armed forces described in subparagraph (B)” and
20 inserting “A member of the uniformed services de-
21 scribed in subparagraph (B) may not be required”.

22 (2)(A) Subsections (b), (c), and (d)(3) of section 731
23 of the National Defense Authorization Act for Fiscal Year
24 1998 (Public Law 105–85; 111 Stat. 1811; 10 U.S.C.

1 1074 note) are amended by striking “Armed Forces” and
2 inserting “uniformed services”.

3 (B) Subsection (b) of such section is further amended
4 by adding at the end the following:

5 “(4) The Secretary of Defense shall consult with the
6 other administering Secretaries in the administration of
7 this subsection.”.

8 (C) Subsection (f) of such section is amended by add-
9 ing at the end the following:

10 “(3) The terms ‘uniformed services’ and ‘ad-
11 ministering Secretaries’ have the meanings given
12 those terms in section 1072 of title 10, United
13 States Code.”.

14 (3) Section 706(b) of the National Defense Author-
15 ization Act for Fiscal Year 2000 (Public Law 106–65; 113
16 Stat. 684) is amended by striking “Armed Forces” and
17 inserting “uniformed services (as defined in section
18 1072(1) of title 10, United States Code)”.

19 (b) COVERAGE OF IMMEDIATE FAMILY.—(1) Section
20 1079 of title 10, United States Code, is amended by add-
21 ing at the end the following:

22 “(p)(1) Subject to such exceptions as the Secretary
23 of Defense considers necessary, coverage for medical care
24 under this section for the dependents referred to in sub-
25 section (a) of a member of the uniformed services referred

1 to in section 1074(c)(3) of this title who are residing with
2 the member, and standards with respect to timely access
3 to such care, shall be comparable to coverage for medical
4 care and standards for timely access to such care under
5 the managed care option of the TRICARE program known
6 as TRICARE Prime.

7 “(2) The Secretary of Defense shall enter into ar-
8 rangements with contractors under the TRICARE pro-
9 gram or with other appropriate contractors for the timely
10 and efficient processing of claims under this subsection.

11 “(3) The Secretary of Defense shall consult with the
12 other administering Secretaries in the administration of
13 this subsection.”.

14 (2) Section 731(b) of the National Defense Author-
15 ization Act for Fiscal Year 1998 (Public Law 105–85; 111
16 Stat. 1811; 10 U.S.C. 1074 note) is amended—

17 (A) in paragraph (1), by adding at the end the
18 following: “A dependent of the member, as described
19 in subparagraph (A), (D), or (I) of section 1072(2)
20 of title 10, United States Code, who is residing with
21 the member shall have the same entitlement to care
22 and to waiver of charges as the member.”; and

23 (B) in paragraph (2), by inserting “or depend-
24 ent of the member, as the case may be,” after “(2)
25 A member”.

1 (c) EFFECTIVE DATE.—(1) The amendments made
2 by subsection (a)(2), with respect to members of the uni-
3 formed services, and the amendments made by subsection
4 (b)(2), with respect to dependents of members, shall take
5 effect on the date of the enactment of this Act and shall
6 expire with respect to a member or the dependents of a
7 member, respectively, on the later of the following:

8 (A) The date that is 1 year after the date of
9 the enactment of this Act.

10 (B) The date on which the amendments made
11 by subsection (a)(1) or (b)(1) apply with respect to
12 the coverage of medical care for and provision of
13 such care to the member or dependents, respectively.

14 (2) Section 731(b)(3) of Public Law 105–85 does not
15 apply to a member of the Coast Guard, the National Oce-
16 anic and Atmospheric Administration, or the Commis-
17 sioned Corps of the Public Health Service, or to a depend-
18 ent of a member of a uniformed service.

19 **SEC. 712. ELIMINATION OF COPAYMENTS FOR IMMEDIATE**
20 **FAMILY.**

21 (a) NO COPAYMENT FOR IMMEDIATE FAMILY.—Sec-
22 tion 1097a of title 10, United States Code, is amended—

23 (1) by redesignating subsection (e) as sub-
24 section (f); and

1 (2) by inserting after subsection (d) the fol-
2 lowing new subsection (e):

3 “(e) NO COPAYMENT FOR IMMEDIATE FAMILY.—No
4 copayment shall be charged a member for care provided
5 under TRICARE Prime to a dependent of a member of
6 the uniformed services described in subparagraph (A),
7 (D), or (I) of section 1072(2) of this title.”.

8 (b) EFFECTIVE DATE.—The amendments made by
9 subsection (a) shall take effect on October 1, 2000, and
10 shall apply with respect to care provided on or after that
11 date.

12 **SEC. 713. MODERNIZATION OF TRICARE BUSINESS PRAC-**
13 **TICES AND INCREASE OF USE OF MILITARY**
14 **TREATMENT FACILITIES.**

15 (a) REQUIREMENT TO IMPLEMENT INTERNET-
16 BASED SYSTEM.—Not later than October 1, 2001, the
17 Secretary of Defense shall implement a system to simplify
18 and make accessible through the use of the Internet,
19 through commercially available systems and products, crit-
20 ical administrative processes within the military health
21 care system and the TRICARE program. The purpose of
22 the system shall be to enhance efficiency, improve service,
23 and achieve commercially recognized standards of per-
24 formance.

1 (b) REQUIREMENTS OF SYSTEM.—The system re-
2 quired by subsection (a)—

3 (1) shall comply with patient confidentiality and
4 security requirements, and incorporate data require-
5 ments, that are currently widely used by insurers
6 under Medicare and commercial insurers;

7 (2) shall be designed to achieve improvements
8 with respect to—

9 (A) the availability and scheduling of ap-
10 pointments;

11 (B) the filing, processing, and payment of
12 claims;

13 (C) marketing and information initiatives;

14 (D) the continuation of enrollments with-
15 out expiration; and

16 (E) the portability of enrollments nation-
17 wide; and

18 (3) may be implemented through a contractor
19 under TRICARE Prime.

20 (c) AREAS OF IMPLEMENTATION.—The Secretary
21 shall implement the system required by subsection (a) in
22 at least one region under the TRICARE program.

23 (d) PLAN FOR IMPROVED PORTABILITY OF BENE-
24 FITS.—Not later than March 15, 2001, the Secretary of
25 Defense shall submit to the Committees on Armed Serv-

1 ices of the Senate and the House of Representatives a plan
2 to provide portability and reciprocity of benefits for all en-
3 rollees under the TRICARE program throughout all
4 TRICARE regions.

5 (e) INCREASE OF USE OF MILITARY MEDICAL
6 TREATMENT FACILITIES.—The Secretary shall initiate a
7 program to maximize the use of military medical treat-
8 ment facilities by improving the efficiency of health care
9 operations in such facilities.

10 (f) DEFINITION.—In this section the term
11 “TRICARE program” shall have the meaning given such
12 term in section 1072 of title 10, United States Code.

13 **SEC. 714. CLAIMS PROCESSING IMPROVEMENTS.**

14 Beginning on the date of the enactment of this Act,
15 the Secretary of Defense shall take all necessary actions
16 to implement the following improvements with respect to
17 processing of claims under the TRICARE program:

18 (1) Use of the TRICARE encounter data infor-
19 mation system rather than the health care service
20 record in maintaining information on covered bene-
21 ficiaries under chapter 55 of title 10, United States
22 Code.

23 (2) Elimination of all delays in payment of
24 claims to health care providers that may result from

1 the development of the health care service record or
2 TRICARE encounter data information.

3 (3) Require all health care providers under the
4 TRICARE program that the Secretary determines
5 are high-volume providers to submit claims electroni-
6 cally.

7 (4) Process 50 percent of all claims by health
8 care providers and institutions under the TRICARE
9 program by electronic means.

10 (5) Authorize managed care support contractors
11 under the TRICARE program to require providers
12 to access information on the status of claims
13 through the use of telephone automated voice re-
14 sponse units.

15 **SEC. 715. PROHIBITION AGAINST REQUIREMENT FOR**
16 **PRIOR AUTHORIZATION FOR CERTAIN RE-**
17 **FERRALS; REPORT ON NONAVAILABILITY-OF-**
18 **HEALTH-CARE STATEMENTS.**

19 (a) PROHIBITION REGARDING PRIOR AUTHORIZA-
20 TION FOR REFERRALS.—(1) Chapter 55 of title 10,
21 United States Code, is amended by inserting after section
22 1095e the following new section:

1 **“§ 1095f. TRICARE program: referrals for specialty**
2 **health care**

3 “The Secretary of Defense shall provide that no con-
4 tract for managed care support under the TRICARE pro-
5 gram shall require a managed care support contractor to
6 require a primary care provider or specialty care provider
7 to obtain prior authorization before referring a patient to
8 a specialty care provider that is part of the network of
9 health care providers or institutions of the contractor.”.

10 (2) The table of sections at the beginning of such
11 chapter is amended by inserting after the item relating
12 to section 1095e the following new item:

“1095f. TRICARE program: referrals for specialty health care.”.

13 (b) REPORT.—Not later than February 1, 2001, the
14 Comptroller General shall submit to Congress a report on
15 the financial and management implications of eliminating
16 the requirement to obtain nonavailability-of-health-care
17 statements under section 1080 of title 10, United States
18 Code.

19 (c) EFFECTIVE DATE.—Section 1095f of title 10,
20 United States Code, as added by subsection (a), shall
21 apply with respect to a managed care support contract en-
22 tered into by the Department of Defense after the date
23 of the enactment of this Act.

1 **SEC. 716. AUTHORITY TO ESTABLISH SPECIAL LOCALITY-**
2 **BASED REIMBURSEMENT RATES; REPORTS.**

3 (a) IN GENERAL.—Section 1079(h) of title 10,
4 United States Code, is amended by adding at the end the
5 following new paragraph:

6 “(5) To assure access to care for all covered bene-
7 ficiaries, the Secretary of Defense, in consultation with the
8 other administering Secretaries, shall designate specific
9 rates for reimbursement for services in certain localities
10 if the Secretary determines that without payment of such
11 rates access to health care services would be severely im-
12 paired. Such a determination shall be based on consider-
13 ation of the number of providers in a locality who provide
14 the services, the number of such providers who are
15 CHAMPUS participating providers, the number of cov-
16 ered beneficiaries under CHAMPUS in the locality, the
17 availability of military providers in the location or a near-
18 by location, and any other factors determined to be rel-
19 evant by the Secretary.”.

20 (b) REPORTS.—(1) Not later than March 31, 2001,
21 the Secretary of Defense shall submit to the Committees
22 on Armed Services of the House of Representatives and
23 the Senate and the General Accounting Office a report
24 on actions taken to carry out section 1079(h)(5) of title
25 10, United States Code (as added by subsection (a)) and
26 section 1097b of such title.

1 (2) Not later than May 1, 2001, the Comptroller Gen-
2 eral shall submit to Congress a report analyzing the utility
3 of—

4 (A) increased reimbursement authorities with
5 respect to ensuring the availability of network pro-
6 viders and nonnetwork providers under the
7 TRICARE Program to covered beneficiaries under
8 chapter 55 of such title; and

9 (B) requiring a reimbursement limitation of 70
10 percent of usual and customary rates rather than
11 115 percent of maximum allowable charges under
12 the Civilian Health and Medical Program of the
13 Uniformed Services.

14 **SEC. 717. REIMBURSEMENT FOR CERTAIN TRAVEL EX-**
15 **PENSES.**

16 (a) IN GENERAL.—Chapter 55 of title 10, United
17 States Code, is amended by inserting after section 1074h
18 (as added by section 702) the following new section:

19 **“§ 1074i. Reimbursement for certain travel expenses**

20 “In any case in which a covered beneficiary is re-
21 ferred by a primary care physician to a specialty care pro-
22 vider who provides services more than 100 miles from the
23 location in which the primary care provider provides serv-
24 ices to the covered beneficiary, the Secretary shall provide

1 reimbursement for reasonable travel expenses for the cov-
2 ered beneficiary.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by inserting
5 after the item relating to section 1074h the following new
6 item:

“1074i. Reimbursement for certain travel expenses.”.

7 **SEC. 718. REDUCTION OF CATASTROPHIC CAP.**

8 (a) IN GENERAL.—Chapter 55 of title 10, United
9 States Code, is amended in section 1095d by adding at
10 the end the following new subsection:

11 “(c) REDUCTION OF CATASTROPHIC CAP.—The Sec-
12 retary shall reduce the catastrophic cap for covered bene-
13 ficiaries under TRICARE Standard and TRICARE Extra
14 to \$3,000.”.

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

17 **“§ 1095d. TRICARE program: waiver of certain**
18 **deductibles; reduction of catastrophic**
19 **cap”.**

20 (2) The item relating to section 1095d in the table
21 of sections at the beginning of such chapter 55 is amended
22 to read as follows:

“1095d. TRICARE program: waiver of certain deductibles; reduction of cata-
strophic cap.”.

1 **SEC. 719. REPORT ON PROTECTIONS AGAINST HEALTH**
2 **CARE PROVIDERS SEEKING DIRECT REIM-**
3 **BURSEMENT FROM MEMBERS OF THE UNI-**
4 **FORMED SERVICES.**

5 Not later than January 31, 2001, the Secretary of
6 Defense shall submit to the Committees on Armed Serv-
7 ices of the House of Representatives and the Senate a re-
8 port recommending practices to discourage or prohibit
9 health care providers under the TRICARE Program from
10 inappropriately seeking direct reimbursement from mem-
11 bers of the uniformed services or their dependents for
12 health care received by such members or dependents.

13 **SEC. 720. DISENROLLMENT PROCESS FOR TRICARE RE-**
14 **TIREE DENTAL PROGRAM.**

15 Section 1076c of title 10, United States Code, is
16 amended—

17 (1) by redesignating subsection (i) as subsection
18 (j); and

19 (2) by inserting after subsection (h) the fol-
20 lowing new subsection (i):

21 “(i) DISENROLLMENT PROCESS FOR TRICARE RE-
22 TIREE DENTAL PROGRAM.—With respect to the provision
23 of dental care to a retired member of the uniformed serv-
24 ices or the dependent of such a member under the
25 TRICARE program, the Secretary of Defense—

1 “(A) shall require that any TRICARE dental
2 insurance contract allow for a period of up to 30
3 days, beginning on the date of the submission of an
4 application for enrollment by the member or depend-
5 ent, during which the member or dependent may
6 disenroll;

7 “(B) shall provide for limited circumstances
8 under which disenrollment shall be permitted during
9 the 24-month initial enrollment period, without jeop-
10 arding the fiscal integrity of the dental program.

11 “(2) The circumstances described in paragraph
12 (1)(B) shall include—

13 “(A) a case in which a retired member or de-
14 pendent who is also a Federal employee is assigned
15 to a location overseas which prevents utilization of
16 dental benefits in the United States;

17 “(B) a case in which such a member or depend-
18 ent provides medical documentation with regard to a
19 diagnosis of a serious or terminal illness which pre-
20 cludes the member or dependent from obtaining den-
21 tal care;

22 “(C) a case in which severe financial hardship
23 would result; and

24 “(D) any other instances which the Secretary
25 considers appropriate.

1 “(3) A retired member or dependent described in
2 paragraph (1)—

3 “(A) shall make any initial requests for
4 disenrollment under this subsection to the
5 TRICARE dental insurance contractor; and

6 “(B) may appeal a decision by the contractor,
7 or policies with respect to the provision of dental
8 care to retirees and their dependents under the
9 TRICARE program, to the TRICARE Management
10 Activity.

11 “(4) In a case of an appeal described in paragraph
12 (3)(B) the contractor shall refer all relevant information
13 collected by the contractor to the TRICARE Management
14 Activity.”.

15 **Subtitle C—Health Care Programs**
16 **for Medicare-Eligible Depart-**
17 **ment of Defense Beneficiaries**

18 **SEC. 721. IMPLEMENTATION OF TRICARE SENIOR PHAR-**
19 **MACY PROGRAM.**

20 Section 723 of the Strom Thurmond National De-
21 fense Authorization Act for Fiscal Year 1999 (Public Law
22 105–261; 112 Stat. 2068; 10 U.S.C. 1073 note) is
23 amended—

24 (1) in subsection (a)—

1 (A) by striking “October 1, 1999” and in-
2 serting “April 1, 2001”; and

3 (B) by striking “who reside in an area se-
4 lected under subsection (f)”;

5 (2) by amending subsection (b) to read as fol-
6 lows:

7 “(b) PROGRAM REQUIREMENTS.—The same coverage
8 for pharmacy services and the same procedures for cost
9 sharing and reimbursement as are applicable under sec-
10 tion 1086 of title 10, United States Code, shall apply with
11 respect to the program required by subsection (a).”;

12 (3) in subsection (d)—

13 (A) by striking “December 31, 2000” and
14 inserting “December 31, 2001”; and

15 (B) by striking “December 31, 2002” and
16 inserting “December 31, 2003”;

17 (4) in subsection (e)—

18 (A) in paragraph (1)—

19 (i) in subparagraph (B), by inserting
20 “and” after the semicolon;

21 (ii) in subparagraph (C), by striking
22 “; and” and inserting a period; and

23 (iii) by striking subparagraph (D);
24 and

1 (B) in paragraph (2), by striking “at the
2 time” and all that follows through “facility”
3 and inserting “before April 1, 2001, has at-
4 tained the age of 65 and did not enroll in the
5 program described in such paragraph”; and
6 (5) by striking subsection (f).

7 **SEC. 722. STUDY ON HEALTH CARE OPTIONS FOR MEDI-**
8 **CARE-ELIGIBLE MILITARY RETIREES.**

9 (a) **REQUIREMENT TO CONDUCT STUDY.**—The Sec-
10 retary of Defense shall enter into an agreement with a
11 federally funded research and development center for the
12 purpose of having such center conduct an independent
13 study on alternatives for providing continued health care
14 benefits for Medicare-eligible military retirees.

15 (b) **MATTERS TO BE INCLUDED.**—(1) The study
16 shall consider the possibility of providing health care to
17 such retirees through at least the following alternatives,
18 either individually or in combination, and shall include an
19 analysis of the mandatory and discretionary funding re-
20 quirements for implementation of each alternative for each
21 year of a 10-year period:

22 (A) The use of mandatory enrollments in any
23 health care option.

1 (B) The creation, integration, and coordination
2 of a Department of Defense-Medicare supplemental
3 plan that—

4 (i) includes benefits similar to those cov-
5 ered under a standard Medicare supplemental
6 health insurance policy; and

7 (ii) requires participation in, and coordina-
8 tion with, available Medicare prescription drug
9 benefits.

10 (C) Space-available health care in military med-
11 ical treatment facilities and participation in the
12 standard prescription drug plan under the
13 TRICARE program.

14 (D) Increased participation in, and coordination
15 with, managed care programs of the Veterans
16 Health Administration.

17 (2) The study shall consider—

18 (A) the findings and recommendations in all re-
19 ports prepared by the Comptroller General on dem-
20 onstration programs of the Department of Defense
21 involving Medicare-eligible military retirees; and

22 (B) the existence of multiple overlapping bene-
23 fits for such retirees, including benefits available
24 through the Veterans Health Administration, Medi-
25 care, and private insurance.

1 (c) INDEPENDENT ADVISORY COMMITTEE.—(1) The
2 Secretary shall establish an independent advisory com-
3 mittee to assist the federally funded research and develop-
4 ment center described in subsection (a) in conducting the
5 study required by this section. The Secretary shall appoint
6 the members of the committee from among individuals
7 who—

8 (A) are not members of the uniformed services
9 or civilian employees of the Department of Defense;

10 (B) possess expertise in health insurance mat-
11 ters, including matters regarding medigap plans and
12 TRICARE supplemental insurance policies;

13 (C) are representative of nongovernmental orga-
14 nizations and associations that represent the views
15 and interests of covered beneficiaries under chapter
16 55 of title 10, United States Code;

17 (D) are knowledgeable regarding the Medicare
18 system, the military health care system, and the Vet-
19 erans' Health Administration; and

20 (E) represent associations of major health care
21 providers and institutions.

22 (2) Members of the committee shall be appointed for
23 the life of the committee.

24 (3)(A) Each member of the committee who is not an
25 employee of the Government shall be paid at a rate equal

1 to the daily equivalent of the annual rate of basic pay pre-
2 scribed for level IV of the Executive Schedule under sec-
3 tion 5315 of title 5, United States Code, for each day (in-
4 cluding travel time) during which such member is engaged
5 in performing the duties of the committee.

6 (B) Members of the committee may travel on aircraft,
7 vehicles, or other conveyances of the Armed Forces when
8 travel is necessary in the performance of a duty of the
9 committee except when the cost of commercial transpor-
10 tation is less expensive.

11 (C) The members of the committee may be allowed
12 travel expenses, including per diem in lieu of subsistence,
13 at rates authorized for employees of agencies under sub-
14 chapter I of chapter 57 of title 5, United States Code,
15 while away from their homes or regular places of business
16 in the performance of services for the committee.

17 (D)(i) A member of the committee who is an annu-
18 itant otherwise covered by section 8344 or 8468 of title
19 5, United States Code, by reason of membership on the
20 committee shall not be subject to the provisions of such
21 section with respect to such membership.

22 (ii) A member of the committee who is a member or
23 former member of a uniformed service shall not be subject
24 to the provisions of subsections (b) and (c) of section 5532
25 of such title with respect to membership on the committee.

1 (4) The committee shall terminate 60 days after the
2 date on which the final report is submitted under sub-
3 section (d).

4 (d)(1) DEADLINE FOR COMPLETION.—Not later than
5 September 30, 2002, the federally funded research and de-
6 velopment center described in subsection (a) shall submit
7 to the Secretary a report on the study, including its find-
8 ings and conclusions concerning each of the matters de-
9 scribed in subsection (b).

10 (2) Not later than December 31, 2002, the Secretary
11 shall submit the report, together and any comments of the
12 Secretary, to Congress, the Secretary of Veterans Affairs,
13 and the Secretary of Health and Human Services.

14 (e) COOPERATION BY DEPARTMENT OF DEFENSE.—
15 The Secretary shall require that all components of the De-
16 partment of Defense cooperate fully with the federally
17 funded research and development center carrying out the
18 study.

19 **SEC. 723. EXTENDED COVERAGE UNDER FEDERAL EMPLOY-**
20 **EES HEALTH BENEFITS PROGRAM.**

21 (a) EXPANSION OF COVERAGE FOR RETIREES OVER
22 AGE 65.—Section 1108 of title 10, United States Code,
23 is amended by adding at the end the following:

24 “(m) EXPANSION OF COVERAGE FOR RETIREES
25 OVER AGE 65.—(1) Eligible beneficiaries referred to in

1 subsection (b)(1) shall be permitted to enroll, or to extend
2 a previous enrollment entered into under subsection
3 (d)(2), during a period of open enrollment for the year
4 2003 (conducted in the fall of 2002).

5 “(2) Subject to paragraphs (2) and (3) of subsection
6 (f), the period of enrollment, or extension of enrollment,
7 of an eligible beneficiary under paragraph (1) shall be 1
8 year unless the beneficiary disenrolls before the termi-
9 nation of the demonstration project.”.

10 (b) EXTENSION OF PROJECT PERIOD.—(1) Sub-
11 section (d) of such section is amended—

12 (A) in paragraph (1), by striking “three con-
13 tract years” and inserting “four contract years”;
14 and

15 (B) in paragraph (2), by striking “December
16 31, 2002” in the second sentence and inserting “De-
17 cember 31, 2003”.

18 (2) Subsection (f)(1) of such section is amended by
19 striking “three” and inserting “four”.

20 (3) Subsection (k) of such section is amended by
21 striking “December 31, 2002” and inserting “December
22 31, 2003”.

23 (4) Subsection (l)(2) of such section is amended by
24 striking “36 months” and inserting “48 months”.

1 (c) ADDITIONAL AREAS OF COVERAGE.—Subsection
2 (c) of such section is amended—

3 (1) by striking “, but not more than ten,”; and

4 (2) by striking the third sentence and inserting
5 the following: “In establishing the areas, the Sec-
6 retary and the Director of the Office of Personnel
7 Management shall include an area that includes the
8 catchment area of one or more military medical
9 treatment facilities, an area that is not located in
10 the catchment area of a military medical treatment
11 facility, an area in which there is a Medicare Sub-
12 vention Demonstration project area under section
13 1896 of title XVIII of the Social Security Act (42
14 U.S.C. 1395ggg), and one area for each TRICARE
15 region.”.

16 **SEC. 724. EXTENSION OF TRICARE SENIOR SUPPLEMENT**
17 **PROGRAM.**

18 Section 722(a)(2) of the Strom Thurmond National
19 Defense Authorization Act for Fiscal Year 1999 (Public
20 Law 105–261; 112 Stat. 2065; 10 U.S.C. 1073 note) is
21 amended by striking “December 31, 2002” and inserting
22 “December 31, 2003”.

1 **SEC. 725. MEDICARE SUBVENTION PROJECT FOR MILITARY**
2 **RETIREES AND DEPENDENTS.**

3 (a) FUTURE REPEAL OF LIMITATION ON NUMBER OF
4 SITES.—Effective January 1, 2001, paragraph (2) of sec-
5 tion 1896(b) of the Social Security Act (42 U.S.C.
6 1395ggg(b)) is amended to read as follows:

7 “(2) LOCATION OF SITES; FACILITIES.—Subject
8 to annual appropriations, the program shall be con-
9 ducted in any site that provides a full range of com-
10 prehensive health care and that is designated jointly
11 by the administering Secretaries. The program shall
12 be conducted nationwide by January 1, 2006.”.

13 (b) AUTHORITY TO MODIFY AGREEMENT.—Such sec-
14 tion is further amended in paragraph (1)(A) by inserting
15 “, which may be modified if necessary” before the closing
16 parenthesis.

17 (c) MAKING PROJECT PERMANENT; CHANGES IN
18 PROJECT REFERENCES.—

19 (1) ELIMINATION OF TIME LIMITATION.—Para-
20 graph (4) of section 1896(b) of such Act is repealed.

21 (2) TREATMENT OF CAPS.—Subsection (i)(4) of
22 section 1896 of such Act is amended by adding at
23 the end the following:

24 “This paragraph shall not apply after calendar year
25 2001.”.

1 (3) CONFORMING CHANGES OF REFERENCES TO
2 DEMONSTRATION PROJECT.—Section 1896 of such
3 Act is further amended—

4 (A) in the heading, by striking “DEM-
5 ONSTRATION PROJECT” and inserting “PRO-
6 GRAM”;

7 (B) by amending subsection (a)(2) to read
8 as follows:

9 “(2) PROGRAM.—The term ‘program’ means
10 the program carried out under this section.”;

11 (C) in the heading to subsection (b), by
12 striking “DEMONSTRATION PROJECT” and in-
13 sserting “PROGRAM”;

14 (D) by striking “demonstration project” or
15 “project” each place either appears and insert-
16 ing “program”;

17 (E) in subsection (k)(2)—

18 (i) by striking “EXTENSION AND EX-
19 PANSION OF DEMONSTRATION PROJECT”
20 and inserting “PROGRAM”; and

21 (ii) by striking subparagraphs (A)
22 through (C) and inserting the following:

23 “(A) whether there is a cost to the health
24 care program under this title in conducting the
25 program under this section; and

1 “(B) whether the terms and conditions of
2 the program should be modified.”.

3 (4) REPORTS.—Subsection (k)(1) of such sec-
4 tion 1896 is amended in the second sentence—

5 (A) by striking “the demonstration
6 project” and inserting “the program”;

7 (B) by striking “, and the” and all that
8 follows through “date”;

9 (C) by redesignating subparagraph (O) as
10 subparagraph (S); and

11 (D) by inserting after subparagraph (N)
12 the following new subparagraphs:

13 “(O) Patient satisfaction with the pro-
14 gram.

15 “(P) The ability of the Department of De-
16 fense to operate an effective and efficient man-
17 aged care system for Medicare beneficiaries.

18 “(Q) The ability of the Department of De-
19 fense to meet the managed care access and
20 quality of care standards under Medicare.

21 “(R) The adequacy of the data systems of
22 the Department of Defense for providing time-
23 ly, necessary, and accurate information required
24 to properly manage the program.”.

1 (5) ADDITIONAL CONFORMING AMENDMENTS.—

2 Section 1896(b) of such Act is further amended—

3 (A) by redesignating paragraph (5) as
4 paragraph (4); and

5 (B) in such paragraph, by striking “At
6 least 60 days” and all that follows through
7 “agreement” and inserting “The administering
8 Secretaries shall also submit on an annual basis
9 the most current agreement”.

10 (6) CONTINUATION OF PROVISION OF CARE.—

11 Section 1896(b) of such Act is further amended by
12 adding at the end the following new paragraph:

13 “(5) CONTINUATION OF PROVISION OF CARE.—

14 With respect to any individual who receives health
15 care benefits under this section before the date of
16 the enactment of this paragraph, the administering
17 Secretaries shall not terminate such benefits unless
18 the individual ceases to fall within the definition of
19 the term ‘Medicare-eligible military retiree or de-
20 pendent’ (as defined in subsection (a)).”.

21 (d) PAYMENTS.—

22 (1) PERMITTING PAYMENTS ON A FEE-FOR-
23 SERVICE BASIS.—Section 1896 of such Act is fur-
24 ther amended by adding at the end the following
25 new subsection:

1 “(1) PAYMENT ON A FEE-FOR-SERVICE BASIS.—In-
2 stead of the payment method described in subsection (i)(1)
3 and in the case of individuals who are not enrolled in the
4 program in the manner described in subsection (d)(1), the
5 Secretary may reimburse the Secretary of Defense for
6 services provided under the program at a rate that does
7 not exceed the rate of payment that would otherwise be
8 made under this title for such services if sections 1814(c)
9 and 1835(d), and paragraphs (2) and (3) of section
10 1862(a), did not apply.”.

11 (2) PAYMENTS TO MILITARY TREATMENT FA-
12 CILITIES.—Such section is further amended by add-
13 ing at the end the following new subsection:

14 “(m) PAYMENTS TO MILITARY TREATMENT FACILI-
15 TIES.—The Secretary of Defense shall reimburse military
16 treatment facilities for the provision of health care under
17 this section.”.

18 (3) CONFORMING AMENDMENTS.—Such section
19 is further amended—

20 (A) in subsections (b)(1)(B)(v) and
21 (b)(1)(B)(viii)(I), by inserting “or subsection
22 (l)” after “subsection (i)”;

23 (B) in subsection (b)(2), by adding at the
24 end the following: “If feasible, at least one of
25 the sites shall be conducted using the fee-for-

1 service reimbursement method described in sub-
2 section (l).”;

3 (C) in subsection (d)(1)(A), by inserting
4 “(insofar as it provides for the enrollment of in-
5 dividuals and payment on the basis described in
6 subsection (i))” before “shall meet”;

7 (D) in subsection (d)(1)(A), by inserting
8 “and the program (insofar as it provides for
9 payment for facility services on the basis de-
10 scribed in subsection (l)) shall meet all require-
11 ments for such facilities under this title” after
12 “medicare payments”;

13 (E) in subsection (d)(2), by inserting “, in-
14 sofar as it provides for the enrollment of indi-
15 viduals and payment on the basis described in
16 subsection (i),” before “shall comply”;

17 (F) in subsection (g)(1), by inserting “, in-
18 sofar as it provides for the enrollment of indi-
19 viduals and payment on the basis described in
20 subsection (i),” before “the Secretary of De-
21 fense”;

22 (G) in subsection (i)(1), by inserting “and
23 subsection (l)” after “of this subsection”; and

24 (H) in subsection (j)(2)(B)(ii), by inserting
25 “or subsection (l)” after “subsection (i)(1)”.

1 (3) EFFECTIVE DATE.—The amendments made
2 by this subsection take effect on January 1, 2001,
3 and apply to services furnished on or after such
4 date.

5 (e) ELIMINATION OF RESTRICTION ON ELIGI-
6 BILITY.—Section 1896(b)(1) of such Act is amended by
7 adding at the end the following new subparagraph:

8 “(C) ELIMINATION OF RESTRICTIVE POL-
9 ICY.—If the enrollment capacity in the program
10 has been reached at a particular site designated
11 under paragraph (2) and the Secretary there-
12 fore limits enrollment at the site to Medicare-
13 eligible military retirees and dependents who
14 are enrolled in TRICARE Prime (as defined for
15 purposes of chapter 55 of title 10, United
16 States Code) at the site immediately before at-
17 taining 65 years of age, participation in the
18 program by a retiree or dependent at such site
19 shall not be restricted based on whether the re-
20 tiree or dependent has a civilian primary care
21 manager instead of a military primary care
22 manager.”.

23 (f) MEDIGAP PROTECTION FOR ENROLLEES.—Sec-
24 tion 1896 of such Act is further amended by adding at
25 the end the following new subsection:

1 “(m) MEDIGAP PROTECTION FOR ENROLLEES.—(1)
2 Subject to paragraph (2), effective January 1, 2001, the
3 provisions of section 1882(s)(3) (other than clauses (i)
4 through (iv) of subparagraph (B)) and 1882(s)(4) of the
5 Social Security Act shall apply to any enrollment (and ter-
6 mination of enrollment) in the program (for which pay-
7 ment is made on the basis described in subsection (i)) in
8 the same manner as they apply to enrollment (and termi-
9 nation of enrollment) with a Medicare+Choice organiza-
10 tion in a Medicare+Choice plan.

11 “(2) In applying paragraph (1)—

12 “(A) in the case of enrollments occurring before
13 January 1, 2001, any reference in clause (v)(III) or
14 (vi) of section 1882(s)(3)(B) of such Act to ‘within
15 the first 12 months of such enrollment’ or ‘by not
16 later than 12 months after the effective date of such
17 enrollment’ is deemed a reference to during calendar
18 year 2001; and

19 “(B) the notification required under section
20 1882(s)(3)(D) of such Act shall be provided in a
21 manner specified by the Secretary of Defense in con-
22 sultation with the Secretary of Health and Human
23 Services.”.

1 (g) IMPLEMENTATION OF UTILIZATION REVIEW
2 PROCEDURES.—Subsection (b) of such section is further
3 amended by adding at the end the following:

4 “(6) UTILIZATION REVIEW PROCEDURES.—The
5 Secretary of Defense shall develop and implement
6 procedures to review utilization of health care serv-
7 ices by Medicare-eligible military retirees and de-
8 pendents under this section in order to enable the
9 Secretary of Defense to more effectively manage the
10 use of military medical treatment facilities by such
11 retirees and dependents.”.

12 **Subtitle D—Other Matters**

13 **SEC. 731. TRAINING IN HEALTH CARE MANAGEMENT AND** 14 **ADMINISTRATION.**

15 (a) EXPANSION OF PROGRAM.—Section 715(a) of the
16 National Defense Authorization Act for Fiscal Year 1996
17 (Public Law 104–106; 110 Stat 375; 10 U.S.C. 1073
18 note) is amended—

19 (1) in paragraph (1)—

20 (A) by inserting “, deputy commander, and
21 managed care coordinator” after “commander”;
22 and

23 (B) by inserting “and any other person”
24 after “Defense”;

1 (2) by redesignating subsection (b) as sub-
2 section (c); and

3 (3) by inserting after subsection (a) the fol-
4 lowing new subsection:

5 “(b) LIMITATION ON ASSIGNMENT UNTIL COMPLE-
6 TION OF TRAINING.—No person may be assigned as the
7 commander, deputy commander, or managed care coordi-
8 nator of a military medical treatment facility or as a
9 TRICARE lead agent or senior member of the staff of
10 a TRICARE lead agent office until the Secretary of the
11 military department concerned submits a certification to
12 the Secretary of Defense that such person has completed
13 the training described in subsection (a).”.

14 (b) REPORT REQUIREMENT.—(1) Not later than 6
15 months after the date of the enactment of this Act, the
16 Secretary of Defense shall submit to Congress a report
17 on progress in meeting the requirements in such section
18 regarding implementation of a professional educational
19 program to provide appropriate training in health care
20 management and administration.

21 (2) The report required by paragraph (1) shall in-
22 clude, but shall not be limited to, the following:

23 (A) A survey of professional civilian certifi-
24 cations and credentials which demonstrate achieve-
25 ment of the requirements of such section.

1 (B) A description of the continuing education
2 activities required to obtain initial certification and
3 periodic required recertification.

4 (C) A description of the prominence of such
5 credentials or certifications among senior civilian
6 health care executives.

7 **SEC. 732. STUDY OF ACCRUAL FINANCING FOR HEALTH**
8 **CARE FOR MILITARY RETIREES.**

9 (a) **STUDY REQUIRED.**—The Secretary of Defense
10 shall carry out a study to assess the feasibility and desir-
11 ability of financing the military health care program for
12 retirees of the uniformed services on an accrual basis. The
13 study shall be conducted by one or more Department of
14 Defense organizations designated by the Secretary.

15 (b) **REPORT.**—Not later than February 8, 2001, the
16 Secretary shall submit to Congress a report on the study,
17 including any comments on the matters studied that the
18 Secretary considers appropriate.

19 **SEC. 733. TRACKING PATIENT SAFETY IN MILITARY MED-**
20 **ICAL TREATMENT FACILITIES.**

21 (a) **CENTRALIZED TRACKING PROCESS.**—The Sec-
22 retary of Defense shall implement a centralized process
23 for the reporting, compiling, and analysis of errors in the
24 provision of health care in military medical treatment fa-

1 cilities that endanger patients beyond the normal risks as-
2 sociated with the care and treatment of the patients.

3 (b) SAFETY INDICATORS, STANDARDS, AND PROTO-
4 COLS.—The process shall include such indicators, stand-
5 ards, and protocols as the Secretary of Defense considers
6 necessary for the establishment and administration of an
7 effective process.

8 **SEC. 734. PHARMACEUTICAL IDENTIFICATION TECH-**
9 **NOLOGY.**

10 (a) BAR CODE IDENTIFICATION TECHNOLOGY.—The
11 Secretary of Defense shall develop a system for the use
12 of bar codes for the identification of pharmaceuticals in
13 order to provide for the safest use possible of such phar-
14 maceuticals.

15 (b) USE IN NATIONAL MAIL ORDER PHARMA-
16 CEUTICALS DEMONSTRATION PROJECT.—The Secretary
17 shall implement the use of bar code identification of phar-
18 maceuticals in the administration of the mail order phar-
19 maceutical demonstration project being carried out under
20 section 702 of the National Defense Authorization Act for
21 Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2431;
22 10 U.S.C. 1079 note).

1 **SEC. 735. MANAGEMENT OF VACCINE IMMUNIZATION PRO-**
2 **GRAM.**

3 (a) IN GENERAL.—(1) Chapter 55 of title 10, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 1110. Policies and procedures for immunization**
7 **program**

8 “(a) SYSTEM AND PROCEDURES FOR TRACKING SEP-
9 ARATIONS.—(1) The Secretary of each military depart-
10 ment shall establish a system for tracking, recording, and
11 reporting separations of members of the armed forces that
12 result from procedures initiated as a result of a refusal
13 to participate in the anthrax vaccine immunization pro-
14 gram.

15 “(2) The Secretary of Defense shall consolidate the
16 information recorded under the system described in para-
17 graph (1) and shall submit to the Committees on Armed
18 Services of the House of Representatives and the Senate
19 on an annual basis a report on such information. Such
20 reports shall include a description of—

21 “(A) the number of personnel separated, cat-
22 egorized by military department, rank, and active-
23 duty or reserve status; and

24 “(B) any other information determined appro-
25 priate by the Secretary.

1 “(b) EMERGENCY ESSENTIAL CIVILIAN PER-
2 SONNEL.—The Secretary of Defense shall—

3 “(1) prescribe regulations for the purpose of en-
4 suring that any civilian employee of the Department
5 of Defense who is determined to be an emergency es-
6 sential employee and who is required to participate
7 in the anthrax vaccination program is notified of the
8 requirement to participate in the program and the
9 consequences of a decision not to participate; and

10 “(2) ensure that any individual who is being
11 considered for a position as such an employee is no-
12 tified of the obligation to participate in the program
13 before being offered employment in such position.

14 “(c) PROCEDURES FOR MEDICAL AND ADMINISTRA-
15 TIVE EXEMPTIONS.—(1) The Secretary of Defense shall
16 establish uniform procedures under which members of the
17 armed forces may be exempted from participating in the
18 anthrax vaccination program for either administrative or
19 medical reasons.

20 “(2) The Secretaries of the military departments
21 shall provide for notification of all members of the armed
22 forces of the procedures described in paragraph (1).

23 “(d) SYSTEM FOR MONITORING ADVERSE REAC-
24 TIONS.—(1) The Secretary of Defense shall establish a
25 system for monitoring adverse reactions of members of the

1 armed forces to the anthrax vaccine which shall include
2 the following:

3 “(A) Independent review of Vaccine Adverse
4 Event Reporting System reports.

5 “(B) Periodic surveys of personnel to whom the
6 vaccine is administered.

7 “(C) A continuing longitudinal study of a pre-
8 identified group of members of the armed forces (in-
9 cluding men and women and members from all serv-
10 ices).

11 “(D) Active surveillance of a sample of mem-
12 bers to whom the anthrax vaccine has been adminis-
13 tered that is sufficient to identify, at the earliest op-
14 portunity, any patterns of adverse reactions, the dis-
15 covery of which might be delayed by reliance solely
16 on the Vaccine Adverse Event Reporting System.

17 “(2) The Secretary may extend or expand any ongo-
18 ing or planned study or analysis of trends in adverse reac-
19 tions of members of the armed forces to the anthrax vac-
20 cine in order to meet any of the requirements in paragraph
21 (1).

22 “(3) The Secretary shall establish guidelines under
23 which members of the armed forces who are determined
24 by an independent expert panel to be experiencing unex-
25 plained adverse reactions may obtain access to a Depart-

1 ment of Defense Center of Excellence treatment facility
2 for expedited treatment and follow up.

3 “(e) VACCINE DEVELOPMENT AND PROCURE-
4 MENT.—(1) The Secretary of Defense shall develop a plan,
5 including milestones, for modernizing all vaccines used or
6 anticipated to be used as part of the protection strategy
7 for members of the armed forces.

8 “(2) The Secretary—

9 “(A) shall, to the maximum extent possible, be
10 the sole purchaser of a vaccine to immunize mem-
11 bers of the armed forces and employees of all Fed-
12 eral agencies;

13 “(B) shall, to the maximum extent possible,
14 procure such a vaccine from more than one manu-
15 facturer; and

16 “(C) in any case in which the Secretary deter-
17 mines that sole source procurement of such a vac-
18 cine is necessary, may not enter into a contract to
19 purchase such vaccine until 30 days after providing
20 notification to the Committees on Armed Services of
21 the House of Representatives and the Senate that
22 the Secretary intends to enter into a sole source con-
23 tract for the vaccine.”.

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

“1110. Policies and procedures for immunization program.”.

4 (b) COMPTROLLER GENERAL REPORTS.—(1)(A) Not
5 later than April 1, 2002, the Comptroller General shall
6 submit to the Committees on Armed Service of the House
7 of Representatives and the Senate a report on the impact
8 of the anthrax vaccination program on the recruitment
9 and retention of active duty and reserve military personnel
10 and civilian personnel of the Armed Forces. The study
11 shall cover the period beginning on the date of the enact-
12 ment of this Act and ending on December 31, 2001.

13 (B) The Comptroller General shall include in the re-
14 port required by paragraph (1) a description of any per-
15 sonnel actions (including transfer, termination, or reas-
16 signment of any personnel) taken as a result of the refusal
17 of any civilian employee of the Department of Defense to
18 participate in the anthrax vaccination program.

19 (2) Not later than March 1 of each of years 2001
20 through 2004, the Comptroller General shall review and
21 submit to the Committees on Armed Service of the House
22 of Representatives and the Senate a report on the finan-
23 cial operations of the manufacturer of the anthrax vaccine
24 administered through the anthrax vaccine immunization

1 program of the Department of Defense. Under such re-
2 view, the Comptroller General shall—

3 (A) consider the findings and observations of
4 any other Federal or State reports relating to such
5 financial operations;

6 (B) examine the compliance of the Department
7 of Defense and its contractors with the Federal Ac-
8 quisition Regulation; and

9 (C) make recommendations for improving the
10 financial stability of the manufacturer.

11 (c) DOD REPORTS ON MANAGEMENT OF ANTHRAX
12 VACCINE IMMUNIZATION PROGRAM.—(1) Not later than
13 April 1 of each of years 2001 through 2004, the Secretary
14 of Defense shall submit to the Committees on Armed Serv-
15 ice of the House of Representatives and the Senate a re-
16 port describing, with respect to each contract relating to
17 the anthrax vaccination program, the costs incurred by,
18 and payments made to, each contractor or other entity en-
19 gaged in the production, storage, distribution, or mar-
20 keting of the anthrax vaccine administered by the Depart-
21 ment of Defense.

22 (B) The first report submitted under subparagraph
23 (A) shall include the following:

24 (i) An estimate of the life-cycle cost for the an-
25 thrax vaccination program.

1 (ii) A description of the acquisition strategy for
2 the program, including the applicable acquisition
3 category.

4 (iii) An assessment of the Governmentwide re-
5 quirements with respect to the anthrax vaccine and
6 the financial and manufacturing ability of the manu-
7 facturer of the anthrax vaccine to meet such require-
8 ments.

9 (iv) A description of the status of supplements
10 to the anthrax vaccine licenses of the contractors
11 and whether the Food and Drug Administration has
12 approved or is anticipated to approve all anthrax
13 vaccine doses manufactured.

14 (v) A summary of all audits by the Defense
15 Contract Audit Agency or the Inspector General of
16 the Department of Defense of anthrax vaccine con-
17 tracts of the Department of Defense and a descrip-
18 tion of any actions taken or planned to be taken in
19 response to recommendations regarding such audits.

20 (vi) A review of all actions taken by the Depart-
21 ment of Defense to coordinate with other Federal
22 agencies to ensure the facility of a manufacturer of
23 the anthrax vaccine is compliant with all Federal re-
24 quirements.

1 **SEC. 736. STUDY ON FEASIBILITY OF SHARING BIOMEDICAL**
2 **RESEARCH FACILITY.**

3 (a) STUDY REQUIRED.—The Secretary of the Army
4 shall conduct a study on the feasibility of the Tripler Army
5 Medical Center, Hawaii, sharing a biomedical research fa-
6 cility with the Department of Veterans Affairs and the
7 School of Medicine at the University of Hawaii for the
8 purpose of making more efficient use of funding for bio-
9 medical research. Such facility would include a clinical re-
10 search center and facilities for educational, academic, and
11 laboratory research.

12 (b) REPORT.—Not later than March 1, 2001, the
13 Secretary of the Army shall submit to the Committees on
14 Armed Services of the House of Representatives and the
15 Senate a report on the study conducted under this section.

16 **SEC. 737. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON**
17 **ACTIVE DUTY.**

18 (a) PLAN REQUIRED.—(1) Not later than March 31,
19 2001, the Secretary of Defense shall complete develop-
20 ment of a plan to provide chiropractic health care services
21 and benefits, as a permanent part of the Defense Health
22 Program (including the TRICARE program), for all mem-
23 bers of the uniformed services who are entitled to care
24 under section 1074(a) of title 10, United States Code.

25 (2) The plan shall provide for the following:

1 (A) Direct access, at designated military med-
2 ical treatment facilities, to the scope of chiropractic
3 services as determined by the Secretary, which in-
4 cludes, at a minimum, care for neuro-musculo-
5 skeletal conditions typical among military personnel
6 on active duty.

7 (B) A detailed analysis of the projected costs of
8 fully integrating chiropractic health care services
9 into the military health care system.

10 (C) An examination of the proposed military
11 medical treatment facilities at which such services
12 would be provided.

13 (D) An examination of the military readiness
14 requirements for chiropractors who would provide
15 such services.

16 (E) An examination of any other relevant fac-
17 tors that the Secretary considers appropriate.

18 (F) Phased-in implementation of the plan over
19 a 5-year period, beginning on October 1, 2001.

20 (b) CONSULTATION REQUIREMENTS.—The Secretary
21 of Defense shall consult with the other administering Sec-
22 retaries described in section 1073 of title 10, United
23 States Code, and the oversight advisory committee estab-
24 lished under section 731 of the National Defense Author-

1 ization Act for Fiscal Year 1995 (Public Law 103–337;
2 10 U.S.C. 1092 note) regarding the following:

3 (1) The development and implementation of the
4 plan required under subsection (a).

5 (2) Each report that the Secretary is required
6 to submit to Congress regarding the plan.

7 (3) The selection of the military medical treat-
8 ment facilities at which the chiropractic services de-
9 scribed in subsection (a)(2)(A) are to be provided.

10 (c) CONTINUATION OF CURRENT SERVICES.—Until
11 the plan required under subsection (a) is implemented, the
12 Secretary shall continue to furnish the same level of chiro-
13 practic health care services and benefits under the Defense
14 Health Program that is provided during fiscal year 2000
15 at military medical treatment facilities that provide such
16 services and benefits.

17 (d) REPORT REQUIRED.—Not later than January 31,
18 2001, the Secretary of Defense shall submit a report on
19 the plan required under subsection (a), together with ap-
20 propriate appendices and attachments, to the Committees
21 on Armed Services of the Senate and the House of Rep-
22 resentatives.

23 (e) GAO REPORTS.—The Comptroller General shall
24 monitor the development and implementation of the plan
25 required under subsection (a), including the administra-

1 tion of services and benefits under the plan, and periodi-
2 cally submit to the committees referred to in subsection
3 (d) written reports on such development and implementa-
4 tion.

5 (f) FUNDING.—The Secretary of Defense shall trans-
6 fer \$3,000,000 from the Foreign Currency Fluctuations,
7 Defense account to the Defense Health Program account,
8 which amount shall only be available for purposes of car-
9 rying out this section.

10 **SEC. 738. VA-DOD SHARING AGREEMENTS FOR HEALTH**
11 **SERVICES.**

12 (a) PRIMACY OF SHARING AGREEMENTS.—The Sec-
13 retary of Defense shall—

14 (1) give full force and effect to any agreement
15 into which the Secretary or the Secretary of a mili-
16 tary department entered under section 8111 of title
17 38, United States Code, or under section 1535 of
18 title 31, United States Code, which was in effect on
19 September 30, 1999; and

20 (2) ensure that the Secretary of the military de-
21 partment concerned directly reimburses the Sec-
22 retary of Veterans Affairs for any services or re-
23 sources provided under such agreement in accord-
24 ance with the terms of such an agreement, including

1 terms providing for reimbursement from funds avail-
2 able for that military department.

3 (b) **MODIFICATION OR TERMINATION.**—Any agree-
4 ment described in subsection (a) shall remain in effect in
5 accordance with such subsection unless, during the 12-
6 month period following the date of the enactment of this
7 Act, such agreement is modified or terminated in accord-
8 ance with the terms of such agreement.

9 **SEC. 739. IMPROVEMENT OF ACCESS TO HEALTH CARE**
10 **UNDER THE TRICARE PROGRAM.**

11 (a) **WAIVER OF NONAVAILABILITY STATEMENT OR**
12 **PREAUTHORIZATION.**—In the case of a covered beneficiary
13 under chapter 55 of title 10, United States Code, who is
14 enrolled in TRICARE Standard, the Secretary of Defense
15 may not require with regard to authorized health care
16 services (other than mental health services) under any new
17 contract for the provision of health care services under
18 such chapter that the beneficiary—

19 (1) obtain a nonavailability statement or
20 preauthorization from a military medical treatment
21 facility in order to receive the services from a civilian
22 provider; or

23 (2) obtain a nonavailability statement for care
24 in specialized treatment facilities outside the 200-
25 mile radius of a military medical treatment facility.

1 (b) NOTICE.—The Secretary may require that the
2 covered beneficiary inform the primary care manager of
3 the beneficiary of any health care received from a civilian
4 provider or in a specialized treatment facility.

5 (c) EXCEPTIONS.—Subsection (a) shall not apply if—

6 (1) the Secretary demonstrates significant cost
7 avoidance for specific procedures at the affected
8 military medical treatment facilities;

9 (2) the Secretary determines that a specific
10 procedure must be maintained at the affected mili-
11 tary medical treatment facility to ensure the pro-
12 ficiency levels of the practitioners at the facility; or

13 (3) the lack of nonavailability statement data
14 would significantly interfere with TRICARE con-
15 tract administration.

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

18 **SEC. 740. STUDY ON COMPARABILITY OF COVERAGE FOR**
19 **PHYSICAL, SPEECH, AND OCCUPATIONAL**
20 **THERAPIES.**

21 (a) STUDY REQUIRED.—The Secretary of Defense
22 shall conduct a study comparing coverage and reimburse-
23 ment for covered beneficiaries under chapter 55 of title
24 10, United States Code, for physical, speech, and occupa-
25 tional therapies under the TRICARE program and the Ci-

1 vilian Health and Medical Program of the Uniformed
2 Services to coverage and reimbursement for such therapies
3 by insurers under Medicare and the Federal Employees
4 Health Benefits Program. The study shall examine the fol-
5 lowing:

6 (1) Types of services covered.

7 (2) Whether prior authorization is required to
8 receive such services.

9 (3) Reimbursement limits for services covered.

10 (4) Whether services are covered on both an in-
11 patient and outpatient basis.

12 (b) REPORT.—Not later than March 31, 2001, the
13 Secretary shall submit a report on the findings of the
14 study conducted under this section to the Committees on
15 Armed Services of the Senate and the House of Represent-
16 atives.

17 **TITLE VIII—ACQUISITION POL-**
18 **ICY, ACQUISITION MANAGE-**
19 **MENT, AND RELATED MAT-**
20 **TERS**

21 **SEC. 801. EXTENSION OF AUTHORITY FOR DEPARTMENT OF**
22 **DEFENSE ACQUISITION PILOT PROGRAMS;**
23 **REPORTS REQUIRED.**

24 (a) IN GENERAL.—Notwithstanding section 5064(d)
25 of the Federal Acquisition Streamlining Act of 1994 (Pub-

1 lie Law 103–355; 10 U.S.C. 2430 note), the special au-
2 thorities provided under section 5064(c) of such Act shall
3 continue to apply with respect to programs designated
4 under section 5064(a) of such Act through September 30,
5 2005.

6 (b) JDAM PILOT PROGRAM.—The Secretary of De-
7 fense may award Joint Direct Attack Munition contracts
8 and modifications on the same terms and conditions as
9 contained in the Joint Direct Attack Munition contract
10 F08626–94–C–0003.

11 (c) REPORTS REQUIRED.—(1) Not later than Janu-
12 ary 1, 2001, the Secretary of Defense shall submit to the
13 Committees on Armed Services of the House of Represent-
14 atives and the Senate a report on the acquisition pilot pro-
15 grams of the Department of Defense. Such report shall
16 include a description of the following with respect to each
17 acquisition program participating in the pilot program:

18 (A) Each quantitative measure and goal estab-
19 lished for each item described in paragraph (2),
20 which of such goals have been achieved, and the ex-
21 tent to which the use of the authorities in section
22 809 of the National Defense Authorization Act for
23 Fiscal Year 1991 (Public Law 101–510; 10 U.S.C.
24 2430 note) and section 5064 of the Federal Acquisi-
25 tion Streamlining Act of 1994 (Public Law 103–

1 355; 10 U.S.C. 2430 note) were a factor in achiev-
2 ing each of such goals.

3 (B) Each of the regulations and statutes
4 waived, as authorized under such sections, in order
5 to achieve such goals.

6 (C) Recommended revisions to statutes or the
7 Federal Acquisition Regulation as a result of partici-
8 pation in the pilot program.

9 (D) Any other acquisition programs which could
10 benefit from participation in the pilot program, and
11 the reasons why such programs could benefit from
12 such participation.

13 (E) Any innovative business practices developed
14 as a result of participation in the pilot program,
15 whether such business practices could be applied to
16 other acquisition programs, and any impediments to
17 application of such practices to other programs.

18 (F) Technological changes to the program, and
19 to what extent those changes affected the items in
20 paragraph (2).

21 (G) Any other information determined appro-
22 priate by the Secretary.

23 (2) The items under this paragraph are, with respect
24 to defense acquisition programs, the following:

25 (A) The acquisition management costs.

- 1 (B) The unit cost of the items procured.
2 (C) The acquisition cycle.
3 (D) The total cost of carrying out the contract.
4 (E) Staffing necessary to carry out the pro-
5 gram.

6 **SEC. 802. TECHNICAL DATA RIGHTS FOR ITEMS DEVEL-**
7 **OPED EXCLUSIVELY AT PRIVATE EXPENSE.**

8 (a) AMENDMENTS TO TITLE 10.—Section 2320(a)(2)
9 of title 10, United States Code, is amended—

10 (1) in subparagraph (C)—

11 (A) by amending clause (iii) to read as fol-
12 lows:

13 “(iii) is necessary for normal operation
14 (other than detailed manufacturing or proc-
15 essing data), maintenance, installation, or train-
16 ing when such services are to be provided by an
17 entity other than the contractor or its subcon-
18 tractor;”;

19 (B) by redesignating clause (iv) as (v); and

20 (C) by inserting after clause (iii) the fol-
21 lowing new clause (iv):

22 “(iv) is necessary for critical operation,
23 maintenance, installation of deployed equip-
24 ment, or training, when such services are to be

1 provided by an entity other than the contractor
2 or its subcontractor; or”;

3 (2) in subparagraph (F)(i)—

4 (A) in subclause (I)—

5 (i) by inserting “clause (i), (ii), (iv),
6 or (v) of” before “subparagraph (C)”;

7 (ii) by striking “or” at the end; and

8 (B) by adding at the end the following new
9 subclause:

10 “(III) under the conditions described
11 in subsection (a)(2)(C)(iii), reaching agree-
12 ment in negotiations concerning provision
13 of the rights involved may not be required
14 as a condition of being responsive to a so-
15 licitation, but may be a condition for the
16 award of a contract; or”;

17 (3) by adding at the end the following new sub-
18 paragraphs:

19 “(H) In a case described in subparagraph
20 (C)(iii), the provision of the rights involved shall be
21 subject to negotiations between the Government and
22 the contractor or contractors involved.

23 “(I) A description of the difference between
24 ‘normal operation’ and ‘critical operation’, as such
25 terms are used in subparagraph (C).”.

1 (b) DEADLINE FOR PROPOSAL OF CERTAIN REGULA-
2 TIONS.—The Secretary of Defense shall propose, before
3 initiating notice and opportunity for public comment, ini-
4 tial regulations regarding section 2320(a)(2)(I) of title 10,
5 United States Code (as added by subsection (a)(3)), not
6 later than 60 days after the date of the enactment of this
7 Act.

8 **SEC. 803. MANAGEMENT OF ACQUISITION OF MISSION-ES-**
9 **SENTIAL SOFTWARE FOR MAJOR DEFENSE**
10 **ACQUISITION PROGRAMS.**

11 (a) DESIGNATION OF DIRECTOR OF MISSION-ESSEN-
12 TIAL SOFTWARE MANAGEMENT.—Chapter 4 of title 10,
13 United States Code, is amended by adding at the end the
14 following new section:

15 **“§ 144. Director of Mission-Essential Software Man-**
16 **agement**

17 “(a) The Under Secretary of Defense for Acquisition,
18 Technology, and Logistics shall designate within the Of-
19 fice of the Under Secretary of Defense for Acquisition,
20 Technology, and Logistics a Director of Mission-Essential
21 Software Management.

22 “(b) The Director of Mission-Essential Software
23 Management shall provide effective oversight of, and shall
24 seek to improve mechanisms for, the management, devel-
25 opment, and maintenance of mission-essential software for

1 major defense acquisition programs described in sub-
2 section (c).

3 “(c) For purposes of this section, mission-essential
4 software for major defense acquisition programs is
5 software—

6 “(1) that is an integral part of software-inten-
7 sive major defense acquisition programs; and

8 “(2) that is physically part of, dedicated to, or
9 essential to the mission performance of a weapons
10 system.

11 “(d) The Director of Mission-Essential Software
12 Management shall be responsible for—

13 “(1) reviewing the policies and practices of the
14 military departments and Defense Agencies for de-
15 veloping software described in subsection (c);

16 “(2) reviewing planning and progress in the
17 management of such software; and

18 “(3) recommending goals and plans to improve
19 management with respect to such software.”.

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

“144. Director of Mission-Essential Software Management.”.

1 **SEC. 804. EXTENSION OF WAIVER PERIOD FOR LIVE-FIRE**
2 **SURVIVABILITY TESTING FOR MH-47E AND**
3 **MH-60K HELICOPTER MODIFICATION PRO-**
4 **GRAMS.**

5 (a) EXISTING WAIVER PERIOD NOT APPLICABLE.—
6 Section 2366(c)(1) of title 10, United States Code, shall
7 not apply with respect to survivability and lethality tests
8 for the MH-47E and MH-60K helicopter modification
9 programs. Except as provided in the previous sentence, the
10 provisions and requirements in section 2366(c) of such
11 title shall apply with respect to such programs, and the
12 certification required by subsection (b) shall comply with
13 the requirements in paragraph (3) of such section.

14 (b) EXTENDED PERIOD FOR WAIVER.—With respect
15 to the MH-47E and MH-60K helicopter modification pro-
16 grams, the Secretary of Defense may waive the application
17 of the survivability and lethality tests described in section
18 2366(a) of title 10, United States Code, if the Secretary,
19 before full materiel release of the MH-47E and MH-60K
20 helicopters for operational use, certifies to Congress that
21 live-fire testing of the programs would be unreasonably ex-
22 pensive and impracticable.

23 (c) CONFORMING AMENDMENT.—Section 142(a) of
24 the National Defense Authorization Act for Fiscal Year
25 1993 (Public Law 102-484; 106 Stat. 2338) is amended

1 by striking “and survivability testing” in paragraphs (1)
2 and (2).

3 **SEC. 805. THREE-YEAR EXTENSION OF AUTHORITY OF DE-**
4 **FENSE ADVANCED RESEARCH PROJECTS**
5 **AGENCY TO CARRY OUT CERTAIN PROTO-**
6 **TYPE PROJECTS.**

7 Section 845(c) of the National Defense Authorization
8 Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amend-
9 ed by striking “September 30, 2001” and inserting “Sep-
10 tember 30, 2004”.

11 **SEC. 806. CERTIFICATION OF MAJOR AUTOMATED INFOR-**
12 **MATION SYSTEMS AS TO COMPLIANCE WITH**
13 **CLINGER-COHEN ACT.**

14 (a) MILESTONE APPROVAL.—(1) During fiscal years
15 2001, 2002, and 2003, a major automated information
16 system may not receive Milestone I approval, Milestone
17 II approval, or Milestone III approval within the Depart-
18 ment of Defense until the Chief Information Officer cer-
19 tifies, with respect to that milestone, that the system is
20 being developed in accordance with the Clinger-Cohen Act
21 of 1996 (40 U.S.C. 1401 et seq.). The Chief Information
22 Officer may require additional certifications, as appro-
23 priate, with respect to any such system.

24 (2) The Chief Information Officer shall provide the
25 congressional defense committees notification of each cer-

1 tification under paragraph (1). Each such notification
2 shall be submitted not later than 10 days after the date
3 of the Milestone approval to which the certification relates
4 and shall include, at a minimum, the funding baseline and
5 milestone schedule for the system covered by the certifi-
6 cation and confirmation that the following steps have been
7 taken with respect to the system:

8 (A) Business process reengineering.

9 (B) An analysis of alternatives.

10 (C) An economic analysis that includes a cal-
11 culation of the return on investment.

12 (D) Performance measures.

13 (E) An information assurance strategy con-
14 sistent with the Department's Command, Control,
15 Communications, Computers, Intelligence, Surveil-
16 lance, and Reconnaissance (C⁴ISR) Architecture
17 Framework.

18 (b) NOTICE OF DESIGNATION OF SYSTEMS AS SPE-
19 CIAL INTEREST MAJOR TECHNOLOGY INITIATIVES.—(1)
20 Whenever during fiscal year 2001, 2002, or 2003 the
21 Chief Information Officer designates a major automated
22 information system of the Department of Defense as a
23 “special interest major technology initiative”, the Chief
24 Information Officer shall notify the congressional defense
25 committees of such designation. Such notice shall be pro-

1 vided not later than 30 days after the date of the designa-
2 tion. Any such notice shall include the rationale for the
3 decision to make the designation and a description of the
4 program management oversight that will be implemented
5 for the system so designated.

6 (2) Not later than 60 days after the date of the enact-
7 ment of this Act, the Chief Information Officer shall sub-
8 mit to the congressional defense committees a report
9 specifying each information system of the Department of
10 Defense currently designated as a “special interest major
11 technology initiative”. The report shall include for each
12 such system the information specified in the third sentence
13 of paragraph (1).

14 (c) DEFINITIONS.—For purposes of this section:

15 (1) The term “Chief Information Officer”
16 means the senior official of the Department of De-
17 fense designated by the Secretary of Defense pursu-
18 ant to section 3506 of title 44, United States Code.

19 (2) The term “major automated information
20 system” has the meaning given that term in Depart-
21 ment of Defense Directive 5000.1.

22 **SEC. 807. LIMITATIONS ON PROCUREMENT OF CERTAIN**
23 **ITEMS.**

24 Section 2534 of title 10, United States Code, is
25 amended—

1 (1) in subsection (a), by adding at the end the
2 following new paragraph:

3 “(6) POLYACRYLONITRILE CARBON FIBER.—
4 Polyacrylonitrile carbon fiber in accordance with
5 subpart 225.71 of part 225 of the Defense Federal
6 Acquisition Regulation Supplement, as in effect on
7 April 1, 2000.”; and

8 (2) in subsection (c)—

9 (A) by striking paragraph (2)(C) and in-
10 sserting the following:

11 “(C)(i) Subsection (a)(4)(B), subparagraph
12 (B), and this clause shall cease to be effective on Oc-
13 tober 1, 1996.

14 “(ii) Subsection (a)(4)(A), subparagraph (A),
15 and this clause shall cease to be effective on October
16 1, 2003.”;

17 (B) by striking paragraph (3);

18 (C) by redesignating paragraph (4) as
19 paragraph (3); and

20 (D) by adding at the end the following new
21 paragraph (4):

22 “(4) POLYACRYLONITRILE CARBON FIBER.—
23 Subsection (a)(6) and this paragraph shall cease to
24 be effective on October 1, 2003.”.

1 **SEC. 808. MULTIYEAR SERVICES CONTRACTS.**

2 (a) IN GENERAL.—Chapter 137 of title 10, United
3 States Code, is amended—

4 (1) in section 2306(g), by striking paragraph
5 (3) and inserting the following:

6 “(3) Additional provisions regarding mulityear con-
7 tracts for the purchase of services are provided in section
8 2306b of this title.”;

9 (2) in section 2306b—

10 (A) in the heading, by inserting “**or serv-**
11 **ices**” after “**property**”;

12 (B) in subsection (a)—

13 (i) in the matter following the sub-
14 section heading, by striking “for the pur-
15 chase of property”;

16 (ii) in paragraph (2), by inserting “or
17 services” after “property”; and

18 (iii) in paragraph (4)—

19 (I) by striking “That” and in-
20 serting “In the case of a contract for
21 the purchase of property, that”; and

22 (II) by inserting “or services”
23 after “property” the last place such
24 term appears; and

25 (C) in subsection (f)(2), by inserting “or
26 services” after “property”; and

1 (3) by amending the item relating to section
2 2306b in the table of sections at the beginning of
3 such chapter to read as follows:

“2306b. Multiyear contracts: acquisition of property or services.”.

4 (b) **APPLICABILITY.**—The amendments made by this
5 section shall apply with respect to a contract entered into
6 after the date the enactment of this Act.

7 **SEC. 809. STUDY ON IMPACT OF FOREIGN SOURCING OF**
8 **SYSTEMS ON LONG-TERM MILITARY READI-**
9 **NESS AND RELATED INDUSTRIAL INFRA-**
10 **STRUCTURE.**

11 (a) **STUDY REQUIRED.**—The Secretary of Defense
12 shall conduct a study analyzing in detail—

13 (1) the amount and source of parts, compo-
14 nents, and materials of the systems described in sub-
15 section (b) that are obtained—

16 (A) from domestic sources; and

17 (B) from foreign sources;

18 (2) the impact of obtaining such parts, compo-
19 nents, and materials from foreign sources on the
20 long-term readiness of the Armed Forces and on the
21 economic viability of the industrial infrastructure of
22 the United States that supports defense needs;

23 (3) the impact on military readiness that would
24 result from the loss of the ability to obtain parts,

1 components, and materials identified pursuant to
2 paragraph (1) from foreign sources; and

3 (4) the availability of domestic sources for
4 parts, components, and materials identified as being
5 obtained from foreign sources pursuant to paragraph
6 (1).

7 (b) SYSTEMS.—The systems referred to in subsection
8 (a) are the following:

9 (1) AH–64D Apache helicopter.

10 (2) F/A–18 E/F aircraft.

11 (3) M1A2 Abrams tank.

12 (4) AIM–120 AMRAAM missile.

13 (5) Patriot missile ground station.

14 (6) Hellfire missile.

15 (7) M–16 A3 rifle.

16 (8) AN/VPS–2 radar.

17 (c) SOURCE OF INFORMATION.—The Secretary shall
18 collect information to be analyzed under the study from
19 prime contractors and first and second tier subcontractors.
20

21 (d) REQUIREMENT TO CREATE DATABASE.—The
22 Secretary shall create an interactive database for the purpose of compiling, analyzing, and updating data gathered
23 for the study required by this section.
24

1 (e) REPORT REQUIRED.—Not later than 9 months
2 after the date of the enactment of this Act, the Secretary
3 shall submit to Congress a report describing the results
4 of the study required by this section.

5 (f) FOREIGN SOURCE DEFINED.—In this section, the
6 term “foreign source” means a country other than the
7 United States.

8 **SEC. 810. PROHIBITION AGAINST USE OF DEPARTMENT OF**
9 **DEFENSE FUNDS TO GIVE OR WITHHOLD A**
10 **PREFERENCE TO A MARKETER OR VENDOR**
11 **OF FIREARMS OR AMMUNITION.**

12 (a) IN GENERAL.—No funds authorized to be appro-
13 priated for the Department of Defense may be used to
14 give or withhold a preference to a marketer or vendor of
15 firearms or ammunition based on whether the manufac-
16 turer or vendor is a party to a covered agreement.

17 (b) COVERED AGREEMENT DEFINED.—For purposes
18 of this section, the term “covered agreement” means any
19 agreement requiring a person engaged in a business li-
20 censed under chapter 44 of title 18, United States Code,
21 to abide by a designated code of conduct, operating prac-
22 tice, or product design respecting importing, manufac-
23 turing, or dealing in firearms or ammunition.

1 **SEC. 811. STUDY AND REPORT ON PRACTICE OF CONTRACT**
2 **BUNDLING IN MILITARY CONSTRUCTION**
3 **CONTRACTS.**

4 (a) **STUDY REQUIRED.**—The Comptroller General of
5 the United States shall conduct a study regarding the use
6 of the practice known as “contract bundling” with respect
7 to military construction contracts.

8 (b) **REPORT.**—Not later than February 1, 2001, the
9 Comptroller General shall submit to the congressional de-
10 fense committees a report on the results of the study con-
11 ducted under subsection (a).

12 **SEC. 812. REQUIREMENT TO CONDUCT STUDY ON CON-**
13 **TRACT BUNDLING.**

14 (a) **IN GENERAL.**—The Secretary of Defense shall
15 conduct a comprehensive study on the practice known as
16 “contract bundling” by the Department of Defense, and
17 the effects of such practice on small business concerns,
18 economically and socially disadvantaged small business
19 concerns, and small business concerns owned and con-
20 trolled by women (as such terms are used in the Small
21 Business Act (15 U.S.C. 632 et seq.)).

22 (b) **DEADLINE.**—The Secretary shall submit the re-
23 sults of the study to the Committees on Armed Services
24 and Small Business of the Senate and the House of Rep-
25 resentatives before submission of the budget request of the
26 Department of Defense for fiscal year 2002.

1 (c) DATABASE.—For purposes of conducting the
2 study required by this section, the Secretary shall develop,
3 in consultation with the General Accounting Office, and
4 maintain a database on all contracts of the Department
5 of Defense (excluding contracts for the procurement of
6 weapons systems) for which requirements have been bun-
7 dled.

8 **SEC. 813. COMPLIANCE WITH BUY AMERICAN ACT.**

9 (a) COMPLIANCE WITH BUY AMERICAN ACT.—No
10 funds authorized by this Act may be expended by an entity
11 of the Department of Defense unless the entity agrees that
12 in expending the funds the entity will comply with the Buy
13 American Act (41 U.S.C. 10a et seq.).

14 (b) SENSE OF THE CONGRESS REGARDING PUR-
15 CHASE OF AMERICAN-MADE EQUIPMENT AND PROD-
16 UCTS.—It is the sense of the Congress that any entity of
17 the Department of Defense, in expending funds authorized
18 by this Act for the purchase of equipment or products,
19 should purchase only American-made equipment and prod-
20 ucts.

21 (c) DEPARTMENT OF PERSONS CONVICTED OF
22 FRAUDULENT USE OF “MADE IN AMERICA” LABELS.—
23 If the Secretary of Defense determines that a person has
24 been convicted of intentionally affixing a label bearing a
25 “Made in America” inscription, or another inscription

1 with the same meaning, to any product sold in or shipped
2 to the United States that is not made in the United
3 States, the Secretary shall determine, in accordance with
4 section 2410f of title 10, United States Code, whether the
5 person should be debarred from contracting with the De-
6 partment of Defense.

7 **TITLE IX—DEPARTMENT OF DE-**
8 **FENSE ORGANIZATION AND**
9 **MANAGEMENT**

10 **SEC. 901. CHANGE OF TITLE OF CERTAIN POSITIONS IN**
11 **THE HEADQUARTERS, MARINE CORPS.**

12 (a) INSTITUTION OF POSITIONS AS DEPUTY COM-
13 MANDANTS.—Section 5041(b) of title 10, United States
14 Code, is amended—

15 (1) by striking paragraphs (3) through (5) and
16 inserting the following:

17 “(3) The Deputy Commandants.”; and

18 (2) by redesignating paragraphs (6) and (7) as
19 paragraphs (4) and (5), respectively.

20 (b) DESIGNATION OF DEPUTY COMMANDANTS.—(1)
21 Section 5045 of such title is amended to read as follows:

22 **“§ 5045. Deputy Commandants**

23 “There are in the Headquarters Marine Corps, not
24 more than five Deputy Commandants, detailed by the Sec-

1 retary of the Navy from officers on the active-duty list
2 of the Marine Corps.”.

3 (2) The item relating to section 5045 in the table of
4 sections at the beginning of chapter 506 of such title is
5 amended to read as follows:

“5045. Deputy Commandants.”.

6 (c) CONFORMING AMENDMENT.—Section 1502(7)(D)
7 of the Armed Forces Retirement Home Act of 1991 (24
8 U.S.C. 401) is amended to read as follows:

9 “(D) the Deputy Commandant of the Ma-
10 rine Corps with responsibility for personnel
11 matters.”.

12 **SEC. 902. FURTHER REDUCTIONS IN DEFENSE ACQUISI-**
13 **TION AND SUPPORT WORKFORCE.**

14 (a) REDUCTION OF DEFENSE ACQUISITION AND
15 SUPPORT WORKFORCE.—The Secretary of Defense shall
16 accomplish reductions in defense acquisition and support
17 personnel positions during fiscal year 2001 so that the
18 total number of such personnel as of October 1, 2001, is
19 less than the total number of such personnel as of October
20 1, 2000, by at least 13,000.

21 (b) IMPLEMENTATION PLAN.—(1) The Secretary of
22 Defense shall develop an implementation plan for reshap-
23 ing, recruiting, and sustaining the defense acquisition and
24 support workforce in the future.

1 (2) Not later than May 1, 2001, the Secretary shall
2 submit to the Committee on Armed Services of the Senate
3 and the Committee on Armed Services of the House of
4 Representatives a report setting forth the plan developed
5 under paragraph (1). The Secretary shall include in the
6 report a proposal for any recommended changes in law
7 that are necessary to implement the plan.

8 (c) DEFENSE ACQUISITION WORKFORCE DE-
9 FINED.—For purposes of this section, the term “defense
10 acquisition and support workforce” has the meaning given
11 that term in section 931(d) of the Strom Thurmond Na-
12 tional Defense Authorization Act for Fiscal Year 1999
13 (Public Law 105–261; 112 Stat. 2106).

14 **SEC. 903. CLARIFICATION OF SCOPE OF INSPECTOR GEN-**
15 **ERAL AUTHORITIES UNDER MILITARY WHIS-**
16 **TLEBLOWER LAW.**

17 (a) CLARIFICATION OF RESPONSIBILITIES.—Sub-
18 section (c)(3)(A) of section 1034 of title 10, United States
19 Code, is amended by inserting “, in accordance with regu-
20 lations prescribed under subsection (h),” after “shall expe-
21 ditiously determine”.

22 (b) REDEFINITION OF INSPECTOR GENERAL.—Sub-
23 section (i)(2) of such section is amended—

24 (1) by inserting “any of” in the matter pre-
25 ceding subparagraph (A) after “means”;

1 (2) by striking subparagraphs (C), (D), (E),
2 (F) and (G); and

3 (3) by inserting after subparagraph (B) the fol-
4 lowing new subparagraph (C):

5 “(C) Any officer of the armed forces or em-
6 ployee of the Department of Defense who is assigned
7 or detailed to serve as an Inspector General at any
8 level in the Department of Defense.”.

9 **SEC. 904. REPORT ON NUMBER OF PERSONNEL ASSIGNED**
10 **TO LEGISLATIVE LIAISON FUNCTIONS.**

11 (a) REPORT.—Not later than December 1, 2000, the
12 Secretary of Defense shall submit to the Committee on
13 Armed Services of the Senate and the Committee on
14 Armed Services of the House of Representatives a report
15 setting forth the number of personnel of the Department
16 of Defense performing legislative liaison functions as of
17 April 1, 2000.

18 (b) MATTERS TO BE INCLUDED.—The report shall
19 include the following:

20 (1) The number of military and civilian per-
21 sonnel of the Department of Defense assigned to
22 full-time legislative liaison functions, shown by orga-
23 nizational entity and by pay grade.

24 (2) The number of military and civilian per-
25 sonnel of the Department not covered by paragraph

1 (1) (other than personnel described in subsection
2 (d)) who perform legislative liaison functions as part
3 of their assigned duties, shown by organizational en-
4 tity and by pay grade.

5 (c) LEGISLATIVE LIAISON FUNCTIONS.—For pur-
6 poses of this section, a legislative liaison function is a
7 function (regardless of how characterized within the De-
8 partment of Defense) that has been established or des-
9 ignated to principally provide advice, information, and as-
10 sistance to the legislative branch on Department of De-
11 fense policies, plans, and programs.

12 (d) ORGANIZATIONAL ENTITIES.—The display of in-
13 formation under subsection (b) by organizational entity
14 shall be for the Department of Defense and for each mili-
15 tary department as a whole and separately for each orga-
16 nization at the level of major command or Defense Agency
17 or higher.

18 (e) PERSONNEL NOT COVERED.—Subsection (b)(2)
19 does not apply to civilian officers appointed by the Presi-
20 dent, by and with the advice and consent of the Senate,
21 or to general or flag officers.

1 **SEC. 905. JOINT REPORT ON ESTABLISHMENT OF NA-**
2 **TIONAL COLLABORATIVE INFORMATION**
3 **ANALYSIS CAPABILITY.**

4 (a) REPORT.—The Secretary of Defense and the Di-
5 rector of Central Intelligence shall submit to the congres-
6 sional defense committees and the congressional intel-
7 ligence committees a joint report assessing alternatives for
8 the establishment of a national collaborative information
9 analysis capability. The report shall include the following:

10 (1) An assessment of alternative architectures
11 to establish a national collaborative information
12 analysis capability to conduct data mining and
13 profiling of information from a wide array of elec-
14 tronic data sources.

15 (2) Identification, from among the various ar-
16 chitectures assessed under paragraph (1), of the pre-
17 ferred architecture and a detailed description of that
18 architecture and of a program to acquire and imple-
19 ment the capability that would be provided through
20 that architecture.

21 (b) COMPLETION AND USE OF ARMY LAND INFOR-
22 MATION WARFARE ACTIVITY.—The Secretary of
23 Defense—

24 (1) shall ensure that the data mining, profiling,
25 and analysis capability of the Army's Land Informa-

1 **“§ 9441. Status as federally chartered corporation;**
2 **purposes**

3 “(a) STATUS.—(1) The Civil Air Patrol is a nonprofit
4 corporation that is federally chartered under section
5 40301 of title 36.

6 “(2) Except as provided in section 9442(b)(2) of this
7 title, the Civil Air Patrol is not an instrumentality of the
8 Federal Government for any purpose.

9 “(b) PURPOSES.—The purposes of the Civil Air Pa-
10 trol are set forth in section 40302 of title 36.

11 **“§ 9442. Status as volunteer civilian auxiliary of the**
12 **Air Force**

13 “(a) VOLUNTEER CIVILIAN AUXILIARY.—The Civil
14 Air Patrol is a volunteer civilian auxiliary of the Air Force
15 when the services of the Civil Air Patrol are used by any
16 department or agency in any branch of the Federal Gov-
17 ernment.

18 “(b) USE BY AIR FORCE.—(1) The Secretary of the
19 Air Force may use the services of the Civil Air Patrol to
20 fulfill the noncombat programs and missions of the De-
21 partment of the Air Force.

22 “(2) The Civil Air Patrol shall be deemed to be an
23 instrumentality of the United States with respect to any
24 act or omission of the Civil Air Patrol, including any mem-
25 ber of the Civil Air Patrol, in carrying out a mission as-
26 signed by the Secretary of the Air Force.

1 **“§ 9443. Activities not performed as auxiliary of the**
2 **Air Force**

3 “(a) SUPPORT FOR STATE AND LOCAL AUTHORI-
4 TIES.—The Civil Air Patrol may, in its status as a feder-
5 ally chartered nonprofit corporation and not as an auxil-
6 iary of the Air Force, provide assistance requested by
7 State or local governmental authorities to perform disaster
8 relief missions and activities, other emergency missions
9 and activities, and nonemergency missions and activities.
10 Missions and activities carried out under this section shall
11 be consistent with the purposes of the Civil Air Patrol.

12 “(b) USE OF FEDERALLY PROVIDED RESOURCES.—
13 (1) To perform any mission or activity authorized under
14 subsection (a), the Civil Air Patrol may use any equip-
15 ment, supplies, and other resources provided to it by the
16 Air Force or by any other department or agency of the
17 Federal Government or acquired by or for the Civil Air
18 Patrol with appropriated funds, without regard to whether
19 the Civil Air Patrol has reimbursed the Federal Govern-
20 ment source for the equipment, supplies, other resources,
21 or funds, as the case may be.

22 “(2) The use of equipment, supplies, or other re-
23 sources under paragraph (1) is subject to—

24 “(A) the terms and conditions of the applicable
25 agreement entered into under chapter 63 of title 31;
26 and

1 “(B) the laws and regulations that govern the
2 use by nonprofit corporations of federally provided
3 assets or of assets purchased with appropriated
4 funds, as the case may be.

5 “(c) **AUTHORITY NOT CONTINGENT ON REIMBURSE-**
6 **MENT.**—The authority for the Civil Air Patrol to provide
7 assistance under subsections (a) and (b) is not contingent
8 on the Civil Air Patrol being reimbursed for the cost of
9 providing the assistance. If the Civil Air Patrol requires
10 reimbursement for the provision of assistance under such
11 subsections, the Civil Air Patrol may establish the reim-
12 bursement rate at a rate less than the rates charged by
13 private sector sources for equivalent services.

14 “(d) **LIABILITY INSURANCE.**—The Secretary of the
15 Air Force may provide the Civil Air Patrol with funds for
16 paying the cost of liability insurance for missions and ac-
17 tivities carried out under this section.

18 **“§ 9444. Activities performed as auxiliary of the Air**
19 **Force**

20 “(a) **AIR FORCE SUPPORT FOR ACTIVITIES.**—The
21 Secretary of the Air Force may furnish to the Civil Air
22 Patrol in accordance with this section any equipment, sup-
23 plies, and other resources that the Secretary determines
24 necessary to enable the Civil Air Patrol to fulfill the mis-

1 sions assigned by the Secretary to the Civil Air Patrol as
2 an auxiliary of the Air Force.

3 “(b) FORMS OF AIR FORCE SUPPORT.—The Sec-
4 retary of the Air Force may, under subsection (a)—

5 “(1) give, lend, or sell to the Civil Air Patrol
6 without regard to the Federal Property and Admin-
7 istrative Services Act of 1949 (40 U.S.C. 471 et
8 seq.)—

9 “(A) major items of equipment (including
10 aircraft, motor vehicles, computers, and com-
11 munications equipment) that are excess to the
12 military departments; and

13 “(B) necessary related supplies and train-
14 ing aids that are excess to the military depart-
15 ments;

16 “(2) permit the use, with or without charge, of
17 services and facilities of the Air Force;

18 “(3) furnish supplies (including fuel, lubricants,
19 and other items required for vehicle and aircraft op-
20 erations) or provide funds for the acquisition of sup-
21 plies;

22 “(4) establish, maintain, and supply liaison offi-
23 cers of the Air Force at the national, regional, State,
24 and territorial headquarters of the Civil Air Patrol;

1 “(5) detail or assign any member of the Air
2 Force or any officer, employee, or contractor of the
3 Department of the Air Force to any liaison office at
4 the national, regional, State, or territorial head-
5 quarters of the Civil Air Patrol;

6 “(6) detail any member of the Air Force or any
7 officer, employee, or contractor of the Department of
8 the Air Force to any unit or installation of the Civil
9 Air Patrol to assist in the training programs of the
10 Civil Air Patrol;

11 “(7) authorize the payment of travel expenses
12 and allowances, at rates not to exceed those paid to
13 employees of the United States under subchapter I
14 of chapter 57 of title 5, to members of the Civil Air
15 Patrol while the members are carrying out programs
16 or missions specifically assigned by the Air Force;

17 “(8) provide funds for the national head-
18 quarters of the Civil Air Patrol, including—

19 “(A) funds for the payment of staff com-
20 pensation and benefits, administrative expenses,
21 travel, per diem and allowances, rent, utilities,
22 other operational expenses of the national head-
23 quarters; and

24 “(B) to the extent considered necessary by
25 the Secretary of the Air Force to fulfill Air

1 Force requirements, funds for the payment of
2 compensation and benefits for key staff at re-
3 gional, State, or territorial headquarters;

4 “(9) authorize the payment of expenses of plac-
5 ing into serviceable condition, improving, and main-
6 taining equipment (including aircraft, motor vehi-
7 cles, computers, and communications equipment)
8 owned or leased by the Civil Air Patrol;

9 “(10) provide funds for the lease or purchase of
10 items of equipment that the Secretary determines
11 necessary for the Civil Air Patrol;

12 “(11) support the Civil Air Patrol cadet pro-
13 gram by furnishing—

14 “(A) articles of the Air Force uniform to
15 cadets without cost; and

16 “(B) any other support that the Secretary
17 of the Air Force determines is consistent with
18 Air Force missions and objectives; and

19 “(12) provide support, including appropriated
20 funds, for the Civil Air Patrol aerospace education
21 program to the extent that the Secretary of the Air
22 Force determines appropriate for furthering the ful-
23 fillment of Air Force missions and objectives.

24 “(c) ASSISTANCE BY OTHER AGENCIES.—(1) The
25 Secretary of the Air Force may arrange for the use by

1 the Civil Air Patrol of such facilities and services under
2 the jurisdiction of the Secretary of the Army, the Sec-
3 retary of the Navy, or the head of any other department
4 or agency of the United States as the Secretary of the
5 Air Force considers to be needed by the Civil Air Patrol
6 to carry out its mission.

7 “(2) An arrangement for use of facilities or services
8 of a military department or other department or agency
9 under this subsection shall be subject to the agreement
10 of the Secretary of the military department or head of the
11 other department or agency, as the case may be.

12 “(3) Each arrangement under this subsection shall be
13 made in accordance with regulations prescribed under sec-
14 tion 9448 of this title.

15 **“§ 9445. Funds appropriated for the Civil Air Patrol**

16 “Funds appropriated for the Civil Air Patrol shall be
17 available only for the exclusive use of the Civil Air Patrol.

18 **“§ 9446. Miscellaneous personnel authorities**

19 “(a) USE OF RETIRED AIR FORCE PERSONNEL.—

20 (1) Upon the request of a person retired from service in
21 the Air Force, the Secretary of the Air Force may enter
22 into a personal services contract with that person pro-
23 viding for the person to serve as an administrator or liai-
24 son officer for the Civil Air Patrol. The qualifications of
25 a person to provide the services shall be determined and

1 approved in accordance with regulations prescribed under
2 section 9448 of this title.

3 “(2) To the extent provided in a contract under para-
4 graph (1), a person providing services under the contract
5 may accept services on behalf of the Air Force and commit
6 and obligate appropriated funds as necessary to perform
7 the services.

8 “(3) A person, while providing services under a con-
9 tract authorized under paragraph (1), may receive the per-
10 son’s retired pay and an additional amount for such serv-
11 ices that is not less than the amount equal to the excess
12 of—

13 “(A) the pay and allowances that the person
14 would be entitled to receive if ordered to active duty
15 in the grade in which the person retired from service
16 in the Air Force, over

17 “(B) the amount of the person’s retired pay.

18 “(4) A person, while providing services under a con-
19 tract authorized under paragraph (1), may not be consid-
20 ered to be on active duty or inactive-duty training for any
21 purpose.

22 “(b) USE OF CIVIL AIR PATROL CHAPLAINS.—The
23 Secretary of the Air Force may use the services of Civil
24 Air Patrol chaplains in support of the Air Force active

1 duty and reserve component forces to the extent and under
2 conditions that the Secretary determines appropriate.

3 **“§ 9447. Board of Governors**

4 “(a) GOVERNING BODY.—The Board of Governors of
5 the Civil Air Patrol is the governing body of the Civil Air
6 Patrol.

7 “(b) COMPOSITION.—The Board of Governors is
8 composed of 11 members as follows:

9 “(1) Four members appointed by the Secretary
10 of the Air Force, who may be active or retired offi-
11 cers of the Air Force (including reserve components
12 of the Air Force), employees of the United States,
13 or private citizens.

14 “(2) Four members of the Civil Air Patrol,
15 elected from among the members of the Civil Air
16 Patrol in the manner provided in regulations pre-
17 scribed under section 9448 of this title.

18 “(3) Three members appointed or selected as
19 provided in subsection (c) from among personnel of
20 any Federal Government agencies, public corpora-
21 tions, nonprofit associations, and other organizations
22 that have an interest and expertise in civil aviation
23 and the Civil Air Patrol mission.

24 “(c) APPOINTMENTS FROM INTERESTED ORGANIZA-
25 TIONS.—(1) Subject to paragraph (2), the members of the

1 Board of Governors referred to in subsection (b)(3) shall
2 be appointed jointly by the Secretary of the Air Force and
3 the National Commander of the Civil Air Patrol.

4 “(2) Any vacancy in the position of a member re-
5 ferred to in paragraph (1) that is not filled under that
6 paragraph within 90 days shall be filled by majority vote
7 of the other members of the Board.

8 “(d) CHAIRPERSON.—(1) The Chairperson of the
9 Board of Governors shall be chosen by the members of
10 the Board of Governors from among the members of the
11 Board eligible for selection under paragraph (2) and shall
12 serve for a term of 2 years.

13 “(2) The position of Chairperson shall be held on a
14 rotating basis, first by a member of the Board selected
15 from among those appointed by the Secretary of the Air
16 Force under paragraph (1) of subsection (b) and then by
17 a member of the Board selected from among the members
18 elected by the Civil Air Patrol under paragraph (2) of that
19 subsection. Upon the expiration of the term of a Chair-
20 person selected from among the members referred to in
21 one of those paragraphs, the selection of a successor to
22 that position shall be made from among the members who
23 are referred to in the other paragraph.

1 “(e) POWERS.—(1) The Board of Governors shall,
2 subject to paragraphs (2) and (3), exercise the powers
3 granted under section 40304 of title 36.

4 “(2) Any exercise by the Board of the power to
5 amend the constitution or bylaws of the Civil Air Patrol
6 or to adopt a new constitution or bylaws shall be subject
7 to approval by a majority of the members of the Board.

8 “(3) Neither the Board of Governors nor any other
9 component of the Civil Air Patrol may modify or terminate
10 any requirement or authority set forth in this section.

11 “(f) PERSONAL LIABILITY FOR BREACH OF A FIDU-
12 CIARY DUTY.—(1) The Board of Governors shall, subject
13 to paragraph (2), take such action as is necessary to elimi-
14 nate or limit the personal liability of a member of the
15 Board of Governors to the Civil Air Patrol or to any of
16 its members for monetary damages for a breach of fidu-
17 ciary duty while serving as a member of the Board.

18 “(2) The Board may not eliminate or limit the liabil-
19 ity of a member of the Board of Governors to the Civil
20 Air Patrol or to any of its members for monetary damages
21 for any of the following:

22 “(A) A breach of the member’s duty of loyalty
23 to the Civil Air Patrol or its members.

1 “(B) Any act or omission that is not in good
2 faith or that involves intentional misconduct or a
3 knowing violation of law.

4 “(C) Participation in any transaction from
5 which the member directly or indirectly derives an
6 improper personal benefit.

7 “(3) Nothing in this subsection shall be construed as
8 rendering section 207 or 208 of title 18 inapplicable in
9 any respect to a member of the Board of Governors who
10 is a member of the Air Force on active duty, an officer
11 on a retired list of the Air Force, or an employee of the
12 United States.

13 “(g) PERSONAL LIABILITY FOR BREACH OF A FIDU-
14 CIARY DUTY.—(1) Except as provided in paragraph (2),
15 no member of the Board of Governors or officer of the
16 Civil Air Patrol shall be personally liable for damages for
17 any injury or death or loss or damage of property resulting
18 from a tortious act or omission of an employee or member
19 of the Civil Air Patrol.

20 “(2) Paragraph (1) does not apply to a member of
21 the Board of Governors or officer of the Civil Air Patrol
22 for a tortious act or omission in which the member or offi-
23 cer, as the case may be, was personally involved, whether
24 in breach of a civil duty or in commission of a criminal
25 offense.

1 “(3) Nothing in this subsection shall be construed to
2 restrict the applicability of common law protections and
3 rights that a member of the Board of Governors or officer
4 of the Civil Air Patrol may have.

5 “(4) The protections provided under this subsection
6 are in addition to the protections provided under sub-
7 section (f).

8 **“§ 9448. Regulations**

9 “(a) **AUTHORITY.**—The Secretary of the Air Force
10 shall prescribe regulations for the administration of this
11 chapter.

12 “(b) **REQUIRED REGULATIONS.**—The regulations
13 shall include the following:

14 “(1) Regulations governing the conduct of the
15 activities of the Civil Air Patrol when it is per-
16 forming its duties as a volunteer civilian auxiliary of
17 the Air Force under section 9442 of this title.

18 “(2) Regulations for providing support by the
19 Air Force and for arranging assistance by other
20 agencies under section 9444 of this title.

21 “(3) Regulations governing the qualifications of
22 retired Air Force personnel to serve as an adminis-
23 trator or liaison officer for the Civil Air Patrol under
24 a personal services contract entered into under sec-
25 tion 9446(a) of this title.

1 “(4) Procedures and requirements for the elec-
2 tion of members of the Board of Governors under
3 section 9447(b)(2) of this title.

4 “(c) APPROVAL BY SECRETARY OF DEFENSE.—The
5 regulations required by subsection (b)(2) shall be subject
6 to the approval of the Secretary of Defense.”.

7 (b) CONFORMING AMENDMENTS.—(1) Section 40302
8 of title 36, United States Code, is amended—

9 (A) by striking “to—” in the matter preceding
10 paragraph (1) and inserting “as follows.”;

11 (B) by inserting “To” after the paragraph des-
12 ignation in each of paragraphs (1), (2), (3), and (4);

13 (C) by striking the semicolon at the end of
14 paragraphs (1)(B) and (2) and inserting a period;

15 (D) by striking “; and” at the end of paragraph
16 (3) and inserting a period; and

17 (E) by adding at the end the following:

18 “(5) To assist the Department of the Air Force
19 in fulfilling its noncombat programs and missions.”.

20 (2)(A) Section 40303 of such title is amended—

21 (i) by inserting “(a) MEMBERSHIP.—” before
22 “Eligibility”; and

23 (ii) by adding at the end the following:

24 “(b) GOVERNING BODY.—The Civil Air Patrol has a
25 Board of Governors. The composition and responsibilities

1 of the Board of Governors are set forth in section 9447
2 of title 10.”.

3 (B) The heading for such section is amended to read
4 as follows:

5 **“§ 40303. Membership and governing body”.**

6 (C) The item relating to such section in the table of
7 sections at the beginning of chapter 403 of title 36, United
8 States Code, is amended to read as follows:

“40303. Membership and governing body.”.

9 (c) EFFECTIVE DATE.—This section and the amend-
10 ments made by this section shall take effect on the date
11 of the enactment of this Act.

12 **SEC. 907. REPORT ON NETWORK CENTRIC WARFARE.**

13 (a) REPORT REQUIRED.—Not later than October 1,
14 2001, the Secretary of Defense shall submit to the con-
15 gressional defense committees a report describing the De-
16 partment’s views on Network Centric Warfare (NCW) and
17 the role of Network Centric Warfare in the strategy of
18 the Department of Defense for military transformation.
19 The Secretary of Defense shall prepare the report in con-
20 sultation with the Chairman of the Joint Chiefs of Staff.

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

23 (1) A definition of Network Centric Warfare.

1 (2) A discussion of the theory, nature, and
2 principles of Network Centric Warfare and how they
3 relate to the revolution in military affairs.

4 (3) A discussion of the conceptual, doctrinal,
5 and operational concepts related to Network Centric
6 Warfare.

7 (4) A discussion of how the concept of Network
8 Centric Warfare is related to the strategy of the De-
9 partment of Defense for military transformation as
10 outlined in the document entitled “Joint Vision
11 2010” and other key strategy documents.

12 (5) The current and planned acquisition pro-
13 grams of the Department of Defense that relate to
14 Network Centric Warfare and the extent to which
15 those programs are interoperable with each other.

16 (6) The experimentation activities inside the
17 joint experimentation program and the service ex-
18 perimentation programs, if any, which are designed
19 to explore and evaluate the emerging concepts of
20 Network Centric Warfare.

21 **SEC. 908. DEFENSE INSTITUTE FOR HEMISPHERIC SECU-**
22 **RITY COOPERATION.**

23 (a) AUTHORITY FOR INSTITUTE.—(1) Chapter 108
24 of title 10, United States Code, is amended by adding at
25 the end the following new section:

1 **“§ 2166. Defense Institute for Hemispheric Security**
2 **Cooperation**

3 “(a) **AUTHORITY.**—The Secretary of Defense may
4 operate an education and training facility known as the
5 ‘Defense Institute for Hemispheric Security Cooperation’.
6 The Secretary of Defense may designate the Secretary of
7 the Army as the Department of Defense executive agent
8 for carrying out the responsibilities of the Secretary of De-
9 fense under this section.

10 “(b) **PURPOSE.**—(1) The Institute shall be operated
11 for the purpose of providing education and training to
12 military, law enforcement, and civilian personnel of na-
13 tions of the Western Hemisphere in defense and security
14 matters.

15 “(2) For purposes of paragraph (1), defense and se-
16 curity matters include—

17 “(A) professional military education;

18 “(B) leadership development;

19 “(C) counter-drug operations;

20 “(D) peace support operations; and

21 “(E) disaster relief.

22 “(c) **CURRICULUM.**—The education and training pro-
23 grams provided by the Institute shall include (for each
24 person attending the Institute under subsection (b)) in-
25 struction totaling not less than 8 hours relating to each
26 of the following subjects:

1 “(1) Human rights.

2 “(2) The rule of law.

3 “(3) Due process.

4 “(4) Civilian control of the military.

5 “(5) The role of the military in a democratic
6 society.

7 “(d) BOARD OF VISITORS.—(1) There is a Board of
8 Visitors for the Institute. The Board shall be composed
9 of members appointed by the Secretary of Defense (or the
10 Secretary of the Army as the Secretary’s designee). In se-
11 lecting members of the Board, the Secretary shall consider
12 recommendations by—

13 “(A) the Speaker and the minority leader of the
14 House of Representatives;

15 “(B) the majority leader and the minority lead-
16 er of the Senate;

17 “(C) the Secretary of State;

18 “(D) the commander of the unified command
19 with geographic responsibility for Latin America;
20 and

21 “(E) representatives from academic institutions,
22 religious institutions, and human rights organiza-
23 tions.

24 “(2) Members shall serve for 2 years and shall meet
25 at least annually.

1 “(3)(A) The Board shall inquire into—

2 “(i) the curriculum, instruction, physical equip-
3 ment, fiscal affairs, academic methods, and other
4 matters relating to the Institute that the Board de-
5 cides to consider; and

6 “(ii) any other matters relating to the Institute
7 that the Secretary considers appropriate.

8 “(B) The Board shall review the curriculum of the
9 Institute to ensure that the curriculum—

10 “(i) complies with applicable United States law
11 and regulations;

12 “(ii) is consistent with United States policy
13 goals toward Latin America and the Caribbean; and

14 “(iii) adheres to current United States doctrine.

15 “(4)(A) Not later than 60 days after its annual meet-
16 ing, the Board shall submit to the Secretary a written re-
17 port of its action and of its views and recommendations
18 pertaining to the Institute.

19 “(B) Within 30 days of receipt of the Board’s report
20 for any year, the Secretary shall transmit the report, with
21 the Secretary’s comments, to Congress.

22 “(5) While performing duties as a member of or ad-
23 viser to the Board, each member of the Board and each
24 adviser shall be reimbursed for travel expenses under Gov-

1 ernment travel regulations. Board members shall not be
2 compensated by reason of service on the Board.

3 “(e) SOURCE OF FUNDS.—The fixed costs of oper-
4 ating and maintaining the Institute may be paid from
5 funds available for operation and maintenance.

6 “(f) TUITION.—Tuition fees charged for persons who
7 attend the Institute may not include the fixed costs of op-
8 erating and maintaining the Institute.”.

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

“2166. Defense Institute for Hemispheric Security Cooperation.”.

12 (b) TRANSITION FROM UNITED STATES ARMY
13 SCHOOL OF THE AMERICAS.—(1) The Secretary of De-
14 fense shall take such steps as necessary to ensure that
15 the Secretary of the Army provides for the transition of
16 the United States Army School of the Americas located
17 at Fort Benning, Georgia, into the Defense Institute for
18 Hemispheric Security Cooperation established pursuant to
19 section 2166 of title 10, United States Code, as added by
20 subsection (a).

21 (2)(A) Section 4415 of title 10, United States Code,
22 is repealed.

23 (B) The table of sections at the beginning of chapter
24 407 of such title is amended by striking the item relating
25 to section 4415.

1 **SEC. 909. DEPARTMENT OF DEFENSE REGIONAL CENTERS**
2 **FOR SECURITY STUDIES.**

3 (a) IN GENERAL.—Chapter 7 of title 10, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 184. Regional Centers for Security Studies**

7 “(a) IN GENERAL.—(1) Subject to paragraph (2), the
8 Secretary of Defense may operate in the Department of
9 Defense regional centers for security studies, each of
10 which is established for a specified geographic region of
11 the world. Any such regional center shall serve as a forum
12 for bilateral and multilateral communication and military
13 and civilian exchanges with nations in the region for which
14 the center is established. A regional center may, as the
15 Secretary considers appropriate, use professional military
16 education, civilian defense education, and related academic
17 and other activities to pursue such communication and ex-
18 changes.

19 “(2) After the date of the enactment of this section,
20 a regional center for security studies as described in para-
21 graph (1) may not be established in the Department of
22 Defense until at least 90 days after the date on which
23 the Secretary of Defense submits to Congress a notifica-
24 tion of the intent of the Secretary to establish the center.
25 The notification shall contain a description of the mission

1 and functions of the proposed center and a justification
2 for the proposed center.

3 “(b) EMPLOYMENT AND COMPENSATION OF FAC-
4 ULTY.—Section 1595 of this title provides authority for
5 the Secretary of Defense to employ certain civilian per-
6 sonnel at certain Department of Defense regional center
7 for security studies without regard to certain provisions
8 of title 5.

9 “(c) ACCEPTANCE OF FOREIGN GIFTS AND DONA-
10 TIONS.—Section 2611 of this title provides authority for
11 the Secretary of Defense to accept foreign gifts and dona-
12 tions in order to defray the costs of, or enhance the oper-
13 ations of, certain Department of Defense regional centers
14 for security studies.

15 “(d) ANNUAL REPORT TO CONGRESSIONAL COMMIT-
16 TEES.—The Secretary shall submit to the Committee on
17 Armed Services of the Senate and the Committee on
18 Armed Services of the House of Representatives an annual
19 report on the status, objectives, and operations of the De-
20 partment of Defense regional centers for security studies.
21 Each such report shall include information on inter-
22 national participation in the programs of the centers and
23 on foreign gifts and donations accepted under section
24 2611 of this title.

1 “(e) PROVISIONS RELATING SPECIFICALLY TO MAR-
2 SHALL CENTER.—(1) The Secretary of Defense may
3 waive reimbursement of the costs of conferences, seminars,
4 courses of instruction, or similar educational activities of
5 the George C. Marshall European Center for Security
6 Studies for military officers and civilian officials of co-
7 operation partner states of the North Atlantic Cooperation
8 Council or the Partnership for Peace if the Secretary de-
9 termines that attendance by such personnel without reim-
10 bursement is in the national security interest of the United
11 States. Costs for which reimbursement is waived pursuant
12 to this paragraph shall be paid from appropriations avail-
13 able for the Center.

14 “(2)(A) Notwithstanding any other provision of law,
15 the Secretary of Defense may authorize participation by
16 a European or Eurasian nation in Marshall Center pro-
17 grams if the Secretary determines, after consultation with
18 the Secretary of State, that such participation is in the
19 national interest of the United States.

20 “(B) Not later than January 31 of each year, the
21 Secretary shall submit to Congress a report setting forth
22 the names of the foreign nations permitted to participate
23 in programs of the Marshall Center during the preceding
24 year under paragraph (1). Each such report shall be pre-

1 pared by the Secretary with the assistance of the Director
2 of the Marshall Center.

3 “(f) PROVISIONS RELATING SPECIFICALLY TO ASIA-
4 PACIFIC CENTER.—The Secretary of Defense may waive
5 reimbursement of the cost of conferences, seminars,
6 courses of instruction, or similar educational activities of
7 the Asia-Pacific Center for Security Studies for military
8 officers and civilian officials of foreign nations if the Sec-
9 retary determines that attendance by such personnel with-
10 out reimbursement is in the national security interest of
11 the United States. Costs for which reimbursement is
12 waived pursuant to this subsection shall be paid from ap-
13 propriations available for the Asia-Pacific Center.”.

14 (b) ACCEPTANCE OF FOREIGN GIFTS AND DONA-
15 TIONS.—(1) Subsection (a) of section 2611 of such title
16 is amended to read as follows:

17 “(a) AUTHORITY TO ACCEPT FOREIGN GIFTS AND
18 DONATIONS.—(1) Subject to subsection (b), the Secretary
19 of Defense may accept foreign gifts or donations in order
20 to defray the costs of, or enhance the operation of, one
21 of the specified defense regional centers for security stud-
22 ies.

23 “(2) For purposes of this section, a specified defense
24 regional center for security studies is any of the following:

1 “(A) The Asia-Pacific Center for Security Stud-
2 ies.

3 “(B) The George C. Marshall European Center
4 for Security Studies.”.

5 (2) Subsection (d) of such section is amended—

6 (A) in the first sentence, by striking “the Asia-
7 Pacific Center” and inserting “the regional center
8 intended to benefit from the gift or donation of such
9 funds”; and

10 (B) in the second sentence, by striking “the
11 Asia-Pacific Center” and inserting “such regional
12 center”.

13 (3) Subsection (e) of such section is amended by in-
14 serting “with respect to a defense regional center for secu-
15 rity studies” after “in any fiscal year”.

16 (c) REPEAL OF CODIFIED PROVISIONS RELATING TO
17 THE MARSHALL CENTER.—(1) Section 1306 of the Na-
18 tional Defense Authorization Act for Fiscal Year 1995
19 (Public Law 103–337; 108 Stat. 2892) is repealed.

20 (2) Section 1065 of the National Defense Authoriza-
21 tion Act for Fiscal Year 1997 (Public Law 104–201; 110
22 Stat. 2653) is amended—

23 (A) by striking subsections (a) and (b) and in-
24 serting the following:

1 “Armed Forces Staff College” and inserting “Joint Forces
2 Staff College”.

3 (c) REFERENCES.—Any reference to the Armed
4 Forces Staff College in any law, regulation, map, docu-
5 ment, record, or other paper of the United States shall
6 be considered to be a reference to the Joint Forces Staff
7 College.

8 **TITLE X—GENERAL PROVISIONS**

9 **Subtitle A—Financial Matters**

10 **SEC. 1001. TRANSFER AUTHORITY.**

11 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

12 (1) Upon determination by the Secretary of Defense that
13 such action is necessary in the national interest, the Sec-
14 retary may transfer amounts of authorizations made avail-
15 able to the Department of Defense in this division for fis-
16 cal year 2001 between any such authorizations for that
17 fiscal year (or any subdivisions thereof). Amounts of au-
18 thorizations so transferred shall be merged with and be
19 available for the same purposes as the authorization to
20 which transferred.

21 (2) The total amount of authorizations that the Sec-
22 retary may transfer under the authority of this section
23 may not exceed \$2,000,000,000.

24 (b) LIMITATIONS.—The authority provided by this
25 section to transfer authorizations—

1 (1) may only be used to provide authority for
2 items that have a higher priority than the items
3 from which authority is transferred; and

4 (2) may not be used to provide authority for an
5 item that has been denied authorization by Con-
6 gress.

7 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
8 transfer made from one account to another under the au-
9 thority of this section shall be deemed to increase the
10 amount authorized for the account to which the amount
11 is transferred by an amount equal to the amount trans-
12 ferred.

13 (d) NOTICE TO CONGRESS.—The Secretary shall
14 promptly notify Congress of each transfer made under
15 subsection (a).

16 **SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.**

17 (a) STATUS OF CLASSIFIED ANNEX.—The Classified
18 Annex prepared by the Committee on Armed Services of
19 the House of Representatives to accompany its report on
20 the bill H.R. 4205 of the One Hundred Sixth Congress
21 and transmitted to the President is hereby incorporated
22 into this Act.

23 (b) CONSTRUCTION WITH OTHER PROVISIONS OF
24 ACT.—The amounts specified in the Classified Annex are

1 not in addition to amounts authorized to be appropriated
2 by other provisions of this Act.

3 (c) LIMITATION ON USE OF FUNDS.—Funds appro-
4 priated pursuant to an authorization contained in this Act
5 that are made available for a program, project, or activity
6 referred to in the Classified Annex may only be expended
7 for such program, project, or activity in accordance with
8 such terms, conditions, limitations, restrictions, and re-
9 quirements as are set out for that program, project, or
10 activity in the Classified Annex.

11 (d) DISTRIBUTION OF CLASSIFIED ANNEX.—The
12 President shall provide for appropriate distribution of the
13 Classified Annex, or of appropriate portions of the annex,
14 within the executive branch of the Government.

15 **SEC. 1003. AUTHORIZATION OF EMERGENCY SUPPLE-**
16 **MENTAL APPROPRIATIONS FOR FISCAL YEAR**
17 **2000.**

18 (a) ADJUSTMENT OF FISCAL YEAR 2000 AUTHOR-
19 IZATIONS TO REFLECT SUPPLEMENTAL APPROPRIA-
20 TIONS.—Subject to subsections (b) and (c), amounts au-
21 thorized to be appropriated to the Department of Defense
22 for fiscal year 2000 in the National Defense Authorization
23 Act for Fiscal Year 2000 (Public Law 106–65) are hereby
24 adjusted, with respect to any such authorized amount, by
25 the amount by which appropriations pursuant to such au-

1 thORIZATION were increased (by a supplemental appropria-
2 tion) or decreased (by a rescission), or both, in the 2000
3 Emergency Supplemental Appropriations Act.

4 (b) LIMITATION.—(1) In the case of a pending de-
5 fense contingent emergency supplemental appropriation,
6 an adjustment may be made under subsection (a) in the
7 amount of an authorization of appropriations by reason
8 of that supplemental appropriation only if, and to the ex-
9 tent that, the President transmits to Congress an official
10 amended budget request for that appropriation that des-
11 ignates the entire amount requested as an emergency re-
12 quirement for the specific purpose identified in the 2000
13 Emergency Supplemental Appropriations Act as the pur-
14 pose for which the supplemental appropriation was made.

15 (2) For purposes of this subsection, the term “pend-
16 ing defense contingent emergency supplemental appropria-
17 tion” means a contingent emergency supplemental appropria-
18 tion for the Department of Defense contained in the
19 2000 Emergency Supplemental Appropriations Act for
20 which an official budget request that includes designation
21 of the entire amount of the request as an emergency re-
22 quirement has not been transmitted to Congress as of the
23 date of the enactment of this Act.

1 (3) For purposes of this subsection, the term “contin-
2 gent emergency supplemental appropriation” means a
3 supplemental appropriation that—

4 (A) is designated by Congress as an emergency
5 requirement pursuant to section 251(b)(2)(A) of the
6 Balanced Budget and Emergency Deficit Control
7 Act of 1985; and

8 (B) by law is available only to the extent that
9 the President transmits to the Congress an official
10 budget request for that appropriation that includes
11 designation of the entire amount of the request as
12 an emergency requirement.

13 (c) EXCEPTION.—No adjustment may be made under
14 subsection (a) by reason of any appropriation under the
15 provisions contained in sections 2207 through 2211 of the
16 2000 Emergency Supplemental Appropriations Act, as
17 passed the House of Representatives on March 30, 2000.

18 **SEC. 1004. CONTINGENT REPEAL OF CERTAIN PROVISIONS**
19 **SHIFTING CERTAIN OUTLAYS FROM ONE FIS-**
20 **CAL YEAR TO ANOTHER.**

21 (a) CONTINGENT REPEAL.—Subject to subsection
22 (b)—

23 (1) sections 305 and 306 of H.R. 3425 of the
24 106th Congress, as enacted into law by section
25 1000(a)(5) of Public Law 106–113, are repealed;

1 (2) section 1001(a) of Public Law 106–113 is
2 amended, effective immediately after the enactment
3 of such Public Law, by striking “paragraph 4 of
4 subsection 1000(a)” and inserting “paragraph (5) of
5 section 1000(a), and the provisions of titles V, VI,
6 and VII of the legislation enacted in this division by
7 reference in such paragraph (5),”; and

8 (3) sections 8175 and 8176 of the Department
9 of Defense Appropriations Act, 2000 (Public Law
10 106–79), as amended by sections 214 and 215, re-
11 spectively, of H.R. 3425 of the 106th Congress (113
12 Stat. 1501A–297), as enacted into law by section
13 1000(a)(5) of Public Law 106–113, are repealed.

14 (b) CONTINGENCY.—The provisions of subsection (a)
15 shall be effective only to the extent provided in an appro-
16 priations Act that is enacted after this Act.

17 **SEC. 1005. LIMITATION ON FUNDS FOR BOSNIA AND**
18 **KOSOVO PEACEKEEPING OPERATIONS FOR**
19 **FISCAL YEAR 2001.**

20 (a) LIMITATION.—Of the amounts authorized to be
21 appropriated by section 301(24) for the Overseas Contin-
22 gency Operations Transfer Fund—

23 (1) no more than \$1,387,800,000 may be obli-
24 gated for incremental costs of the Armed Forces for
25 Bosnia peacekeeping operations; and

1 (2) no more than \$1,650,400,000 may be obli-
2 gated for incremental costs of the Armed Forces for
3 Kosovo peacekeeping operations.

4 (a) PRESIDENTIAL WAIVER.—The President may
5 waive the limitation in subsection (a)(1), or the limitation
6 in subsection (a)(2), after submitting to Congress the fol-
7 lowing:

8 (1) The President’s written certification that
9 the waiver is necessary in the national security inter-
10 ests of the United States.

11 (2) The President’s written certification that
12 exercising the waiver will not adversely affect the
13 readiness of United States military forces.

14 (3) A report setting forth the following:

15 (A) The reasons that the waiver is nec-
16 essary in the national security interests of the
17 United States.

18 (B) The specific reasons that additional
19 funding is required for the continued presence
20 of United States military forces participating
21 in, or supporting, Bosnia peacekeeping oper-
22 ations, or Kosovo peacekeeping operations, as
23 the case may be, for fiscal year 2001.

24 (C) A discussion of the impact on the mili-
25 tary readiness of United States Armed Forces

1 of the continuing deployment of United States
2 military forces participating in, or supporting,
3 Bosnia peacekeeping operations, or Kosovo
4 peacekeeping operations, as the case may be.

5 (4) A supplemental appropriations request for
6 the Department of Defense for such amounts as are
7 necessary for the additional fiscal year 2001 costs
8 associated with United States military forces partici-
9 pating in, or supporting, Bosnia or Kosovo peace-
10 keeping operations peacekeeping operations.

11 (c) PEACEKEEPING OPERATIONS DEFINED.—For the
12 purposes of this section:

13 (1) The term “Bosnia peacekeeping operations”
14 has the meaning given such term in section 1004(e)
15 of the Strom Thurmond National Defense Author-
16 ization Act for Fiscal Year 1999 (Public Law 105–
17 261; 112 Stat. 2112).

18 (2) The term “Kosovo peacekeeping
19 operations”—

20 (A) means the operation designated as Op-
21 eration Joint Guardian and any other operation
22 involving the participation of any of the Armed
23 Forces in peacekeeping or peace enforcement
24 activities in and around Kosovo; and

1 (B) includes, with respect to Operation
2 Joint Guardian or any such other operation,
3 each activity that is directly related to the sup-
4 port of the operation.

5 **SEC. 1006. REQUIREMENT FOR PLAN TO ENSURE COMPLI-**
6 **ANCE WITH FINANCIAL MANAGEMENT RE-**
7 **QUIREMENTS.**

8 (a) IN GENERAL.—(1) The Secretary of Defense
9 shall develop a comprehensive plan to ensure compliance
10 by the Department of Defense, not later than October 1,
11 2001, with all statutory and regulatory financial manage-
12 ment requirements applicable to the Department. In devel-
13 oping such plan, the Secretary shall give the same priority
14 to achieving compliance with statutory and regulatory fi-
15 nancial management requirements as the priority given to
16 ensuring that the computer systems of the Department
17 would be fully functional in the year 2000.

18 (2) Not later than January 1, 2001, the Secretary
19 shall submit the plan required by this subsection to the
20 Committees on Armed Services, the Committees on the
21 Budget, and the Committees on Appropriations of the
22 Senate and the House of Representatives, and the Comp-
23 troller General.

24 (b) COMPTROLLER GENERAL REPORT.—Not later
25 than March 1, 2001, the Comptroller General shall submit

1 to the Committees on Armed Services and the Committees
2 on the Budget of the Senate and the House of Representa-
3 tives, the Committee on Governmental Affairs of the Sen-
4 ate, and the Committee on Government Reform of the
5 House of Representatives, a report on the adequacy of the
6 plan developed under subsection (a).

7 **Subtitle B—Naval Vessels and**
8 **Shipyards**

9 **SEC. 1011. NATIONAL DEFENSE FEATURES PROGRAM.**

10 Section 2218(k) of title 10, United States Code, is
11 amended—

12 (1) in paragraph (1), by adding at the end the
13 following new sentence: “As consideration for a con-
14 tract with the Secretary of Defense or the Secretary
15 of a military department under this subsection, the
16 company entering into the contract shall agree with
17 the Secretary to make any vessel covered by the con-
18 tract available to the Secretary, fully crewed and
19 ready for sea, at any time at any port determined
20 by the Secretary, and for whatever duration the Sec-
21 retary determines necessary.”; and

22 (2) by adding at the end of paragraph (2) the
23 following new subparagraph:

24 “(E) Payments of such sums as the Govern-
25 ment would otherwise expend, if the vessel were

1 placed in the Ready Reserve Fleet, for maintaining
2 the vessel in the status designated as ‘ROS–4 sta-
3 tus’ in the Ready Reserve Fleet for 25 years.”.

4 **Subtitle C—Counter-Drug** 5 **Activities**

6 **SEC. 1021. REPORT ON DEPARTMENT OF DEFENSE EXPEND-** 7 **ITURES TO SUPPORT FOREIGN COUNTER-** 8 **DRUG ACTIVITIES.**

9 Not later than January 1, 2001, the Secretary of De-
10 fense shall submit to the congressional defense committees
11 a report detailing the expenditure of funds by the Sec-
12 retary during fiscal year 2000 in direct or indirect support
13 of the counter-drug activities of foreign governments. The
14 report shall include the following for each foreign govern-
15 ment:

16 (1) The total amount of assistance provided to,
17 or expended on behalf of, the foreign government.

18 (2) A description of the types of counter-drug
19 activities conducted using the assistance.

20 (3) An explanation of the legal authority under
21 which the assistance was provided.

22 **SEC. 1022. REPORT ON TETHERED AEROSTAT RADAR SYS-** 23 **TEM.**

24 (a) REPORT REQUIRED.—Not later than May 1,
25 2001, The Secretary of Defense shall submit to Congress

1 a report on the status of the Tethered Aerostat Radar
2 System used to conduct counter-drug detection and moni-
3 toring and border security and air sovereignty operations.

4 The report shall include the following:

5 (1) The status and operational availability of
6 each of the existing sites of the Tethered Aerostat
7 Radar System.

8 (2) A discussion of any plans to close, during
9 the next 5 years, currently operational sites, includ-
10 ing a review of the justification for each proposed
11 closure.

12 (3) A review of the requirements of other agen-
13 cies, especially the United States Customs Service,
14 for data derived from the Tethered Aerostat Radar
15 System.

16 (4) An assessment of the value of the Tethered
17 Aerostat Radar System in the conduct of counter-
18 drug detection and monitoring and border security
19 and air sovereignty operations.

20 (5) The costs associated with the planned
21 standardization of the Tethered Aerostat Radar Sys-
22 tem and the Secretary's analysis of that standard-
23 ization.

1 (b) CONSULTATION.—The Secretary of Defense shall
2 prepare the report in consultation with the Commissioner
3 of Customs.

4 **Subtitle D—Other Matters**

5 **SEC. 1031. FUNDS FOR ADMINISTRATIVE EXPENSES UNDER** 6 **DEFENSE EXPORT LOAN GUARANTEE PRO-** 7 **GRAM.**

8 (a) AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS ON AN INTERIM BASIS.—Section 2540c(d)
9 of title 10, United States Code, is amended—
10 of title 10, United States Code, is amended—

11 (1) by inserting “(1)” after “FEES.—”; and

12 (2) by adding at the end the following new
13 paragraph:

14 “(2)(A) If for any fiscal year amounts in the special
15 account established under paragraph (1) are not available
16 (or are not anticipated to be available) in a sufficient
17 amount for administrative expenses of the Department of
18 Defense for that fiscal year that are directly attributable
19 to the administration of the program under this sub-
20 chapter, the Secretary may use amounts currently avail-
21 able for operations and maintenance for Defense-wide ac-
22 tivities, not to exceed \$500,000 in any fiscal year, for
23 those expenses.

24 “(B) The Secretary shall, from funds in the special
25 account established under paragraph (1), replenish oper-

1 ations and maintenance accounts for amounts expended
2 under subparagraph (A) as soon as the Secretary deter-
3 mines practicable.”.

4 (b) EFFECTIVE DATE.—Paragraph (2) of section
5 2540c(d) of title 10, United States Code, as added by sub-
6 section (a), shall take effect on October 1, 2000.

7 **SEC. 1032. TECHNICAL AND CLERICAL AMENDMENTS.**

8 (a) TITLE 10, UNITED STATES CODE.—Title 10,
9 United States Code, is amended as follows:

10 (1) Section 628(c)(2) is amended by striking
11 “section” in the second sentence after “the provi-
12 sions of” and inserting “sections”.

13 (2) Section 702(b)(2) is amended by striking
14 “section 230(c)” and inserting “section 203(c)”.

15 (3) Section 706(c) is amended—

16 (A) by striking “(1)” after “(c)”; and

17 (B) by striking paragraph (2).

18 (4) Section 1074g is amended—

19 (A) in subsection (a)(6), by striking “as
20 part of the regulations established” and insert-
21 ing “in the regulations prescribed”;

22 (B) in subsection (a)(7), by striking “not
23 included on the uniform formulary, but,” and
24 inserting “that are not included on the uniform
25 formulary but that are”;

1 (C) in subsection (b)(1), by striking “re-
2 quired by” in the last sentence and inserting
3 “prescribed under”;

4 (D) in subsection (d)(2), by striking “Not
5 later than” and all that follows through “uti-
6 lize” and inserting “Effective not later than
7 April 5, 2000, the Secretary shall use”;

8 (E) in subsection (e)—

9 (i) by striking “Not later than April
10 1, 2000, the” and inserting “The”; and

11 (ii) by inserting “in” before “the
12 TRICARE” and before “the national”;

13 (F) in subsection (f)—

14 (i) by striking “As used in this sec-
15 tion—” and inserting “In this section.”;

16 (ii) by striking “the” at the beginning
17 of paragraphs (1) and (2) and inserting
18 “The”; and

19 (iii) by striking “; and” at the end of
20 paragraph (1) and inserting a period; and

21 (G) in subsection (g), by striking “promul-
22 gate” and inserting “prescribe”.

23 (5) Section 1109(b) is amended by striking
24 “(1)” before “The Secretaries”.

1 (6) Section 1448(b)(3)(E)(ii) is amended by
2 striking the second comma after “October 16,
3 1998”.

4 (7) Section 2401(b)(1)(B) is amended by strik-
5 ing “Committees on Appropriations” and inserting
6 “Committee on Appropriations”.

7 (8) Section 5143(c)(2) is amended by striking
8 “has a grade” and inserting “has the grade of”.

9 (9) Section 5144(c)(2) is amended by striking
10 “has a grade” and inserting “has the grade of”.

11 (10) Section 10218 is amended—

12 (A) in subsections (a)(1), (b)(1), (b)(2)(A),
13 and (b)(2)(B)(ii), by striking “the date of the
14 enactment of this section” each place it appears
15 and inserting “October 5, 1999,”;

16 (B) in subsections (a)(3)(B)(i) and
17 (b)(2)(B)(i), by striking “the end of the one-
18 year period beginning on the date of the enact-
19 ment of this subsection” and inserting “October
20 5, 2000”;

21 (C) in subsection (b)(1), by striking “six
22 months after the date of the enactment of this
23 section” and inserting “April 5, 2000”; and

24 (D) in subsection (b)(3), by striking “with-
25 in six months of the date of the enactment of

1 this section” and inserting “during the period
2 beginning on October 5, 1999, and ending on
3 April 5, 2000,”.

4 (11) Section 12552 is amended by inserting a
5 period at the end.

6 (b) TITLE 37, UNITED STATES CODE.—Title 37,
7 United States Code, is amended as follows:

8 (1) Section 301b(j)(2) is amended by striking
9 “section 301a(a)(6)(A)” and inserting “section
10 301a(a)(6)(B)”.

11 (2) Section 404(b)(2) is amended by striking
12 “section 402(e)” and inserting “section 403(f)(3)”.

13 (3) The table of sections at the beginning of
14 chapter 7 is amended by inserting after the item re-
15 lating to section 434 the following new item:

“435. Funeral honors duty: allowance.”.

16 (4) The section 435 added by section 586(b) of
17 the National Defense Authorization Act for Fiscal
18 Year 2000 (Public Law 106–65; 113 Stat. 638) is
19 redesignated as section 436, and the item relating to
20 that section in the table of sections at the beginning
21 of chapter 7 is revised to conform to such redesigna-
22 tion.

23 (5) Section 1012 is amended by striking “sec-
24 tion 402(b)(3)” and inserting “section 402(e)”.

1 (c) PUBLIC LAW 106–65.—Effective as of October 5,
2 1999, and as if included therein as enacted, section 601(c)
3 of the National Defense Authorization Act for Fiscal Year
4 2000 (Public Law 106–65; 113 Stat. 645) is amended—

5 (1) in the first table, relating to commissioned
6 officers, by striking “\$12,441.00” in footnote 2 and
7 inserting “\$12,488.70”; and

8 (2) in the fourth table, relating to enlisted
9 members, by striking “\$4,701.00” in footnote 2 and
10 inserting “\$4,719.00”.

11 (d) PUBLIC LAW 105–261.—Effective as of October
12 17, 1998, and as if included therein as enacted, the Strom
13 Thurmond National Defense Authorization Act for Fiscal
14 Year 1999 (Public Law 105–261; 112 Stat. 1920 et seq.)
15 is amended as follows:

16 (1) Section 503(b)(1) (112 Stat. 2003) is
17 amended by inserting “its” after “record of” in the
18 first quoted matter therein.

19 (2) Section 645(b) (112 Stat. 2050) is amended
20 by striking “a member” and inserting “member” in
21 the quoted matter therein.

22 (3) Section 701 (112 Stat. 2056) is amended—

23 (A) in subsection (a), by inserting “(1)”
24 before “Section 1076a(b)(2)”; and

1 (B) in subsection (b), by inserting “of such
2 title” after “1076a”.

3 (4) Section 802(b) (112 Stat. 2081) is amended
4 by striking “Administrative” in the first quoted mat-
5 ter therein and inserting “Administration”.

6 (5) Section 1101(e)(2)(C) (112 Stat. 2140; 5
7 U.S.C. 3104 note) is amended by striking “sub-
8 section (c)(1)” and inserting “subsection (c)(2)”.

9 (e) PUBLIC LAW 105–85.—The National Defense
10 Authorization Act for Fiscal Year 1998 (Public Law 105–
11 85) is amended as follows:

12 (1) Section 602(d)(1)(A) (111 Stat. 1773; 37
13 U.S.C. 402 note) is amended by striking “of” the
14 first place it appears in the matter preceding clause
15 (ii).

16 (2) Section 1221(a)(3) (22 U.S.C. 1928 note),
17 as amended by section 1233(a)(2)(A) of Public Law
18 105–261 (112 Stat. 2156), is amended by striking
19 the second close parenthesis after “relief efforts”.

20 (f) OTHER LAWS.—

21 (1) Section 834(e) of the National Defense Au-
22 thorization Act for Fiscal Years 1990 and 1991 (15
23 U.S.C. 637 note) is amended by striking the second
24 period after “2000”.

1 (2) Section 2905(b)(4) of the Defense Base
2 Closure and Realignment Act of 1990 (part A of
3 title XXIX of Public Law 101–510; 10 U.S.C. 2687
4 note) is amended by transferring subparagraph (G)
5 so as to appear immediately before subparagraph
6 (H), as added by section 2821(a) of the National
7 Defense Authorization Act for Fiscal Year 2000
8 (Public Law 106–65; 113 Stat. 853).

9 (3) Section 686(b) of title 14, United States
10 Code, is amended—

11 (A) in paragraph (1), by striking “section
12 403(b)” and inserting “section 403(e)”; and

13 (B) in paragraph (2), by striking “a basic
14 allowance for quarters under section 403 of title
15 37, and, if in a high housing cost area, a vari-
16 able housing allowance under section 403a of
17 that title” and inserting “a basic allowance for
18 housing under section 403 of title 37”.

19 (4) Section 405(f)(6)(B) of the Departments of
20 Labor, Health and Human Services, and Education,
21 and Related Agencies Appropriations Act, 1999 (as
22 contained in section 101(f) of division A of Public
23 Law 105–277; 112 Stat. 2681–430), is amended by
24 striking “Act of title” in the first quoted matter
25 therein and inserting “Act or title”.

1 (5) Section 1403(c)(6) of the Defense Depend-
2 ents' Education Act of 1978 (20 U.S.C. 922(c)(6))
3 is amended by striking “the” before “Assistant Sec-
4 retary of Defense”.

5 (6) Effective as of October 5, 1999, section 224
6 b. of the Atomic Energy Act of 1954 (42 U.S.C.
7 2274(b)) is amended by striking “\$500,000” and in-
8 serting “\$50,000”.

9 **SEC. 1033. TRANSFER OF VIETNAM ERA TA-4 AIRCRAFT TO**
10 **NONPROFIT FOUNDATION.**

11 (a) **AUTHORITY TO CONVEY.**—The Secretary of the
12 Navy may convey, without consideration, to the nonprofit
13 Collings Foundation of Stow, Massachusetts (in this sec-
14 tion referred to as the “foundation”), all right, title, and
15 interest of the United States in and to one surplus TA-
16 4 aircraft that is flyable or that can be readily restored
17 to flyable condition. The conveyance shall be made by
18 means of a conditional deed of gift.

19 (b) **CONDITION OF AIRCRAFT.**—The Secretary may
20 not convey ownership of an aircraft under subsection (a)
21 until the Secretary determines that the foundation has al-
22 tered the aircraft in such manner as the Secretary deter-
23 mines necessary to ensure that the aircraft does not have
24 any capability for use as a platform for launching or re-
25 leasing munitions or any other combat capability that it

1 was designed to have. The Secretary is not required to
2 repair or alter the condition of the aircraft before con-
3 veying ownership of the aircraft.

4 (c) REVERTER UPON BREACH OF CONDITIONS.—
5 The Secretary shall include in the instrument of convey-
6 ance of the aircraft—

7 (1) a condition that the foundation not convey
8 any ownership interest in, or transfer possession of,
9 the aircraft to any other party without the prior ap-
10 proval of the Secretary;

11 (2) a condition that the foundation operate and
12 maintain the aircraft in compliance with all applica-
13 ble limitations and maintenance requirements im-
14 posed by the Administrator of the Federal Aviation
15 Administration; and

16 (3) a condition that if the Secretary determines
17 at any time that the foundation has conveyed an
18 ownership interest in, or transferred possession of,
19 the aircraft to any other party without the prior ap-
20 proval of the Secretary, or has failed to comply with
21 the condition set forth in paragraph (2), all right,
22 title, and interest in and to the aircraft, including
23 any repair or alteration of the aircraft, shall revert
24 to the United States, and the United States shall

1 have the right of immediate possession of the air-
2 craft.

3 (d) CONVEYANCE AT NO COST TO THE UNITED
4 STATES.—The conveyance of the aircraft under subsection
5 (a) shall be made at no cost to the United States. Any
6 costs associated with the conveyance, costs of determining
7 compliance with subsection (b), and costs of operation and
8 maintenance of the aircraft conveyed shall be borne by the
9 foundation.

10 (e) ADDITIONAL TERMS AND CONDITIONS.—The
11 Secretary may require such additional terms and condi-
12 tions in connection with a conveyance under this section
13 as the Secretary considers appropriate to protect the inter-
14 ests of the United States.

15 (f) CLARIFICATION OF LIABILITY.—Notwithstanding
16 any other provision of law, upon the conveyance of owner-
17 ship of a TA-4 aircraft to the foundation under subsection
18 (a), the United States shall not be liable for any death,
19 injury, loss, or damage that results from any use of that
20 aircraft by any person other than the United States.

21 **SEC. 1034. TRANSFER OF 19TH CENTURY CANNON TO MU-**
22 **SEUM.**

23 (a) DONATION REQUIRED.—The Secretary of the
24 Army shall convey, without consideration, to the Cannon-
25 ball House Museum located in Macon, Georgia (in this

1 section referred to as the “recipient”), all right, title, and
2 interest of the United States in and to a 12-pounder Na-
3 poleon cannon bearing the following markings:

4 (1) On the top “CS”.

5 (2) On the face of the muzzle: “Macon Arsenal,
6 1864/No.41/1164 ET”.

7 (3) On the right trunnion: “Macon Arsenal
8 GEO/1864/No.41/WT.1164/E.T.”.

9 (b) CONDITIONS ON CONVEYANCE.—The Secretary
10 shall include in the instrument of conveyance of the can-
11 non under subsection (a)—

12 (1) a condition that the recipient not convey
13 any ownership interest in, or transfer possession of,
14 the cannon to any other party without the prior ap-
15 proval of the Secretary; and

16 (2) a condition that if the Secretary determines
17 at any time that the recipient has conveyed an own-
18 ership interest in, or transferred possession of, the
19 cannon to any other party without the prior ap-
20 proval of the Secretary, all right, title, and interest
21 in and to the cannon shall revert to the United
22 States, and the United States shall have the right of
23 immediate possession of the cannon.

24 (c) ADDITIONAL TERMS AND CONDITIONS.—The
25 Secretary may require such additional terms and condi-

1 tions in connection with the conveyance under subsection
2 (a) as the Secretary considers appropriate to protect the
3 interests of the United States.

4 (d) ACQUISITION OF REPLACEMENT MACON CAN-
5 NON.—The Secretary shall seek to acquire, by donation
6 or purchase with funds made available for this purpose,
7 one or more cannons documented as having been manufac-
8 tured in Macon, Georgia, during the Civil War in order
9 to replace in the Army’s inventory the cannon conveyed
10 under subsection (a).

11 **SEC. 1035. EXPENDITURES FOR DECLASSIFICATION ACTIVI-**
12 **TIES.**

13 (a) IDENTIFICATION IN BUDGET MATERIALS OF
14 AMOUNTS FOR DECLASSIFICATION ACTIVITIES.—Section
15 230 of title 10, United States Code, is amended—

16 (1) by striking “, as a budgetary line item”;
17 and

18 (2) by adding at the end the following new sen-
19 tence: “Identification of such amounts in such budg-
20 et justification materials shall be in a single display
21 that shows the total amount for the Department of
22 Defense and the amount for each military depart-
23 ment and Defense Agency.”.

24 (b) LIMITATION ON EXPENDITURES.—The total
25 amount expended by the Department of Defense during

1 fiscal year 2001 to carry out declassification activities
2 under the provisions of sections 3.4, 3.5, and 3.6 of Execu-
3 tive Order 12958 (50 U.S.C. 435 note) and for special
4 searches (including costs for document search, copying,
5 and review and imagery analysis) may not exceed
6 \$30,000,000.

7 (c) COMPILATION AND ORGANIZATION OF
8 RECORDS.—The Department of Defense may not be re-
9 quired, when conducting a special search, to compile or
10 organize records that have already been declassified and
11 placed into the public domain.

12 (d) SPECIAL SEARCHES.—For the purpose of this
13 section, the term “special search” means the response of
14 the Department of Defense to any of the following:

15 (1) A statutory requirement to conduct a de-
16 classification review on a specified set of agency
17 records.

18 (2) An Executive order to conduct a declas-
19 sification review on a specified set of agency records.

20 (3) An order from the President or an official
21 with delegated authority from the President to con-
22 duct a declassification review on a specified set of
23 agency records.

1 **SEC. 1036. AUTHORITY TO PROVIDE LOAN GUARANTEES TO**
2 **IMPROVE DOMESTIC PREPAREDNESS TO**
3 **COMBAT CYBERTERRORISM.**

4 (a) **AUTHORITY.**—Subject to subsection (b), the Sec-
5 retary of Defense may guarantee the repayment of any
6 loan made to a qualified commercial firm to fund, in whole
7 or in part, any of the following activities:

8 (1) The improvement of the protection of the
9 critical infrastructure of that commercial firm.

10 (2) The refinancing of improvements previously
11 made to the protection of the critical infrastructure
12 of that commercial firm.

13 (b) **SUBJECT TO APPROPRIATIONS OF BUDGET AU-**
14 **THORITY.**—Loan guarantees under this section may not
15 be committed except to the extent that appropriations of
16 budget authority to cover their costs are made in advance,
17 as required by section 504 of the Federal Credit Reform
18 Act of 1990 (2 U.S.C. 661c).

19 (c) **LOAN LIMITS.**—The maximum amount of loan
20 principal guaranteed during a fiscal year under this sec-
21 tion may not exceed \$10,000,000, with respect to all bor-
22 rowers.

23 (d) **QUALIFIED COMMERCIAL FIRMS.**—For purposes
24 of this section, a qualified commercial firm is a company
25 or other business entity (including a consortium of such

1 companies or other business entities, as determined by the
2 Secretary) that the Secretary determines—

3 (1) conducts a significant level of its research,
4 development, engineering, and manufacturing activi-
5 ties in the United States;

6 (2) is a company or other business entity the
7 majority ownership or control of which is by United
8 States citizens or is a company or other business of
9 a parent company that is incorporated in a country
10 the government of which—

11 (A) encourages the participation of firms
12 so owned or controlled in research and develop-
13 ment consortia to which the government of that
14 country provides funding directly or provides
15 funding indirectly through international organi-
16 zations or agreements; and

17 (B) affords adequate and effective protec-
18 tion for the intellectual property rights of com-
19 panies incorporated in the United States;

20 (3) provides technology products or services
21 critical to the operations of the Department of De-
22 fense; and

23 (4) meets standards of prevention of
24 cyberterrorism applicable to the Department of
25 Defense.

1 (e) GOALS AND STANDARDS.—The Secretary shall
2 prescribe regulations setting forth goals for the use of the
3 loan guarantees provided under this section and standards
4 for evaluating whether those goals are met by each entity
5 receiving such loan guarantees.

6 (f) FEES.—(1) The Secretary shall prescribe regula-
7 tions to assess a fee for providing a loan guarantee under
8 this section. The amount of such fee shall be not less than
9 75 percent of the amount incurred by the Secretary to
10 provide the loan guarantee. Such fees shall be credited to
11 a special account in the Treasury. Amounts in the special
12 account shall be available, to the extent and in amounts
13 provided in appropriations Acts, for paying the costs of
14 administrative expenses of the Department of Defense
15 that are attributable to the loan guarantee program under
16 this section.

17 (2)(A) If for any fiscal year amounts in the special
18 account established under paragraph (1) are not available
19 (or are not anticipated to be available) in a sufficient
20 amount for administrative expenses of the Department of
21 Defense for that fiscal year that are directly attributable
22 to the administration of the program under this section,
23 the Secretary may use amounts currently available for op-
24 erations and maintenance for Defense-wide activities, not
25 to exceed \$500,000 in any fiscal year, for those expenses.

1 (B) The Secretary shall, from funds in the special
2 account established under paragraph (1), replenish oper-
3 ations and maintenance accounts for amounts expended
4 under subparagraph (A) as soon as the Secretary deter-
5 mines practicable.

6 (g) ADMINISTRATION.—(1) The Secretary shall enter
7 into one or more agreements, each with an appropriate
8 Federal or private entity, under which such entity shall,
9 under this section—

10 (A) process applications for loan guarantees;

11 (B) guarantee repayment of loans; and

12 (C) provide any other services to the Secretary
13 to administer this section.

14 (2) The cost of such agreements shall be considered,
15 for purposes of the special account established under sub-
16 section (f)(1), to be costs of administrative expenses of
17 the Department of Defense that are attributable to the
18 loan guarantee program under this section.

19 (h) REPORTS.—

20 (1) BY RECIPIENTS.—The Secretary shall re-
21 quire each recipient of a loan guarantee under this
22 section, as a condition of receiving that loan guar-
23 antee, to submit to the Secretary a report on the re-
24 sults of the improvements carried out pursuant to
25 the loan guarantee.

1 (2) BY SECRETARY.—Not later than March 1
2 of each year in which a guarantee issued under this
3 section is in effect, the Secretary shall submit to
4 Congress a report specifying the amounts of loans
5 guaranteed under this section during the preceding
6 calendar year. The report shall include an evaluation
7 of the success of the loan guarantees, an assessment
8 of the program as it relates to the support of the
9 Department’s Critical Infrastructure Protection Pro-
10 gram, and any other information that the Secretary
11 considers appropriate.

12 (i) DEFINITIONS.— In this section:

13 (1) The term “critical infrastructure” means
14 telecommunications systems, information systems,
15 and facilities, the loss of which would have a debili-
16 tating effect on the ability of the commercial firm to
17 deliver technology products or services to the De-
18 partment of Defense.

19 (2) The term “cyberterrorism” means the com-
20 mission of any of the following acts with respect to
21 protected computers (as defined in section
22 1030(e)(2) of title 18, United States Code):

23 (A) Knowing transmission of a program,
24 information, code, or command, that as a result

1 of such conduct, intentionally causes damage
2 without authorization, to a protected computer.

3 (B) Intentional access of a protected com-
4 puter without authorization, that as a result of
5 such conduct, recklessly causes damage.

6 (C) Intentional access of a protected com-
7 puter without authorization, that as a result of
8 such conduct, causes damage.

9 (j) AUTHORIZATION OF APPROPRIATIONS.—Of the
10 amount authorized to be appropriated for Defense-wide
11 activities by section 201(4), \$500,000 shall be available
12 only for the purpose of providing loan guarantees under
13 this section.

14 **SEC. 1037. V-22 COCKPIT AIRCRAFT VOICE AND FLIGHT**
15 **DATA RECORDERS.**

16 The Secretary of Defense shall require that all V-
17 22 Osprey aircraft be equipped with a state-of-the-art
18 cockpit voice recorder and a state-of-the-art flight data re-
19 corder each of which meets, at a minimum, the standards
20 for such devices recommended by the National Transpor-
21 tation Safety Board.

22 **SEC. 1038. ADDITIONAL WEAPONS OF MASS DESTRUCTION**
23 **CIVIL SUPPORT TEAMS.**

24 During fiscal year 2001, the Secretary of Defense
25 may establish up to five additional teams designated as

1 Weapons of Mass Destruction Civil Support Teams (for
2 a total of 32 such teams), to the extent that sources of
3 funding for such additional teams are identified.

4 **SEC. 1039. COMMISSION ON THE FUTURE OF THE UNITED**
5 **STATES AEROSPACE INDUSTRY.**

6 (a) ESTABLISHMENT.—Not later than March 1,
7 2001, the President shall establish a commission to be
8 known as the “Commission on the Future of the United
9 States Aerospace Industry” (in this section referred to as
10 the “Commission”).

11 (b) DUTIES.—The Commission shall have the fol-
12 lowing duties:

13 (1) To study the issues relevant to the future
14 of the United States aerospace industry with respect
15 to the economic and national security of the United
16 States.

17 (2) To assess the future importance of the
18 United States aerospace industry to the economic
19 and national security of the United States.

20 (3) To evaluate the effect on the United States
21 aerospace industry of the laws, regulations, policies,
22 and procedures of the Federal Government with re-
23 spect to—

24 (A) the budget;

25 (B) research and development;

1 (C) acquisition, including financing and
2 payment of contracts;

3 (D) operation and maintenance;

4 (E) international trade and export of tech-
5 nology;

6 (F) taxation; and

7 (G) science and engineering education.

8 (4) To study in particular detail the adequacy
9 of projected budgets of Federal agencies for—

10 (A) aerospace research and development
11 and procurement;

12 (B) maintaining the national space launch
13 infrastructure; and

14 (C) supporting aerospace science and engi-
15 neering efforts at institutions of higher edu-
16 cation.

17 (5) To consider and recommend feasible actions
18 by the Federal Government to support the ability of
19 the United States aerospace industry to remain ro-
20 bust into the future.

21 (c) COMPOSITION.—(1) The Commission shall be
22 composed of not less than 10 and not more than 17 mem-
23 bers appointed by the President.

1 (2) Each member shall be an individual with exten-
2 sive experience and a national reputation with respect to
3 one or more of the following:

4 (A) Aerospace manufacturing.

5 (B) Labor organizations associated with aero-
6 space manufacturing.

7 (C) Economics or finance.

8 (D) National security.

9 (E) International trade or foreign policy.

10 (3) Members shall serve without pay by reason of
11 their work on the Commission.

12 (4) Each member shall receive travel expenses, in-
13 cluding per diem in lieu of subsistence, in accordance with
14 sections 5702 and 5703 of title 5, United States Code.

15 (5) The Chairperson of the Commission shall be des-
16 ignated by the President at the time of the appointment.

17 (d) POWERS.—(1) A number not less than 50 percent
18 of the total number of members of the Commission shall
19 constitute a quorum but a lesser number may hold hear-
20 ings.

21 (2) The Commission shall meet at the call of the
22 Chairperson.

23 (3) The Commission may, for the purpose of carrying
24 out this section, hold hearings, sit and act at times and

1 places, take testimony, and receive evidence as the Com-
2 mission considers appropriate.

3 (4) Any member or agent of the Commission may,
4 if authorized by the Commission, take any action which
5 the Commission is authorized to take by this section.

6 (5) The Commission may secure directly from any de-
7 partment or agency of the United States information nec-
8 essary to enable it to carry out this section. Upon request
9 of the Chairperson of the Commission, the head of that
10 department or agency shall furnish that information to the
11 Commission.

12 (6) The Commission may use the United States mails
13 in the same manner and under the same conditions as
14 other departments and agencies of the United States.

15 (7) Upon the request of the Commission, the Admin-
16 istrator of General Services shall provide to the Commis-
17 sion, on a reimbursable basis, the administrative support
18 services necessary for the Commission to carry out its re-
19 sponsibilities under this section.

20 (e) DIRECTOR AND STAFF.—(1) The Chairperson
21 shall appoint and fix the pay of a Director.

22 (2) The Chairperson may appoint and fix the pay of
23 additional personnel as the Chairperson considers appro-
24 priate.

1 (3) The Director and staff of the Commission may
2 be appointed without regard to the provisions of title 5,
3 United States Code, governing appointments in the com-
4 petitive service, and may be paid without regard to the
5 provisions of chapter 51 and subchapter III of chapter 53
6 of that title relating to classification and General Schedule
7 pay rates.

8 (4) With the approval of the Commission, the Chair-
9 person may procure temporary and intermittent services
10 under section 3109(b) of title 5, United States Code.

11 (5) Upon request of the Chairperson, the head of any
12 Federal department or agency may detail, on a reimburs-
13 able basis, any of the personnel of that department or
14 agency to the Commission to assist it in carrying out its
15 duties under this section.

16 (f) REPORT.—Not later than March 1, 2002, the
17 Commission shall transmit a report to the Congress. The
18 report shall contain a detailed statement of the findings
19 and conclusions of the Commission, the recommendations
20 of the Commission for legislation or administrative action,
21 and such other information as the Commission considers
22 appropriate.

23 (g) TERMINATION.—The Commission shall terminate
24 30 days after submitting its report pursuant to subsection
25 (f).

1 (h) FUNDING.—Funds for activities of the Commis-
2 sion shall be provided from amounts appropriated for the
3 Department of Defense for operation and maintenance for
4 Defense-wide activities. Upon receipt of a written certifi-
5 cation from the Chairperson of the Commission specifying
6 the funds required for the activities of the Commission,
7 the Secretary of Defense shall promptly disburse to the
8 Commission, from such amounts, the funds required by
9 the Commission as stated in such certification.

10 **SEC. 1040. SENSE OF THE CONGRESS REGARDING INFOR-**
11 **MATION TECHNOLOGY SYSTEMS.**

12 It is the sense of the Congress that—

13 (1) the Department of Defense must focus on
14 upgrading information technology systems to allow
15 seamless and interoperable communications; and

16 (2) each Secretary of a military department
17 must demonstrate an unwavering commitment to
18 achieving this goal and must ensure that commu-
19 nications systems within the active, reserve, and Na-
20 tional Guard component of that military department
21 receive equal attention and funding for information
22 technology.

1 **SEC. 1041. ASSIGNMENT OF MEMBERS TO ASSIST IMMIGRA-**
2 **TION AND NATURALIZATION SERVICE AND**
3 **CUSTOMS SERVICE.**

4 (a) ASSIGNMENT AUTHORITY OF SECRETARY OF DE-
5 FENSE.—Chapter 18 of title 10, United States Code, is
6 amended by inserting after section 374 the following new
7 section:

8 **“§ 374a. Assignment of members to assist border pa-**
9 **trol and control**

10 “(a) ASSIGNMENT AUTHORIZED.—Upon submission
11 of a request consistent with subsection (b), the Secretary
12 of Defense may assign members of the Army, Navy, Air
13 Force, and Marine Corps to assist—

14 “(1) the Immigration and Naturalization Serv-
15 ice in preventing the entry of terrorists and drug
16 traffickers into the United States; and

17 “(2) the United States Customs Service in the
18 inspection of cargo, vehicles, and aircraft at points
19 of entry into the United States to prevent the entry
20 of weapons of mass destruction, components of
21 weapons of mass destruction, prohibited narcotics or
22 drugs, or other terrorist or drug trafficking items.

23 “(b) REQUEST FOR ASSIGNMENT.—The assignment
24 of members under subsection (a) may occur only if—

25 “(1) the assignment is at the request of the At-
26 torney General, in the case of an assignment to the

1 Immigration and Naturalization Service, or the Sec-
2 retary of the Treasury, in the case of an assignment
3 to the United States Customs Service; and

4 “(2) the request of the Attorney General or the
5 Secretary of the Treasury (as the case may be) is
6 accompanied by a certification by the President that
7 the assignment of members pursuant to the request
8 is necessary to respond to a threat to national secu-
9 rity posed by the entry into the United States of ter-
10 rorists or drug traffickers.

11 “(c) TRAINING PROGRAM REQUIRED.—The Attorney
12 General or the Secretary of the Treasury (as the case may
13 be), together with the Secretary of Defense, shall establish
14 a training program to ensure that members receive general
15 instruction regarding issues affecting law enforcement in
16 the border areas in which the members may perform du-
17 ties under an assignment under subsection (a). A member
18 may not be deployed at a border location pursuant to an
19 assignment under subsection (a) until the member has
20 successfully completed the training program.

21 “(d) CONDITIONS ON USE.—(1) Whenever a member
22 who is assigned under subsection (a) to assist the Immi-
23 gration and Naturalization Service or the United States
24 Customs Service is performing duties at a border location
25 pursuant to the assignment, a civilian law enforcement of-

1 fier from the agency concerned shall accompany the
2 member.

3 “(2) Nothing in this section shall be construed to—

4 “(A) authorize a member assigned under sub-
5 section (a) to conduct a search, seizure, or other
6 similar law enforcement activity or to make an ar-
7 rest; and

8 “(B) supersede section 1385 of title 18 (popu-
9 larly known as the ‘Posse Comitatus Act’).

10 “(e) NOTIFICATION REQUIREMENTS.—The Attorney
11 General or the Secretary of the Treasury (as the case may
12 be) shall notify the Governor of the State in which mem-
13 bers are to be deployed pursuant to an assignment under
14 subsection (a), and local governments in the deployment
15 area, of the deployment of the members to assist the Im-
16 migration and Naturalization Service or the United States
17 Customs Service (as the case may be) and the types of
18 tasks to be performed by the members.

19 “(f) REIMBURSEMENT REQUIREMENT.—Section 377
20 of this title shall apply in the case of members assigned
21 under subsection (a).

22 “(g) TERMINATION OF AUTHORITY.—No assignment
23 may be made or continued under subsection (a) after Sep-
24 tember 30, 2002.”.

1 (b) COMMENCEMENT OF TRAINING PROGRAM.—The
2 training program required by subsection (b) of section
3 374a of title 10, United States Code, shall be established
4 as soon as practicable after the date of the enactment of
5 this Act.

6 (c) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of such chapter is amended by inserting
8 after the item relating to section 374 the following new
9 item:

“374a. Assignment of members to assist border patrol and control.”.

10 **TITLE XI—DEPARTMENT OF**
11 **DEFENSE CIVILIAN PERSONNEL**
12 **SEC. 1101. EMPLOYMENT AND COMPENSATION PROVISIONS**
13 **FOR EMPLOYEES OF TEMPORARY ORGANIZA-**
14 **TIONS ESTABLISHED BY LAW OR EXECUTIVE**
15 **ORDER.**

16 (a) IN GENERAL.—Chapter 31 of title 5, United
17 States Code, is amended by adding at the end the fol-
18 lowing new subchapter:

1 “SUBCHAPTER IV—EMPLOYMENT AND COM-
2 PENSATION FOR EMPLOYEES OF TEM-
3 PORARY ORGANIZATIONS IN THE EXECU-
4 TIVE BRANCH ESTABLISHED BY LAW OR
5 EXECUTIVE ORDER

6 “§ 3161. **Temporary organizations established by law**
7 **or Executive order**

8 “(a) DEFINITION OF TEMPORARY ORGANIZATION.—
9 For the purposes of this subchapter, the term ‘temporary
10 organization’ means an organization such as a commis-
11 sion, committee, or board that is established by law in the
12 legislative or executive branches, or by Executive order in
13 the executive branch, for a specific period, which shall not
14 exceed 5 years, for the purpose of performing specific
15 projects or studies.

16 “(b) HIRING AUTHORITY.—Notwithstanding the pro-
17 visions of chapter 51, the head of a temporary organiza-
18 tion may employ such numbers and types of employees
19 as required to perform the functions required of the tem-
20 porary organization. Employees may be appointed for a
21 period of 5 years or the life of the temporary organization,
22 whichever is less.

23 “(c) STATUS OF POSITIONS AND APPOINTMENTS.—
24 Positions of employment in a temporary organization are
25 excepted from the competitive service.

1 “(d) COMPENSATION.—(1) The basic pay of an em-
2 ployee of a temporary organization may be set without re-
3 gard to the provisions of chapter 51 or subchapter III of
4 chapter 53, except that—

5 “(A) basic pay for an executive level position
6 (such as a chairperson, member, or executive or staff
7 director), and, in exceptional cases, for senior staff
8 shall be capped at the maximum rate of basic pay
9 established for the Senior Executive Service under
10 subchapter VIII of chapter 53; and

11 “(B) basic pay for other staff may not exceed
12 the maximum rate of basic pay for GS–15 of the
13 General Schedule.

14 “(2) An employee whose rate of basic pay is set under
15 paragraph (1) shall be entitled to locality-based com-
16 parability payments, as provided under section 5304.

17 “(e) TRAVEL EXPENSES.—An employee of a tem-
18 porary organization, whether employed on a full-time or
19 part-time basis, may be entitled to travel and transpor-
20 tation allowances, including per diem allowances, author-
21 ized for employees under subchapter I of chapter 57, while
22 traveling away from the regular place of business of the
23 employee in the performance of services for the temporary
24 organization.

1 “(f) RETURN RIGHTS.—An employee serving under
2 a career or career-conditional appointment, or the equiva-
3 lent, who transfers to or converts to an appointment in
4 a temporary organization with the consent of the head of
5 the agency (or the designee of the agency head) in which
6 the employee was serving is entitled to be returned to a
7 position of like seniority, status, and pay (without grade
8 or pay retention) as the former position in the agency from
9 which employed immediately preceding employment with
10 the temporary organization if—

11 “(1) the employee is being separated from the
12 temporary organization for reasons other than mis-
13 conduct, neglect of duty, or malfeasance; and

14 “(2) the employee applies for return rights not
15 later than 30 days before the end of the employment
16 in the temporary organization, or the termination of
17 the temporary organization, whichever is earlier.

18 “(g) PROCUREMENT OF TEMPORARY AND INTERMIT-
19 TENT SERVICES.—The head of the temporary organiza-
20 tion may procure temporary and intermittent services
21 under section 3109(b).

22 “(h) ACCEPTANCE OF VOLUNTEER SERVICES.—(1)
23 The head of a temporary organization may accept volun-
24 teer services relating to the duties of the temporary orga-
25 nization without regard to section 1342 of title 31, includ-

1 ing service as advisers, experts, members, or in other ca-
2 pacities determined appropriate by the head of the tem-
3 porary organization. The head of the temporary
4 organization—

5 “(A) shall assure that all persons accepted as
6 volunteers are notified of the scope of the voluntary
7 services accepted;

8 “(B) shall supervise volunteers to the same ex-
9 tent as employees receiving compensation for similar
10 services; and

11 “(C) shall ensure that volunteers have appro-
12 priate credentials or are otherwise qualified to per-
13 form in the capacities for which they are accepted.

14 “(2) A person providing volunteer services
15 under this subsection shall be considered an em-
16 ployee of the Federal Government for the purposes
17 of chapters 73 and 81, chapter 171 of title 28, chap-
18 ter 11 of title 18, and part 2635 of title 5 of the
19 Code of Federal regulations.

20 “(i) DETAILEES.—Upon request of the head of the
21 temporary organization, the head of any department or
22 agency of the United States may detail, on a nonreimburs-
23 able basis, any personnel of the department or agency to
24 the temporary organization to assist in carrying out its
25 duties.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of such chapter is amended by inserting
 3 after the items relating to subchapter III the following:

“SUBCHAPTER IV—EMPLOYMENT AND COMPENSATION FOR EM-
 PLOYEES OF TEMPORARY ORGANIZATIONS ESTABLISHED BY
 LAW OR EXECUTIVE ORDER

“3161. Temporary organizations established by law or Executive order.”.

4 **SEC. 1102. RESTRUCTURING THE RESTRICTION ON DEGREE**
 5 **TRAINING.**

6 Section 4107 of title 5, United States Code, is
 7 amended—

8 (1) in subsection (a), by striking “subsection
 9 (b)” and inserting “subsections (b) and (c)”;

10 (2) in subsection (b)(1), by striking “subsection
 11 (a)” and inserting “subsections (a) or (c)”; and

12 (3) by adding at the end the following new sub-
 13 section:

14 “(c) With respect to an employee of the Department
 15 of Defense—

16 “(1) this chapter does not authorize, except as
 17 provided in subsection (b) of this section, the selec-
 18 tion and assignment of the employee for training, or
 19 the payment or reimbursement of the costs of train-
 20 ing, for—

21 “(A) the purpose of providing an oppor-
 22 tunity to the employee to obtain an academic
 23 degree in order to qualify for appointment to a

1 particular position for which the academic de-
2 gree is a basic requirement; or

3 “(B) the sole purpose of providing an op-
4 portunity to the employee to obtain one or more
5 academic degrees, unless such opportunity is
6 part of a planned, systematic, and coordinated
7 program of professional development endorsed
8 by the Department of Defense; and

9 “(2) any course of post-secondary education de-
10 livered through classroom, electronic, or other means
11 shall be administered or conducted by an institution
12 recognized under standards implemented by a na-
13 tional or regional accrediting body, except in a case
14 in which such standards do not exist or would not
15 be appropriate.”.

16 **SEC. 1103. CONTINUATION OF TUITION REIMBURSEMENT**
17 **AND TRAINING FOR CERTAIN ACQUISITION**
18 **PERSONNEL.**

19 Section 1745(a)(2) of title 10, United States Code,
20 is amended by striking “September 30, 2001” and insert-
21 ing “September 30, 2005”.

1 (A) by striking “sensitive position in an in-
2 telligence component of the Department of De-
3 fense” in the matter preceding paragraph (1)
4 and inserting “sensitive defense intelligence po-
5 sition”; and

6 (B) by striking “with the intelligence com-
7 ponent” in paragraphs (1) and (2) and insert-
8 ing “in a defense intelligence position”;

9 (3) in subsection (d), by striking “an intel-
10 ligence component of the Department of Defense”
11 and inserting “in a defense intelligence position”;
12 and

13 (4) by striking subsection (f).

14 (c) CONFORMING AMENDMENT FOR DEFINITION OF
15 DEFENSE INTELLIGENCE POSITION.—Section 1614(1) of
16 such title is amended by striking “of an intelligence com-
17 ponent of the Department of Defense or of a military de-
18 partment” and inserting “of the Department of Defense”.

19 **SEC. 1106. PILOT PROGRAM FOR REENGINEERING THE**
20 **EQUAL EMPLOYMENT OPPORTUNITY COM-**
21 **PLAINT PROCESS.**

22 (a) PILOT PROGRAM.—(1) The Secretary of the Navy
23 may carry out a pilot program to improve processes for
24 the resolution of equal employment opportunity com-
25 plaints by civilian employees of the Department of the

1 Navy. Complaints processed under the pilot program shall
2 be subject to the procedural requirements established for
3 the pilot program and shall not be subject to the proce-
4 dural requirements of 29 CFR part 1614 or other regula-
5 tions or directives of the Equal Employment Opportunity
6 Commission.

7 (2) The pilot program shall include procedures to re-
8 duce processing time and eliminate redundancy with re-
9 spect to processes for the resolution of equal employment
10 opportunity complaints, reinforce local management and
11 chain-of-command accountability, and provide the parties
12 involved with early opportunity for resolution.

13 (3) The Secretary may waive any regulatory restric-
14 tions prescribed by the Equal Employment Opportunity
15 Commission in carrying out the pilot program.

16 (4) The Secretary may carry out the pilot program
17 for a period of 5 years, beginning on January 1, 2001.

18 (5) Participation in the pilot program shall be vol-
19 untary on the part of the complainant. Complainants who
20 participate in the pilot program shall retain the right to
21 appeal a final agency decision to the Equal Employment
22 Opportunity Commission and to file suit in district court.
23 The Equal Employment Opportunity Commission shall
24 not reverse a final agency decision on the grounds that
25 the agency did not comply with the regulatory require-

1 ments promulgated by the Commission. This paragraph
2 applies to all cases currently pending before the Equal
3 Employment Opportunity Commission or hereinafter filed
4 with the Commission.

5 (b) REPORT.—Not later than 90 days following the
6 end of the second and fourth full or partial fiscal years
7 during which the pilot program is implemented, the Comp-
8 troller General shall submit to Congress a report on the
9 pilot program. Such reports shall contain the following:

10 (1) A description of the processes tested by the
11 pilot program.

12 (2) The results of such testing.

13 (3) Recommendations for changes to the proc-
14 esses for the resolution of equal employment oppor-
15 tunity complaints as a result of such pilot program.

16 (4) A comparison of the processes used under
17 the pilot program to traditional and alternative dis-
18 pute resolution processes used in the government or
19 private industry.

1 **SEC. 1107. TEMPORARY AUTHORITY REGARDING VOL-**
2 **UNTARY SEPARATION INCENTIVES AND**
3 **EARLY RETIREMENT FOR EMPLOYEES OF**
4 **THE DEPARTMENT OF THE AIR FORCE.**

5 (a) SEPARATION PAY.—Section 5597 of title 5,
6 United States Code, is amended by adding at the end the
7 following new subsection:

8 “(i)(1) In this subsection:

9 “(A) the term ‘agency’ means the Department
10 of the Air Force;

11 “(B) the term ‘employee’ means an employee
12 (as defined by section 2105) who is employed by the
13 agency, is serving under an appointment without
14 time limitation, and has been currently employed for
15 a continuous period of at least 3 years, but does not
16 include—

17 “(i) a reemployed annuitant under sub-
18 chapter III of chapter 83 or chapter 84, or an-
19 other retirement system for employees of the
20 agency;

21 “(ii) an employee having a disability on the
22 basis of which such employee is or would be eli-
23 gible for disability retirement under subchapter
24 III of chapter 83 or chapter 84, or another re-
25 tirement system for employees of the agency;

1 “(iii) an employee who is in receipt of a
2 specific notice of involuntary separation for mis-
3 conduct or unacceptable performance;

4 “(iv) an employee who has previously re-
5 ceived any voluntary separation incentive pay-
6 ment by the Federal Government under this
7 section or any other authority and has not re-
8 paid such payment;

9 “(v) an employee covered by statutory re-
10 employment rights who is on transfer to an-
11 other organization; or

12 “(vi) any employee who, during the 24-
13 month period preceding the date of separation,
14 has received a recruitment or relocation bonus
15 under section 5753 or who, within the 12-
16 month period preceding the date of separation,
17 received a retention allowance under section
18 5754.

19 “(2)(A) A voluntary separation incentive payment
20 may be paid under this section by the agency to any em-
21 ployee to maintain continuity of skills among the agency’s
22 employees or to adapt the skills of the agency’s workforce
23 to the emerging technologies critical to the agency’s needs
24 and goals.

1 “(B) A voluntary separation incentive payment under
2 this subsection—

3 “(i) shall be paid in a lump sum after the em-
4 ployee’s separation;

5 “(ii) shall be paid from appropriations or funds
6 available for the payment of the basic pay of the em-
7 ployees;

8 “(iii) shall be equal to the lesser of—

9 “(I) an amount equal to the amount the
10 employee would be entitled to receive under sec-
11 tion 5595(e); or

12 “(II) an amount determined by the agency
13 head not to exceed \$25,000;

14 “(iv) may not be made except in the case of any
15 qualifying employee who voluntarily separates
16 (whether by retirement or resignation) before De-
17 cember 31, 2003;

18 “(v) shall not be a basis for payment, and shall
19 not be included in the computation, of any other
20 type of Government benefit; and

21 “(vi) shall not be taken into account in deter-
22 mining the amount of any severance pay to which
23 the employee may be entitled under section 5595
24 based on any other separation.

1 “(3)(A) The head of the agency, prior to obligating
2 any resources for voluntary separation incentive payments
3 under this subsection, shall submit to the House and Sen-
4 ate Committees on Armed Services and the Committee on
5 Governmental Affairs of the Senate and the Committee
6 on Government Reform of the House of Representatives
7 a strategic plan outlining the intended use of such incen-
8 tive payments and a proposed organizational chart for the
9 agency once such incentive payments have been completed.

10 “(B) The agency’s plan shall include—

11 “(i) any positions and functions to be reduced
12 or eliminated, identified by organizational unit, geo-
13 graphic location, occupational category and grade
14 level;

15 “(ii) the number and amounts of voluntary sep-
16 aration incentive payments to be offered;

17 “(iii) the steps to be taken to maintain con-
18 tinuity of skills among the agency’s employees or to
19 adapt the skills of the agency’s workforce to the
20 emerging technologies critical to the agency’s needs
21 and goals; and

22 “(iv) a description of how the agency will oper-
23 ate without the eliminated positions and functions.

24 “(4) In addition to any other payments which it is
25 required to make under subchapter III of chapter 83 the

1 agency shall remit to the Office of Personnel Management
2 for deposit in the Treasury of the United States to the
3 credit of the Civil Service Retirement and Disability Fund
4 an amount equal to be determined in accordance with
5 paragraph (5).

6 “(5)(A) The amount remitted to the Treasury shall
7 be the sum determined as follows. First, apply the fol-
8 lowing percentages to the final basic pay of each employee
9 who is covered under subchapter III of chapter 83 or
10 chapter 84 to whom a voluntary separation incentive has
11 been paid under this section and who retires on an early
12 retirement or an immediate annuity:

13 “(i) 19 percent in the case of an employee cov-
14 ered under subchapter III of chapter 83 who takes
15 an early retirement; or

16 “(ii) 58 percent in the case of an employee cov-
17 ered under subchapter III of chapter 83 who takes
18 an immediate annuity.

19 “(B) Second, the sum of the amounts determined
20 under clauses (i) and (ii) of subparagraph (A) shall be
21 reduced, but not below zero, by the sum determined by
22 applying the following percentages to the final basic pay
23 of each employee who is covered under chapter 84 to
24 whom a voluntary separation incentive has been paid
25 under this section and who resigns or retires on an early

1 retirement or immediate annuity, or an employee covered
2 under subchapter III of chapter 83 to whom a voluntary
3 separation incentive has been paid under this section and
4 who resigns:

5 “(i) 419 percent in the case of an employee cov-
6 ered under subchapter III of chapter 83 who re-
7 signs;

8 “(ii) 17 percent in the case of an employee cov-
9 ered under chapter 84 who takes an early retire-
10 ment;

11 “(iii) 8 percent in the case of an employee cov-
12 ered under chapter 84 who retires on an immediate
13 annuity; and

14 “(iv) 211 percent in the case of an employee
15 covered under chapter 84 who resigns.

16 “(6) Under regulations prescribed by the Office of
17 Personnel Management, the agency may elect to make the
18 remittances required under paragraph (4) in installments
19 over a period not to exceed 3 years. In such case, the per-
20 centages to be applied under paragraph (5) shall be those
21 determined by the Office as are necessary to equalize the
22 net present value of retirement benefits payable to employ-
23 ees who retire or resign with a separation incentive under
24 this subsection and the net present value of retirement
25 benefits those employees would have received if they had

1 continued to work and then retired or resigned at the
2 standard rates observed for the workforce.”.

3 (b) RETIREMENT UNDER CIVIL SERVICE RETIRE-
4 MENT SYSTEM.—Section 8336 of such title is amended
5 by adding at the end the following new subsection:

6 “(o)(1) An employee of the Department of the Air
7 Force who is separated from the service voluntarily as a
8 result of a determination described in paragraph (2) after
9 completing 25 years of service or after becoming 50 years
10 of age and completing 20 years of service is entitled to
11 an annuity.

12 “(2) A determination under this paragraph is a deter-
13 mination by the Secretary of the Air Force that the sepa-
14 ration described in paragraph (1) is necessary for the pur-
15 pose of maintaining continuity of skills among employees
16 of the Department of the Air Force and adapting the skills
17 of the workforce of the Department to emerging tech-
18 nologies critical to the needs and goals of the Depart-
19 ment.”.

20 (c) RETIREMENT UNDER FEDERAL EMPLOYEES’ RE-
21 TIREMENT SYSTEM.—Section 8414 of such title is amend-
22 ed by adding at the end the following new subsection:

23 “(d)(1) An employee of the Department of the Air
24 Force who is separated from the service voluntarily as a
25 result of a determination described in paragraph (2) after

1 completing 25 years of service or after becoming 50 years
2 of age and completing 20 years of service is entitled to
3 an annuity.

4 “(2) A determination under this paragraph is a deter-
5 mination by the Secretary of the Air Force that the sepa-
6 ration described in paragraph (1) is necessary for the pur-
7 pose of maintaining continuity of skills among employees
8 of the Department of the Air Force and adapting the skills
9 of the workforce of the Department to emerging tech-
10 nologies critical to the needs and goals of the Depart-
11 ment.”.

12 (d) Reports.—The Secretary of the Air Force shall
13 submit annual reports to the House and Senate Commit-
14 tees on Armed Services and the Committee on Govern-
15 mental Affairs of the Senate and the Committee on Gov-
16 ernment Reform of the House of Representatives describ-
17 ing the use of the authority provided in the amendments
18 made by this section and the bases for using such author-
19 ity with respect to the employees chosen.

20 (e) LIMITATION OF APPLICABILITY.—The authority
21 to provide separation pay and retirement benefits under
22 the amendments made by this section—

23 (1) may be exercised with respect to not more
24 than 1000 civilian employees of the Department of
25 the Air Force during each calendar year; and

1 (2) shall expire on December 31, 2003.

2 **TITLE XII—MATTERS RELATING**
3 **TO OTHER NATIONS**

4 **SEC. 1201. SUPPORT OF UNITED NATIONS-SPONSORED EF-**
5 **FORTS TO INSPECT AND MONITOR IRAQI**
6 **WEAPONS ACTIVITIES.**

7 (a) LIMITATION ON AMOUNT OF ASSISTANCE IN FIS-
8 CAL YEAR 2001—The total amount of the assistance for
9 fiscal year 2001 that is provided by the Secretary of De-
10 fense under section 1505 of the Weapons of Mass Destruc-
11 tion Control Act of 1992 (22 U.S.C. 5859a) as activities
12 of the Department of Defense in support of activities
13 under that Act may not exceed \$15,000,000.

14 (b) EXTENSION OF AUTHORITY TO PROVIDE ASSIST-
15 ANCE.—Subsection (f) of section 1505 of the Weapons of
16 Mass Destruction Control Act of 1992 (22 U.S.C. 5859a)
17 is amended by striking “2000” and inserting “2001”.

18 **SEC. 1202. ANNUAL REPORT ASSESSING EFFECT OF CON-**
19 **TINUED OPERATIONS IN THE BALKANS RE-**
20 **GION ON READINESS TO EXECUTE THE NA-**
21 **TIONAL MILITARY STRATEGY.**

22 Section 1035 of the National Defense Authorization
23 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.
24 753) is amended—

1 (1) in subsection (a), by striking “Not later
2 than 180 days after the date of the enactment of
3 this Act” and inserting “Not later than April 1 each
4 year”;

5 (2) in subsection (b), by striking “The report”
6 in the matter preceding paragraph (1) and inserting
7 “Each report”; and

8 (3) in subsection (d), by striking “the report”
9 and inserting “a report”.

10 **SEC. 1203. SITUATION IN THE BALKANS.**

11 (a) ESTABLISHMENT OF NATO BENCHMARKS FOR
12 WITHDRAWAL OF FORCES FROM KOSOVO.—The Presi-
13 dent shall develop, not later than May 31, 2001, militarily
14 significant benchmarks for conditions that would achieve
15 a sustainable peace in Kosovo and ultimately allow for the
16 withdrawal of the United States military presence in
17 Kosovo. Congress urges the President to seek concurrence
18 among member nations of the North Atlantic Treaty Or-
19 ganization in the development of those benchmarks.

20 (b) COMPREHENSIVE POLITICAL-MILITARY STRAT-
21 EGY.—The President shall develop a comprehensive polit-
22 ical-military strategy for addressing the political, eco-
23 nomic, humanitarian, and military issues in the Balkans
24 and shall establish near-term, mid-term, and long-term ob-
25 jectives in the region. In developing such strategy and

1 such objectives, the President shall take into consideration
2 the benchmarks relating to Kosovo developed as described
3 in subsection (a) and the benchmarks relating to Bosnia
4 that were detailed in the report accompanying the certifi-
5 cation by the President to Congress on March 3, 1998
6 (printed as House Document 105–223), with respect to
7 the continued presence of United States Armed Forces,
8 after June 30, 1998, in Bosnia and Herzegovina, sub-
9 mitted to Congress pursuant to section 7 of Public Law
10 105–74. Such strategy and objectives shall be developed
11 in consultation with appropriate regional and international
12 entities.

13 (c) SEMIANNUAL REPORT ON COMPREHENSIVE
14 STRATEGY.—Not later than June 30, 2001, and 6 months
15 thereafter so long as United States forces are in the Bal-
16 kans, the President shall submit to Congress a report on
17 the progress being made in developing and implementing
18 a comprehensive political-military strategy as described in
19 subsection (b).

20 (d) SEMIANNUAL REPORT ON BENCHMARKS.—Not
21 later than June 30, 2001, and every 6 months thereafter,
22 the President shall submit to Congress a report on the
23 progress made in achieving the conditions established by
24 those benchmarks.

1 **SEC. 1204. LIMITATION ON NUMBER OF MILITARY PER-**
2 **SONNEL IN COLOMBIA.**

3 (a) **LIMITATION.**—None of the funds available to the
4 Department of Defense may be used to support or main-
5 tain more than 500 members of the Armed Forces on duty
6 in the Republic of Colombia at any time.

7 (b) **EXCEPTIONS.**—There shall be excluded from
8 counting for the purposes of the limitation in subsection
9 (a) the following:

10 (1) A member of the Armed Forces in the Re-
11 public of Colombia for the purpose of rescuing or re-
12 trieving United States military or civilian Govern-
13 ment personnel, except that the period for which
14 such a member may be so excluded may not exceed
15 30 days unless expressly authorized by law.

16 (2) A member of the Armed Forces assigned to
17 the United States Embassy in Colombia as an
18 attaché, as a member of the security assistance of-
19 fice, or as a member of the Marine Corps security
20 contingent.

21 (3) A member of the Armed Forces in Colombia
22 to participate in relief efforts in responding to a nat-
23 ural disaster.

24 (4) Nonoperational transient military personnel.

1 **SEC. 1205. ACTIVITIES IN KOSOVO.**

2 (a) CONTINGENT REQUIRED WITHDRAWAL OF
3 FORCES FROM KOSOVO.—If the President does not sub-
4 mit to Congress a certification under subsection (c) and
5 a report under subsection (d) before April 1, 2001, then,
6 effective on April 1, 2001, funds appropriated or otherwise
7 made available to the Department of Defense may not be
8 obligated or expended for the continued deployment of
9 United States ground combat forces in Kosovo. Such
10 funds shall be available with respect to Kosovo only for
11 the purpose of conducting a safe, orderly, and phased
12 withdrawal of United States ground combat forces from
13 Kosovo, and no other amounts appropriated for the De-
14 partment of Defense in this Act or any other Act may
15 be obligated to continue the deployment of United States
16 ground combat forces in Kosovo. In that case, the Presi-
17 dent shall submit to Congress, not later than April 30,
18 2001, a report on the plan for the withdrawal.

19 (b) WAIVER AUTHORITY.—(1) The President may
20 waive the provisions of subsection (a) for a period or peri-
21 ods of up to 90 days each in the event that—

22 (A) United States Armed Forces are involved in
23 hostilities in Kosovo or imminent involvement by
24 United States Armed forces in hostilities in Kosovo
25 is clearly indicated by the circumstances; or

1 (B) the North Atlantic Treaty Organization,
2 acting through the Supreme Allied Commander, Eu-
3 rope, requests emergency introduction of United
4 States ground forces into Kosovo to assist other
5 NATO or non-NATO military forces involved in hos-
6 tilities or facing imminent involvement in hostilities.

7 (2) The authority in paragraph (1) may not be exer-
8 cised more than twice unless Congress by law specifically
9 authorizes the additional exercise of that authority.

10 (c) CERTIFICATION.—Whenever the President deter-
11 mines that the Kosovo burdensharing goals set forth in
12 paragraph (2) have been achieved, the President shall cer-
13 tify in writing to Congress that those goals have been
14 achieved.

15 (2) The Kosovo burdensharing goals referred to in
16 paragraph (1) are that the European Commission, the
17 member nations of the European Union, and the Euro-
18 pean member nations of the North Atlantic Treaty Orga-
19 nization have, in the aggregate—

20 (A) obligated or contracted for at least 50 per-
21 cent of the amount of the assistance that those orga-
22 nizations and nations committed to provide for 1999
23 and 2000 for reconstruction in Kosovo;

24 (B) obligated or contracted for at least 85 per-
25 cent of the amount of the assistance that those orga-

1 nizations and nations committed for 1999 and 2000
2 for humanitarian assistance in Kosovo;

3 (C) provided at least 85 percent of the amount
4 of the assistance that those organizations and na-
5 tions committed for 1999 and 2000 for the Kosovo
6 Consolidated Budget; and

7 (D) deployed at least 90 percent of the number
8 of police, including special police, that those organi-
9 zations and nations pledged for the United Nations
10 international police force for Kosovo.

11 (d) REPORT ON COMMITMENTS AND PLEDGES BY
12 OTHER NATIONS AND ORGANIZATIONS.—The President
13 shall submit to Congress a report containing detailed in-
14 formation on—

15 (1) the commitments and pledges made by the
16 European Commission, each of the member nations
17 of the European Union, and each of the European
18 member nations of the North Atlantic Treaty Orga-
19 nization for reconstruction assistance in Kosovo, hu-
20 manitarian assistance in Kosovo, the Kosovo Con-
21 solidated Budget, and police (including special po-
22 lice) for the United Nations international police
23 force for Kosovo;

24 (2) the amount of assistance that has been pro-
25 vided in each category, and the number of police

1 that have been deployed to Kosovo, by each such or-
2 ganization or nation; and

3 (3) the full range of commitments and respon-
4 sibilities that have been undertaken for Kosovo by
5 the United Nations, the European Union, and the
6 Organization for Security and Cooperation in Eu-
7 rope (OSCE), the progress made by those organiza-
8 tions in fulfilling those commitments and respon-
9 sibilities, an assessment of the tasks that remain to
10 be accomplished, and an anticipated schedule for
11 completing those tasks.

12 (e) CONSTRUCTION OF SECTION.—Nothing in this
13 section shall be deemed to restrict the authority of the
14 President under the Constitution to protect the lives of
15 United States citizens.

16 **SEC. 1206. NATO FAIR BURDENSARING.**

17 (a) REPORT ON COSTS OF OPERATION ALLIED
18 FORCE.—The Secretary of Defense shall submit to the
19 Committee on Armed Services of the Senate and the Com-
20 mittee on Armed Services of the House of Representatives
21 a report on the costs to the United States of the 78-day
22 air campaign known as Operation Allied Force conducted
23 against the Federal Republic of Yugoslavia during the pe-
24 riod from March 24 through June 9, 1999. The report
25 shall include the following:

1 (1) The costs of ordnance expended, fuel con-
2 sumed, and personnel.

3 (2) The estimated cost of the reduced service
4 life of United States aircraft and other systems par-
5 ticipating in the operation.

6 (3) Whether and how the United States is being
7 compensated by other North Atlantic Treaty Organi-
8 zation member nations for the costs of Operation Al-
9 lied Force, including a detailed accounting of the es-
10 timated monetary value of peacekeeping and recon-
11 struction activities undertaken by those member na-
12 tions to partially or wholly compensate the United
13 States for the costs of such operation.

14 (b) REPORT ON COST SHARING OF FUTURE NATO
15 OPERATIONS.—Whenever the North Atlantic Treaty Or-
16 ganization undertakes a military operation with the par-
17 ticipation of the United States, the Secretary of Defense
18 shall submit to the Committee on Armed Services of the
19 Senate and the Committee on Armed Services of the
20 House of Representatives a report describing—

21 (1) how the costs of that operation are to be equi-
22 uitably distributed among the North Atlantic Treaty
23 Organization member nations; or

24 (2) if the costs of the operation are not equi-
25 tably distributed, but are to be borne disproportion-

1 ately by the United States, how the United States
2 is to be compensated by other North Atlantic Treaty
3 Organization member nations.

4 (c) TIME FOR SUBMISSION OF REPORT.—A report
5 under subsection (b) shall be submitted not later than 30
6 days after the beginning of the military operation, except
7 that the Secretary of Defense may submit the report at
8 a later time if the Secretary determines that such a delay
9 is necessary to avoid an undue burden to ongoing oper-
10 ations.

11 (d) APPLICABILITY.—Subsection (b) shall apply only
12 with respect to military operations begun after the date
13 of the enactment of this Act.

14 **SEC. 1207. GAO STUDY ON VALUE OF UNITED STATES MILI-**
15 **TARY ENGAGEMENT IN EUROPE.**

16 (a) COMPTROLLER GENERAL STUDY.—The Comp-
17 troller General shall conduct a study assessing the value
18 to the United States and its national security interests
19 gained from the engagement of United States forces in
20 Europe and from military strategies used to shape the
21 international security environment in Europe.

22 (b) MATTERS TO BE INCLUDED.—The study shall
23 include an assessment of the following matters:

24 (1) The value to United States security inter-
25 ests from having forces stationed in Europe and as-

1 signed to areas of regional conflict such as Bosnia
2 and Kosovo.

3 (2) The value in sharing the risks, responsibil-
4 ities, and costs of deploying United States forces
5 with the forces of European allies.

6 (3) The costs associated with stationing United
7 States forces in Europe and with assigning them to
8 areas of regional conflict.

9 (4) The value of the following kinds of contribu-
10 tions made by European allies:

11 (A) Financial contributions.

12 (B) Contributions of military personnel
13 and units.

14 (C) Contributions of nonmilitary personnel,
15 such as medical personnel, police officers, judi-
16 cial officers, and other civic officials.

17 (D) Contributions in kind that may be
18 used for infrastructure building or activities
19 that contribute to regional stability, whether in
20 lieu of or in addition to military-related con-
21 tributions.

22 (5) The value of a forward United States mili-
23 tary presence in compensating for existing shortfalls
24 of air and sea lift capability in the event of further
25 regional conflict in Europe or the Middle East.

1 (6) The value of humanitarian and reconstruc-
2 tion assistance provided by European countries and
3 by the United States in maintaining or improving
4 regional stability.

5 (c) REPORT.—The Comptroller General shall submit
6 a report on the results of the study to the Committees
7 on Armed Services of the Senate and House of Represent-
8 atives not later than March 1, 2001.

9 **SEC. 1208. SENSE OF THE CONGRESS REGARDING NON-**
10 **COMPLIANCE WITH LAW REGARDING OVER-**
11 **SIGHT OF COMMUNIST CHINESE MILITARY**
12 **COMPANIES OPERATING IN THE UNITED**
13 **STATES.**

14 It is the sense of the Congress that the Secretary of
15 Defense has not complied with the requirements of section
16 1237(b) of the Strom Thurmond National Defense Au-
17 thorization for Fiscal Year 1999 (50 U.S.C. 1701 note)
18 to publish and update a list of Communist Chinese mili-
19 tary companies operating in the United States. Congress
20 expects that the Secretary, working with such other execu-
21 tive branch officials as necessary to comply fully with such
22 section, will immediately comply with the provisions of
23 that section. Furthermore, Congress notes that any re-
24 quirement to assess information within the purview of
25 other Federal departments and agencies in order to com-

1 ply with that section was expressly anticipated by the re-
2 quirement for interagency consultation provided in para-
3 graph (3) of that section and that such consultation proc-
4 ess ought to have been completed well before the mid-Jan-
5 uary 1999 deadline specified for the initial publication
6 under that section.

7 **SEC. 1209. ADJUSTMENT OF COMPOSITE THEORETICAL**
8 **PERFORMANCE LEVELS OF HIGH PERFORM-**
9 **ANCE COMPUTERS.**

10 (a) LAYOVER PERIOD FOR NEW PERFORMANCE LEV-
11 ELS.—Section 1211 of the National Defense Authoriza-
12 tion Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note)
13 is amended—

14 (1) in the second sentence of subsection (d), by
15 striking “180” and inserting “60”; and

16 (2) by adding at the end the following:

17 “(g) CALCULATION OF 60-DAY PERIOD.—The 60-
18 day period referred to in subsection (d) shall be calculated
19 by excluding the days on which either House of Congress
20 is not in session because of an adjournment of the Con-
21 gress sine die.”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 subsection (a) shall apply to any new composite theoretical
24 performance level established for purposes of section
25 1211(a) of the National Defense Authorization Act for

1 Fiscal Year 1998 that is submitted by the President pur-
2 suant to section 1211(d) of that Act on or after the date
3 of the enactment of this Act.

4 **SEC. 1210. PROHIBITION ON ASSUMPTION BY UNITED**
5 **STATES GOVERNMENT OF LIABILITY FOR NU-**
6 **CLEAR ACCIDENTS IN NORTH KOREA.**

7 Neither the President nor any department, agency,
8 or instrumentality of the United States Government may
9 use the authority of Public Law 85–804 (50 U.S.C. 1431)
10 or any other provision of law to enter into any contract
11 or other arrangement, or into any amendment or modifica-
12 tion of a contract or other arrangement, the purpose or
13 effect of which would be to impose liability on the United
14 States Government, or otherwise require an indemnity by
15 the United States Government, for nuclear accidents oc-
16 ccurring in North Korea.

17 **TITLE XIII—COOPERATIVE**
18 **THREAT REDUCTION WITH**
19 **STATES OF THE FORMER SO-**
20 **VIET UNION**

21 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
22 **DUCTION PROGRAMS AND FUNDS.**

23 (a) SPECIFICATION OF CTR PROGRAMS.—For pur-
24 poses of section 301 and other provisions of this Act, Co-
25 operative Threat Reduction programs are the programs

1 specified in section 1501(b) of the National Defense Au-
2 thorization Act for Fiscal Year 1997 (Public Law 104-
3 201; 110 Stat. 2731; 50 U.S.C. 2362 note).

4 (b) FISCAL YEAR 2001 COOPERATIVE THREAT RE-
5 Duction FUNDS DEFINED.—As used in this title, the
6 term “fiscal year 2001 Cooperative Threat Reduction
7 funds” means the funds appropriated pursuant to the au-
8 thorization of appropriations in section 301 for Coopera-
9 tive Threat Reduction programs.

10 (c) AVAILABILITY OF FUNDS.—Funds appropriated
11 pursuant to the authorization of appropriations in section
12 301 for Cooperative Threat Reduction programs shall be
13 available for obligation for 3 fiscal years.

14 **SEC. 1302. FUNDING ALLOCATIONS.**

15 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the
16 \$433,400,000 authorized to be appropriated to the De-
17 partment of Defense for fiscal year 2001 in section
18 301(23) for Cooperative Threat Reduction programs, not
19 more than the following amounts may be obligated for the
20 purposes specified:

21 (1) For strategic offensive arms elimination in
22 Russia, \$162,800,000.

23 (2) For strategic nuclear arms elimination in
24 Ukraine, \$34,100,000.

1 (3) For activities to support warhead dismantlement processing in Russia, \$9,300,000.

2
3 (4) For weapons transportation security in Russia, \$14,000,000.

4
5 (5) For planning, design, and construction of a storage facility for Russian fissile material, \$57,400,000.

6
7
8 (6) For weapons storage security in Russia, \$89,700,000.

9
10 (7) For development of a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium at Russian reactors, \$32,100,000.

11
12
13 (8) For biological weapons proliferation prevention activities in Russia, \$12,000,000.

14
15 (9) For activities designated as Other Assessments/Administrative Support, \$13,000,000.

16
17 (10) For defense and military contacts, \$9,000,000.

18
19
20 (b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2001 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 30 days after the date that the Secretary of Defense submits to

1 Congress a report on the purpose for which the funds will
2 be obligated or expended and the amount of funds to be
3 obligated or expended. Nothing in the preceding sentence
4 shall be construed as authorizing the obligation or expend-
5 iture of fiscal year 2001 Cooperative Threat Reduction
6 funds for a purpose for which the obligation or expendi-
7 ture of such funds is specifically prohibited under this title
8 or any other provision of law.

9 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL
10 AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any
11 case in which the Secretary of Defense determines that
12 it is necessary to do so in the national interest, the Sec-
13 retary may obligate amounts appropriated for fiscal year
14 2001 for a purpose listed in any of the paragraphs in sub-
15 section (a) in excess of the amount specifically authorized
16 for such purpose.

17 (2) An obligation of funds for a purpose stated in
18 any of the paragraphs in subsection (a) in excess of the
19 specific amount authorized for such purpose may be made
20 using the authority provided in paragraph (1) only after—

21 (A) the Secretary submits to Congress notifica-
22 tion of the intent to do so together with a complete
23 discussion of the justification for doing so; and

24 (B) 15 days have elapsed following the date of
25 the notification.

1 (3) The Secretary may not, under the authority pro-
2 vided in paragraph (1), obligate amounts for the purposes
3 stated in any of paragraphs (4), (5), (7), (9), or (10) of
4 subsection (a) in excess of 115 percent of the amount spe-
5 cifically authorized for such purposes.

6 **SEC. 1303. PROHIBITION ON USE OF FUNDS FOR ELIMI-**
7 **NATION OF CONVENTIONAL WEAPONS.**

8 No fiscal year 2001 Cooperative Threat Reduction
9 funds, and no funds appropriated for Cooperative Threat
10 Reduction programs for any other fiscal year, may be obli-
11 gated or expended for elimination of conventional weapons
12 or the delivery vehicles primarily intended to deliver such
13 weapons.

14 **SEC. 1304. LIMITATIONS ON USE OF FUNDS FOR FISSILE**
15 **MATERIAL STORAGE FACILITY.**

16 (a) LIMITATIONS.—No fiscal year 2001 Cooperative
17 Threat Reduction funds may be used—

18 (1) for construction of a second wing for the
19 storage facility for Russian fissile material referred
20 to in section 1302(a)(5); or

21 (2) for design or planning with respect to such
22 facility until 15 days after the date that the Sec-
23 retary of Defense submits to Congress notification
24 that Russia and the United States have signed a
25 verifiable written transparency agreement that en-

1 sures that material stored at the facility is of weap-
2 ons origin.

3 (b) ESTABLISHMENT OF FUNDING CAP FOR FIRST
4 WING OF STORAGE FACILITY.—Out of funds authorized
5 to be appropriated for Cooperative Threat Reduction pro-
6 grams for fiscal year 2001 or any other fiscal year, not
7 more than \$412,600,000 may be used for planning, de-
8 sign, or construction of the first wing for the storage facil-
9 ity for Russian fissile material referred to in section
10 1302(a)(5).

11 **SEC. 1305. LIMITATION ON USE OF FUNDS UNTIL SUBMIS-**
12 **SION OF MULTIYEAR PLAN.**

13 Not more than 10 percent of fiscal year 2001 Cooper-
14 ative Threat Reduction funds may be obligated or ex-
15 pended until the Secretary of Defense submits to Congress
16 an updated version of the multiyear plan for fiscal year
17 2001 required to be submitted under section 1205 of the
18 National Defense Authorization Act for Fiscal Year 1995
19 (Public Law 103–337; 22 U.S.C. 5952 note).

20 **SEC. 1306. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.**

21 (a) REPORTING REQUIREMENT.—(1) Not later than
22 October 1, 2000, the Secretary of Defense shall submit
23 to Congress a report on the following regarding Russia’s
24 arsenal of tactical nuclear warheads:

1 (A) Estimates regarding current types, num-
2 bers, yields, viability, locations, and deployment sta-
3 tus of the warheads.

4 (B) An assessment of the strategic relevance of
5 the warheads.

6 (C) An assessment of the current and projected
7 threat of theft, sale, or unauthorized use of the war-
8 heads.

9 (D) A summary of past, current, and planned
10 United States efforts to work cooperatively with
11 Russia to account for, secure, and reduce Russia's
12 stockpile of tactical nuclear warheads and associated
13 fissile material.

14 (2) The Secretary of Defense shall include in the re-
15 port described in paragraph (1) the views on the report
16 provided under subsection (b).

17 (b) VIEWS OF THE DIRECTOR OF CENTRAL INTEL-
18 LIGENCE.—The Director of Central Intelligence shall sub-
19 mit to the Secretary of Defense, for inclusion as an appen-
20 dix in the report described in subsection (a), the Director's
21 views on the matters described in that subsection regard-
22 ing Russia's tactical nuclear weapons.

1 **SEC. 1307. LIMITATION ON USE OF FUNDS TO SUPPORT**
2 **WARHEAD DISMANTLEMENT PROCESSING.**

3 No fiscal year 2001 Cooperative Threat Reduction
4 funds may be used for activities to support warhead dis-
5 mantlement processing in Russia until 15 days after the
6 date that the Secretary of Defense submits to Congress
7 notification that the United States has reached an agree-
8 ment with Russia, which shall provide for appropriate
9 transparency measures, regarding assistance by the
10 United States with respect to such processing.

11 **SEC. 1308. AGREEMENT ON NUCLEAR WEAPONS STORAGE**
12 **SITES.**

13 The Secretary of Defense shall seek to enter into an
14 agreement with Russia regarding procedures to allow the
15 United States appropriate access to nuclear weapons stor-
16 age sites for which assistance under Cooperative Threat
17 Reduction programs is provided.

18 **SEC. 1309. PROHIBITION ON USE OF FUNDS FOR CON-**
19 **STRUCTION OF FOSSIL FUEL ENERGY**
20 **PLANTS.**

21 No fiscal year 2001 Cooperative Threat Reduction
22 funds, and no funds appropriated for Cooperative Threat
23 Reduction programs for any other fiscal year, may be used
24 for the construction of a fossil fuel energy plant.

1 **SEC. 1310. AUDITS OF COOPERATIVE THREAT REDUCTION**
2 **PROGRAMS.**

3 (a) REPORT ON AUDITS.—Not later than March 31,
4 2001, the Comptroller General shall submit to Congress
5 a report examining the procedures and mechanisms with
6 respect to audits by the Department of Defense of the use
7 of funds for Cooperative Threat Reduction programs. The
8 report shall examine the following:

9 (1) Whether the audits being conducted by the
10 Department of Defense are producing necessary in-
11 formation regarding whether assistance under such
12 programs, including equipment provided and services
13 furnished, is being used as intended.

14 (2) Whether the audit procedures of the De-
15 partment of Defense are adequate, including wheth-
16 er random samplings are used.

17 (b) EXTENSION FOR COMPTROLLER GENERAL AS-
18 SESSMENT.—Section 1206(e) of the National Defense Au-
19 thorization Act for Fiscal Year 1996 (Public Law 104-
20 106; 110 Stat. 471) is amended by striking “30 days”
21 and inserting “90 days”.

22 **SEC. 1311. LIMITATION ON USE OF FUNDS FOR PREVEN-**
23 **TION OF BIOLOGICAL WEAPONS PROLIFERA-**
24 **TION IN RUSSIA.**

25 No fiscal year 2001 Cooperative Threat Reduction
26 funds, and no funds appropriated for Cooperative Threat

1 Reduction programs for any other fiscal year, may be obli-
2 gated or expended for prevention of proliferation of bio-
3 logical weapons in Russia until the President submits to
4 Congress the report required by section 1309 of the Na-
5 tional Defense Authorization Act for Fiscal Year 2000
6 (Public Law 106–65; 113 Stat. 795).

7 **TITLE XIV—COMMISSION TO AS-**
8 **SESS THE THREAT TO THE**
9 **UNITED STATES FROM ELEC-**
10 **TROMAGNETIC PULSE (EMP)**
11 **ATTACK**

12 **SEC. 1401. ESTABLISHMENT OF COMMISSION.**

13 (a) ESTABLISHMENT.—There is hereby established a
14 commission to be known as the “Commission to Assess
15 the Threat to the United States from Electromagnetic
16 Pulse Attack” (hereafter in this title referred to as the
17 “Commission”).

18 (b) COMPOSITION.—The Commission shall be com-
19 posed of nine members. Seven of the members shall be
20 appointed by the Secretary of Defense and two of the
21 members shall be appointed by the Director of the Federal
22 Emergency Management Agency. In selecting individuals
23 for appointment to the Commission, the Secretary of De-
24 fense shall consult with the chairmen and ranking minor-

1 ity members of the Committees on Armed Services of the
2 Senate and House of Representatives.

3 (c) QUALIFICATIONS.—Members of the Commission
4 shall be appointed from among private United States citi-
5 zens with knowledge and expertise in the scientific, tech-
6 nical, and military aspects of electromagnetic pulse (here-
7 after referred to as “EMP”) effects resulting from the det-
8 onation of a nuclear weapon or weapons at high altitude,
9 sometimes referred to as high-altitude electromagnetic
10 pulse effects (HEMP).

11 (d) CHAIRMAN OF COMMISSION.—The Secretary of
12 Defense shall designate one of the members of the Com-
13 mission to serve as chairman of the Commission.

14 (e) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
15 bers shall be appointed for the life of the Commission. Any
16 vacancy in the Commission shall be filled in the same man-
17 ner as the original appointment.

18 (f) SECURITY CLEARANCES.—All members of the
19 Commission shall hold appropriate security clearances.

20 (g) INITIAL ORGANIZATION REQUIREMENTS.—All
21 appointments to the Commission shall be made not later
22 than 45 days after the date of the enactment of this Act.
23 The Commission shall convene its first meeting not later
24 than 30 days after the date as of which all members of
25 the Commission have been appointed.

1 **SEC. 1402. DUTIES OF COMMISSION.**

2 (a) REVIEW OF EMP THREAT.—The Commission
3 shall assess—

4 (1) the nature and magnitude of potential high-
5 altitude EMP threats to the United States from
6 Russia, China, North Korea, and other potentially
7 hostile states or non-state actors that have or could
8 acquire nuclear weapons and ballistic missiles ena-
9 bling them to perform a high-altitude EMP attack
10 against the United States within the next 15 years;

11 (2) the vulnerability of United States military
12 and especially civilian systems to an EMP attack,
13 giving special attention to vulnerability of the civil-
14 ian infrastructure as a matter of emergency pre-
15 paredness;

16 (3) the capability of the United States to repair
17 and recover from damage inflicted on United States
18 military and civilian systems by an EMP attack; and

19 (4) the feasibility and cost of hardening select
20 military and civilian systems against EMP attack.

21 (b) RECOMMENDATION.—The Commission shall rec-
22 ommend steps that can be taken by the United States to
23 better protect its military and civilian systems from EMP
24 attack.

25 (c) COOPERATION FROM GOVERNMENT OFFI-
26 CIALS.—In carrying out its duties, the Commission should

1 receive the full and timely cooperation of the Secretary
2 of Defense, the Director of the Federal Emergency Man-
3 agement Agency, and any other United States Govern-
4 ment official serving in the Department of Defense or
5 Armed Forces in providing the Commission with analyses,
6 briefings, and other information necessary for the fulfill-
7 ment of its responsibilities.

8 **SEC. 1403. REPORT.**

9 The Commission shall, not later than 1 year after the
10 date of its first meeting, submit to Congress, the Secretary
11 of Defense, and the Director of the Federal Emergency
12 Management Agency a report on the Commission's find-
13 ings and conclusions.

14 **SEC. 1404. POWERS.**

15 (a) HEARINGS.—The Commission or, at its direction,
16 any panel or member of the Commission, may, for the pur-
17 pose of carrying out the provisions of this title, hold hear-
18 ings, take testimony, receive evidence, and administer
19 oaths to the extent that the Commission or any panel or
20 member considers advisable.

21 (b) INFORMATION.—The Commission may secure di-
22 rectly from the Department of Defense, the Central Intel-
23 ligence Agency, and any other Federal department or
24 agency information that the Commission considers nec-

1 essary to enable the Commission to carry out its respon-
2 sibilities under this title.

3 **SEC. 1405. COMMISSION PROCEDURES.**

4 (a) MEETINGS.—The Commission shall meet at the
5 call of the Chairman.

6 (b) QUORUM.—(1) Five members of the Commission
7 shall constitute a quorum other than for the purpose of
8 holding hearings.

9 (2) The Commission shall act by resolution agreed
10 to by a majority of the members of the Commission.

11 (c) COMMISSION.—The Commission may establish
12 panels composed of less than full membership of the Com-
13 mission for the purpose of carrying out the Commission's
14 duties. The actions of each such panel shall be subject to
15 the review and control of the Commission. Any findings
16 and determinations made by such a panel shall not be con-
17 sidered the findings and determinations of the Commis-
18 sion unless approved by the Commission.

19 (d) AUTHORITY OF INDIVIDUALS TO ACT FOR COM-
20 MISSION.—Any agent or member of the Commission may,
21 if authorized by the Commission, take any action which
22 the Commission is authorized to take under this title.

1 **SEC. 1406. PERSONNEL MATTERS.**

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

5 (b) **TRAVEL EXPENSES.**—The members of the Com-
6 mission shall be allowed travel expenses, including per
7 diem in lieu of subsistence, at rates authorized for employ-
8 ees of agencies under subchapter I of chapter 57 of title
9 5, United States Code, while away from their homes or
10 regular places of business in the performance of services
11 for the Commission.

12 (c) **STAFF.**—(1) The chairman of the Commission
13 may, without regard to the provisions of title 5, United
14 States Code, governing appointments in the competitive
15 service, appoint a staff director and such additional per-
16 sonnel as may be necessary to enable the Commission to
17 perform its duties. The appointment of a staff director
18 shall be subject to the approval of the Commission.

19 (2) The chairman of the Commission may fix the pay
20 of the staff director and other personnel without regard
21 to the provisions of chapter 51 and subchapter III of chap-
22 ter 53 of title 5, United States Code, relating to classifica-
23 tion of positions and General Schedule pay rates, except
24 that the rate of pay fixed under this paragraph for the
25 staff director may not exceed the rate payable for level
26 V of the Executive Schedule under section 5316 of such

1 title and the rate of pay for other personnel may not ex-
2 ceed the maximum rate payable for grade GS-15 of the
3 General Schedule.

4 (d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon
5 request of the chairman of the Commission, the head of
6 any Federal department or agency may detail, on a non-
7 reimbursable basis, any personnel of that department or
8 agency to the Commission to assist it in carrying out its
9 duties.

10 (e) **PROCUREMENT OF TEMPORARY AND INTERMIT-**
11 **TENT SERVICES.**—The chairman of the Commission may
12 procure temporary and intermittent services under section
13 3109(b) of title 5, United States Code, at rates for individ-
14 uals which do not exceed the daily equivalent of the annual
15 rate of basic pay payable for level V of the Executive
16 Schedule under section 5316 of such title.

17 **SEC. 1407. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.**

18 (a) **POSTAL AND PRINTING SERVICES.**—The Com-
19 mission may use the United States mails and obtain print-
20 ing and binding services in the same manner and under
21 the same conditions as other departments and agencies of
22 the Federal Government.

23 (b) **MISCELLANEOUS ADMINISTRATIVE AND SUP-**
24 **PORT SERVICES.**—The Secretary of Defense shall furnish

1 he Commission, on a reimbursable basis, any administra-
2 tive and support services requested by the Commission.

3 **SEC. 1408. FUNDING.**

4 Funds for activities of the Commission shall be pro-
5 vided from amounts appropriated for the Department of
6 Defense for operation and maintenance for Defense-wide
7 activities for fiscal year 2001. Upon receipt of a written
8 certification from the Chairman of the Commission speci-
9 fying the funds required for the activities of the Commis-
10 sion, the Secretary of Defense shall promptly disburse to
11 the Commission, from such amounts, the funds required
12 by the Commission as stated in such certification.

13 **SEC. 1409. TERMINATION OF THE COMMISSION.**

14 The Commission shall terminate 60 days after the
15 date of the submission of its report under section 1403.

16 **TITLE XV—LAND CONVEYANCE**
17 **REGARDING VIEQUES IS-**
18 **LAND, PUERTO RICO**

19 **SEC. 1501. CONVEYANCE OF NAVAL AMMUNITION SUPPORT**
20 **DETACHMENT, VIEQUES ISLAND.**

21 (a) CONVEYANCE REQUIRED.—

22 (1) PROPERTY TO BE CONVEYED.—(1) Subject
23 to subsection (b), the Secretary of the Navy shall
24 convey, without consideration, to the Commonwealth
25 of Puerto Rico all right, title, and interest of the

1 United States in and to the land constituting the
2 Naval Ammunition Support detachment located on
3 the western end of Vieques Island, Puerto Rico.

4 (2) TIME FOR CONVEYANCE.—The Secretary of
5 the Navy shall complete the conveyance required by
6 paragraph (1) not later than December 31, 2000.

7 (3) PURPOSE OF CONVEYANCE.—The convey-
8 ance under paragraph (1) is being made for the ben-
9 efit of the Municipality of Vieques, Puerto Rico, as
10 determined by the Planning Board of the Common-
11 wealth of Puerto Rico.

12 (b) RESERVED PROPERTY NOT SUBJECT TO CON-
13 VEYANCE.—

14 (1) RADAR AND COMMUNICATIONS FACILI-
15 TIES.—The conveyance required by subsection (a)
16 shall not include that portion of the Naval Ammuni-
17 tion Support detachment consisting of the following:

18 (A) Approximately 100 acres on which is
19 located the Relocatable Over-the-Horizon Radar
20 and the Mount Pirata telecommunications fa-
21 cilities.

22 (B) Such easements, rights-of-way, and
23 other interests retained by the Secretary of the
24 Navy as the Secretary considers necessary—

- 1 (i) to provide access to the property
2 retained under subparagraph (A);
3 (ii) for the provision of utilities and
4 security for the retained property; and
5 (iii) for the effective maintenance and
6 operation of the retained property.

7 (2) OTHER SITES.—The United States may re-
8 tain such other interests in the property conveyed
9 under subsection (a) as—

10 (A) the Secretary of the Navy considers
11 necessary, in the discharge of responsibilities
12 under subsection (d), to protect human health
13 and the environment; and

14 (B) the Secretary of the Interior considers
15 necessary to discharge responsibilities under
16 subsection (f), as provided in the co-manage-
17 ment agreement referred to in such subsection.

18 (c) DESCRIPTION OF PROPERTY.—The Secretary of
19 the Navy, in consultation with the Secretary of the Inte-
20 rior on issues relating to natural resource protection under
21 subsection (f), shall determine the exact acreage and legal
22 description of the property required to be conveyed pursu-
23 ant to subsection (a), including the legal description of any
24 easements, rights of way, and other interests that are re-
25 tained pursuant to subsection (b).

1 (d) ENVIRONMENTAL RESTORATION.—

2 (1) OBJECTIVE OF CONVEYANCE.—An impor-
3 tant objective of the conveyance required by this sec-
4 tion is to promote timely redevelopment of the con-
5 veyed property in a manner that enhances employ-
6 ment opportunities and economic redevelopment,
7 consistent with all applicable environmental require-
8 ments and in full consultation with the Governor of
9 Puerto Rico, for the benefit of the residents of
10 Vieques Island.

11 (2) CONVEYANCE DESPITE RESPONSE NEED.—
12 If the Secretary of the Navy, by December 31, 2000,
13 is unable to provide the covenant required by section
14 120(h)(3)(A)(ii)(I) of the Comprehensive Environ-
15 mental Response, Compensation and Liability Act of
16 1980 (42 U.S.C. 9620(h)(3)(A)(ii)(I)) with respect
17 to the property to be conveyed, the Secretary shall
18 still complete the conveyance by that date, as re-
19 quired by subsection (a)(2). The Secretary shall re-
20 main responsible for completing all response actions
21 required under such Act. The completion of the re-
22 sponse actions shall not be delayed on account of the
23 conveyance.

24 (3) CONTINUED NAVY RESPONSIBILITY.—The
25 Secretary of the Navy shall remain responsible for

1 the environmental condition of the property, and the
2 Commonwealth of Puerto Rico shall not be respon-
3 sible for any condition existing at the time of the
4 conveyance.

5 (4) SAVINGS CLAUSE.—All response actions
6 with respect to the property to be conveyed shall
7 take place in compliance with current law.

8 (e) INDEMNIFICATION.—

9 (1) ENTITIES AND PERSONS COVERED; EX-
10 TENT.—(A) Except as provided in subparagraph
11 (C), and subject to paragraph (2), the Secretary of
12 Defense shall hold harmless, defend, and indemnify
13 in full the persons and entities described in subpara-
14 graph (B) from and against any suit, claim, demand
15 or action, liability, judgment, cost or other fee aris-
16 ing out of any claim for personal injury or property
17 damage (including death, illness, or loss of or dam-
18 age to property or economic loss) that results from,
19 or is in any manner predicated upon, the release or
20 threatened release of any hazardous substance or
21 pollutant or contaminant as a result of Department
22 of Defense activities at those parts of the Naval Am-
23 munition Support detachment conveyed pursuant to
24 subsection (a).

1 (B) The persons and entities described in this
2 paragraph are the following:

3 (i) The Commonwealth of Puerto Rico (in-
4 cluding any officer, agent, or employee of the
5 Commonwealth of Puerto Rico), once Puerto
6 Rico acquires ownership or control of the Naval
7 Ammunition Support Detachment by the con-
8 veyance under subsection (a).

9 (ii) Any political subdivision of the Com-
10 monwealth of Puerto Rico (including any offi-
11 cer, agent, or employee of the Commonwealth of
12 Puerto Rico) that acquires such ownership or
13 control.

14 (iii) Any other person or entity that ac-
15 quires such ownership or control.

16 (iv) Any successor, assignee, transferee,
17 lender, or lessee of a person or entity described
18 in clauses (i) through (iii).

19 (C) To the extent the persons and entities de-
20 scribed in subparagraph (B) contributed to any such
21 release or threatened release, subparagraph (A) shall
22 not apply.

23 (2) CONDITIONS ON INDEMNIFICATION.—No in-
24 demnification may be afforded under this subsection

1 unless the person or entity making a claim for
2 indemnification—

3 (A) notifies the Secretary of Defense in
4 writing within 2 years after such claim accrues
5 or begins action within 6 months after the date
6 of mailing, by certified or registered mail, of no-
7 tice of final denial of the claim by the Secretary
8 of Defense;

9 (B) furnishes to the Secretary of Defense
10 copies of pertinent papers the entity receives;

11 (C) furnishes evidence of proof of any
12 claim, loss, or damage covered by this sub-
13 section; and

14 (D) provides, upon request by the Sec-
15 retary of Defense, access to the records and
16 personnel of the entity for purposes of defend-
17 ing or settling the claim or action.

18 (3) RESPONSIBILITIES OF SECRETARY OF DE-
19 FENSE.—(A) In any case in which the Secretary of
20 Defense determines that the Department of Defense
21 may be required to make indemnification payments
22 to a person under this subsection for any suit, claim,
23 demand or action, liability, judgment, cost or other
24 fee arising out of any claim for personal injury or
25 property damage referred to in paragraph (1)(A),

1 the Secretary may settle or defend, on behalf of that
2 person, the claim for personal injury or property
3 damage.

4 (B) In any case described in subparagraph (A),
5 if the person to whom the Department of Defense
6 may be required to make indemnification payments
7 does not allow the Secretary of Defense to settle or
8 defend the claim, the person may not be afforded in-
9 demnification with respect to that claim under this
10 subsection.

11 (4) ACCRUAL OF ACTION.—For purposes of
12 paragraph (2)(A), the date on which a claim accrues
13 is the date on which the plaintiff knew (or reason-
14 ably should have known) that the personal injury or
15 property damage referred to in paragraph (1) was
16 caused or contributed to by the release or threatened
17 release of a hazardous substance or pollutant or con-
18 taminant as a result of Department of Defense ac-
19 tivities at any part of the Naval Ammunition Sup-
20 port Detachment conveyed pursuant to subsection
21 (a).

22 (5) RELATIONSHIP TO OTHER LAWS.—Nothing
23 in this subsection shall be construed as affecting or
24 modifying in any way subsection 120(h) of the Com-

1 prehensive Environmental Response, Compensation,
2 and Liability Act of 1980 (42 U.S.C. 9620(h)).

3 (6) DEFINITIONS.—In this subsection, the
4 terms “hazardous substance”, “release”, and “pol-
5 lutant or contaminant” have the meanings given
6 such terms under paragraphs (9), (14), (22), and
7 (33) of section 101 of the Comprehensive Environ-
8 mental Response, Compensation, and Liability Act
9 of 1980 (42 U.S.C. 9601).

10 (f) MANAGEMENT.—

11 (1) CO-MANAGEMENT OF CONSERVATION
12 ZONES.—Those areas on the western end of the
13 Vieques Island designated as Conservation Zones in
14 section IV of the 1983 Memorandum of Under-
15 standing between the Commonwealth of Puerto Rico
16 and the Secretary of the Navy shall be subject to a
17 co-management agreement among the Common-
18 wealth of Puerto Rico, the Puerto Rico Conservation
19 Trust and the Secretary of the Interior. Areas adja-
20 cent to these Conservation Zones shall also be con-
21 sidered for inclusion under the co-management
22 agreement. Adjacent areas to be included under the
23 co-management agreement shall be mutually agreed
24 to by the Commonwealth of Puerto Rico and the
25 Secretary of the Interior. This determination of in-

1 elusion of lands shall be incorporated into the co-
2 management agreement process as set forth in para-
3 graph (2). In addition, the Sea Grass Area west of
4 Mosquito Pier, as identified in the 1983 Memo-
5 randum of Understanding, shall be included in the
6 co-management plan to be protected under the laws
7 of the Commonwealth of Puerto Rico.

8 (2) CO-MANAGEMENT PURPOSES.—All lands
9 covered by the co-management agreement shall be
10 managed to protect and preserve the natural re-
11 sources of these lands in perpetuity. The Common-
12 wealth of Puerto Rico, the Puerto Rico Conservation
13 Trust, and the Secretary of the Interior shall follow
14 all applicable Federal environmental laws during the
15 creation and any subsequent amendment of the co-
16 management agreement, including the National En-
17 vironmental Policy Act of 1969, the Endangered
18 Species Act of 1973, and the National Historic Pres-
19 ervation Act. The co-management agreement shall
20 be completed prior to any conveyance of the property
21 under subsection (a), but not later than December
22 31, 2000. The Commonwealth of Puerto Rico shall
23 implement the terms and conditions of the co-man-
24 agement agreement, which can only be amended by
25 agreement of the Commonwealth of Puerto Rico, the

1 Puerto Rico Conservation Trust, and the Secretary
2 of the Interior.

3 (3) ROLE OF NATIONAL FISH AND WILDLIFE
4 FOUNDATION.—Contingent on funds being available
5 specifically for the preservation and protection of
6 natural resources on Vieques Island, amounts nec-
7 essary to carry out the co-management agreement
8 may be made available to the National Fish and
9 Wildlife Foundation to establish and manage an en-
10 dowment for the management of lands transferred to
11 the Commonwealth of Puerto Rico and subject to
12 the co-management agreement. The proceeds from
13 investment of the endowment shall be available on
14 an annual basis. The Foundation shall strive to le-
15 verage annual proceeds with non-Federal funds to
16 the fullest extent possible.

17 **DIVISION B—MILITARY CON-**
18 **STRUCTION AUTHORIZA-**
19 **TIONS**

20 **SEC. 2001. SHORT TITLE.**

21 This division may be cited as the “Military Construc-
22 tion Authorization Act for Fiscal Year 2001”.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Redstone Arsenal	\$28,500,000
	Fort Rucker	\$5,600,000
Alaska	Fort Richardson	\$3,000,000
Arizona	Fort Huachuca	\$8,600,000
Arkansas	Pine Bluff Arsenal	\$2,750,000
California	Fort Irwin	\$31,000,000
	Presidio, Monterey	\$4,600,000
Georgia	Fort Benning	\$15,800,000
	Fort Gordon	\$2,600,000
Hawaii	Wheeler Army Air Field	\$43,800,000
Kansas	Fort Riley	\$5,600,000
Maryland	Aberdeen Proving Ground	\$8,900,000
Missouri	Fort Leonard Wood	\$65,400,000
New Jersey	Picatinny Arsenal	\$5,600,000
New Mexico	White Sands Missile Range	\$9,000,000
New York	Fort Drum	\$18,000,000
North Carolina	Fort Bragg	\$222,200,000
	Sunny Point Army Terminal	\$2,300,000
	Columbus	\$1,832,000
Ohio	Carlisle Barracks	\$10,500,000
	New Cumberland Army Depot	\$3,700,000
Texas	Fort Bliss	\$26,000,000
	Fort Hood	\$36,492,000
	Red River Army Depot	\$800,000
Total:		\$562,574,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construc-

1 tion projects for the locations outside the United States,
 2 and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Area Support Group, Bamberg	\$11,650,000
	Area Support Group, Darmstadt	\$11,300,000
	Kaiserslautern	\$3,400,000
	Mannheim	\$4,050,000
Korea	Camp Carroll	\$10,000,000
	Camp Hovey	\$4,200,000
	Camp Humphreys	\$14,200,000
	Camp Page	\$19,500,000
Kwajalein	Kwajalein Atoll	\$18,000,000
	Total:	\$96,300,000

3 (c) UNSPECIFIED WORLDWIDE.—Using amounts ap-
 4 propriated pursuant to the authorization of appropriations
 5 in section 2104(a)(3), the Secretary of the Army may ac-
 6 quire real property and carry out military construction
 7 projects for the installation and location, and in the
 8 amount, set forth in the following table:

Army: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide	Classified Location	\$11,500,000

9 **SEC. 2102. FAMILY HOUSING.**

10 (a) CONSTRUCTION AND ACQUISITION.—Using
 11 amounts appropriated pursuant to the authorization of ap-
 12 propriations in section 2104(a)(6)(A), the Secretary of the
 13 Army may construct or acquire family housing units (in-
 14 cluding land acquisition) at the installations, for the pur-
 15 poses, and in the amounts set forth in the following table:

Army: Family Housing

State or County	Installation or location	Purpose	Amount
Arizona	Fort Huachuca	110 Units	\$16,224,000
Hawaii	Schofield Barracks	72 Units	\$15,500,000
Kentucky	Fort Campbell	102 Units	\$15,800,000
Maryland	Fort Detrick	48 Units	\$5,600,000
North Carolina	Fort Bragg	160 Units	\$22,000,000
South Carolina	Fort Jackson	1 Unit	\$250,000
Texas	Fort Bliss	64 Units	\$10,200,000
Korea	Camp Humphreys	60 Units	\$21,800,000
Virginia	Fort Belvoir	27 Units	\$5,500,000
	Fort Lee	52 Units	\$8,600,000
	Total:	\$121,474,000

1 (b) **PLANNING AND DESIGN.**—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2104(a)(6)(A), the Secretary of the Army may
4 carry out architectural and engineering services and con-
5 struction design activities with respect to the construction
6 or improvement of family housing units in an amount not
7 to exceed \$6,542,000.

8 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
9 **UNITS.**

10 Subject to section 2825 of title 10, United States
11 Code, and using amounts appropriated pursuant to the
12 authorization of appropriations in section 2104(a)(6)(A),
13 the Secretary of the Army may improve existing military
14 family housing units in an amount not to exceed
15 \$72,440,000.

16 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

17 (a) **IN GENERAL.**—Funds are hereby authorized to
18 be appropriated for fiscal years beginning after September

1 30, 2000, for military construction, land acquisition, and
2 military family housing functions of the Department of the
3 Army in the total amount of \$1,824,640,000, as follows:

4 (1) For military construction projects inside the
5 United States authorized by section 2101(a),
6 \$385,974,000.

7 (2) For military construction projects outside
8 the United States authorized by section 2101(b),
9 \$96,300,000.

10 (3) For military construction projects at un-
11 specified worldwide locations authorized by section
12 2101(c), \$11,500,000.

13 (4) For unspecified minor construction projects
14 authorized by section 2805 of title 10, United States
15 Code, \$17,000,000.

16 (5) For architectural and engineering services
17 and construction design under section 2807 of title
18 10, United States Code, \$105,861,000.

19 (6) For military family housing functions:

20 (A) For construction and acquisition, plan-
21 ning and design, and improvement of military
22 family housing and facilities, \$200,456,000.

23 (B) For support of military family housing
24 (including the functions described in section

1 2833 of title 10, United States Code),
2 \$971,704,000.

3 (7) For the construction of phase 1C of a bar-
4 racks complex, Infantry Drive, Fort Riley, Kansas,
5 authorized by section 2101(a) of the Military Con-
6 struction Act for Fiscal Year 1999 (division B of
7 Public Law 105–261; 112 Stat. 2182), \$10,000,000.

8 (8) For the construction of a railhead facility,
9 Fort Hood, Texas, authorized by section 2101(a) of
10 the Military Construction Authorization Act for Fis-
11 cal Year 1999 (112 Stat. 2182), as amended by sec-
12 tion 2105 of this Act, \$9,800,000.

13 (9) For the construction of a chemical defense
14 qualification facility, Pine Bluff Arsenal, Arkansas,
15 authorized by section 2101(a) of the Military Con-
16 struction Authorization Act for Fiscal Year 2000
17 (division B of Public Law 106–65; 113 Stat. 825),
18 \$92,000.

19 (10) For the construction of phase 1B of a bar-
20 racks complex, Wilson Street, Schofield Barracks,
21 Hawaii, authorized by section 2101(a) of the Mili-
22 tary Construction Authorization Act for Fiscal Year
23 2000 (113 Stat. 825), \$22,400,000.

24 (11) For the construction of phase 2B of a bar-
25 racks complex, Tagaytay Street, Fort Bragg, North

1 Carolina, authorized by section 2101(a) of the Mili-
2 tary Construction Act for Fiscal Year 2000 (113
3 Stat. 825), \$3,108,000.

4 (12) For the construction of phase 2 of a tac-
5 tical equipment shop, Fort Sill, Oklahoma, author-
6 ized by section 2101(a) of the Military Construction
7 Act for Fiscal Year 2000 (113 Stat. 825),
8 \$10,991,000.

9 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
10 PROJECTS.—Notwithstanding the cost variations author-
11 ized by section 2853 of title 10, United States Code, and
12 any other cost variations authorized by law, the total cost
13 of all projects carried out under section 2101 of this Act
14 may not exceed—

15 (1) the total amount authorized to be appro-
16 priated under paragraphs (1) and (2) of subsection
17 (a);

18 (2) \$22,600,000 (the balance of the amount au-
19 thorized under section 2101(a) for the construction
20 of a Basic Training Complex at Fort Leonard Wood,
21 Missouri);

22 (3) \$10,000,000 (the balance of the amount au-
23 thorized under section 2101(a) for construction of a
24 Multipurpose Digital Training Range at Fort Hood,
25 Texas);

1 (4) \$34,000,000 (the balance of the amount au-
2 thorized under section 2101(a) for construction of a
3 barracks complex, Longstreet Road Phase I at Fort
4 Bragg, North Carolina);

5 (5) \$104,000,000 (the balance of the amount
6 authorized under section 2101(a) for the construc-
7 tion of a barracks complex, Bunter Road Phase I at
8 Fort Bragg, North Carolina); and

9 (6) \$6,000,000 (the balance of the amount au-
10 thorized under section 2101(a) for the construction
11 of a battle simulation center at Fort Drum, New
12 York).

13 (c) ADJUSTMENT.—The total amount authorized to
14 be appropriated pursuant to paragraphs (1) through (12)
15 of subsection (a) is the sum of the amounts authorized
16 to be appropriated in such paragraphs, reduced by—

17 (1) \$635,000, which represents the combination
18 of savings resulting from adjustments to foreign cur-
19 rency exchange rates for military construction out-
20 side the United States; and

21 (2) \$19,911,000 which represents the combina-
22 tion of savings resulting from adjustments to foreign
23 currency exchange rates for military family housing
24 construction and military family housing support
25 outside the United States.

1 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 1999 PROJECT.**

3 (a) MODIFICATION.—The table in section 2101 of the
4 Military Construction Authorization Act for Fiscal Year
5 1999 (division B of Public Law 105–261; 112 Stat. 2182)
6 is amended—

7 (1) in the item relating to Fort Hood, Texas,
8 by striking “\$32,500,000” in the amount column
9 and inserting “\$45,300,000”; and

10 (2) by striking the amount identified as the
11 total in the amount column and inserting
12 “\$781,581,000”.

13 (b) CONFORMING AMENDMENTS.—Section 2104(a)
14 of that Act (112 Stat. 2184) is amended—

15 (1) in the matter preceding paragraph (1), by
16 striking “\$2,098,713,000” and inserting
17 “\$2,111,513,000”; and

18 (2) in paragraph (1), by striking
19 “\$609,076,000” and inserting “\$622,581,000”.

20 **TITLE XXII—NAVY**

21 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
22 **ACQUISITION PROJECTS.**

23 (a) INSIDE THE UNITED STATES.—Using amounts
24 appropriated pursuant to the authorization of appropria-
25 tions in section 2204(a)(1), the Secretary of the Navy may
26 acquire real property and carry out military construction

- 1 projects for the installations and locations inside the
 2 United States, and in the amounts, set forth in the fol-
 3 lowing table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	\$8,200,000
	Navy Detachment, Camp Navajo	\$2,940,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	\$23,870,000
	Marine Corps Air Station, Miramar	\$13,740,000
	Marine Corps Base, Camp Pendleton	\$8,100,000
	Marine Corps Logistics Base, Barstow	\$6,600,000
	Naval Air Station, Lemoore	\$10,760,000
	Naval Air Warfare Center Weapons Division, Point Mugu	\$12,600,000
	Naval Aviation Depot, North Island	\$4,340,000
	Naval Facility, San Clemente Island	\$8,860,000
	Naval Postgraduate School, Monterey	\$5,280,000
	Naval Ship Weapons Systems Engineering Station, Port Hueneme	\$10,200,000
	Naval Station, San Diego	\$53,200,000
Connecticut	Naval Submarine Base, New London	\$3,100,000
CONUS Various	CONUS Various	\$11,500,000
District of Columbia	Marine Corps Barracks	\$24,597,000
	Naval District, Washington	\$2,450,000
	Naval Research Laboratory, Washington	\$12,390,000
Florida	Blount Island Command	\$3,320,000
	Naval Air Station, Jacksonville	\$1,400,000
	Naval Air Station, Whiting Field	\$5,130,000
	Naval Surface Warfare Center Wastal Systems Station, Panama City	\$1,000,000
	Naval Station, Mayport	\$6,830,000
	Naval Surface Warfare Center Detachment, Ft. Lauderdale	\$3,570,000
Georgia	Marine Corps Logistics Base, Albany	\$1,100,000
	Navy Supply Corps School, Athens	\$2,950,000
	Trident Refit Facility, Kings Bay	\$5,200,000
Hawaii	Fleet Industrial Supply Center, Pearl Harbor	\$12,000,000
	Naval Undersea Weapons Station Detachment, Lualualei	\$2,100,000
	Marine Corps Air Station, Kaneohe	\$18,400,000
	Naval Station, Pearl Harbor	\$30,700,000
Illinois	Naval Training Center, Great Lakes	\$124,800,000
Indiana	Naval Surface Warfare Center, Crane	\$8,460,000
Maine	Naval Air Station, Brunswick	\$2,450,000
	Naval Shipyard, Portsmouth	\$4,960,000
Maryland	Naval Explosive Ordnance Disposal Technology Center, Indian Head	\$6,430,000
	Naval Air Station, Patuxent River	\$8,240,000
Mississippi	Naval Air Station, Meridian	\$4,700,000
Nevada	Naval Air Station, Fallon	\$6,280,000
New Jersey	Naval Weapons Station, Earle	\$2,420,000
North Carolina	Marine Corps Air Station, Cherry Point	\$8,480,000
	Marine Corps Air Station, New River	\$3,400,000
	Marine Corps Base, Camp Lejeune	\$45,870,000
	Naval Aviation Depot, Cherry Point	\$7,540,000
Pennsylvania	Naval Surface Warfare Center Shipyard Systems Engineering Station, Philadelphia	\$10,680,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
Rhode Island	Naval Undersea Warfare Center Division, Newport	\$4,150,000
South Carolina	Marine Corps Air Station, Beaufort	\$3,140,000
	Marine Corps Recruit Depot, Parris Island	\$2,660,000
Texas	Naval Air Station, Corpus Christi	\$4,850,000
	Naval Air Station, Kingsville	\$2,670,000
	Naval Station, Ingleside	\$2,420,000
Virginia	AEGIS Combat Systems Center, Wallops Island	\$3,300,000
	Marine Corps Combat Development Command, Quantico	\$8,590,000
	Naval Air Station, Norfolk	\$31,450,000
	Naval Air Station, Oceana	\$9,440,000
	Naval Amphibious Base, Little Creek	\$2,830,000
	Naval Shipyard, Norfolk, Portsmouth	\$16,100,000
	Naval Station, Norfolk	\$4,700,000
	Naval Surface Warfare Center, Dahlgren	\$11,300,000
	Naval Shipyard, Bremerton, Puget Sound.	\$100,670,000
	Strategic Weapons Facility Pacific, Bremerton	\$1,400,000
	Total:	\$770,807,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions 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
6 in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Administrative Support Unit	\$19,400,000
Guam	Naval Activities	\$1,000,000
Italy	Naval Air Station, Sigonella	\$32,969,000
	Naval Support Activity, Naples	\$15,000,000
Various Locations	Host Nation Infrastructure Support	\$142,000
		Total:

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

1 Navy may construct or acquire family housing units (in-
 2 cluding land acquisition) at the installations, for the pur-
 3 poses, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or location	Purpose	Amount
California	Marine Corps Air- Ground Combat Cen- ter, Twentynine Palms	79 Units	\$13,923,000
	Naval Air Station, Lemoore	260 Units	\$47,871,000
Hawaii	Commander Naval Base, Pearl Harbor ..	112 Units	\$23,654,000
	Commander Naval Base, Pearl Harbor ..	62 Units	\$14,237,000
	Commander Naval Base, Pearl Harbor ..	98 Units	\$22,230,000
Louisiana	Marine Corps Air Sta- tion, Kaneohe Bay ...	84 Units	\$21,910,000
	Naval Air Station, New Orleans.	34 Units	\$5,000,000
Maine	Naval Air Station, Brunswick	168 Units	\$18,722,000
Mississippi	Naval Construction bat- talion Center, Gulf- port.	157 Units	\$20,700,000
Washington	Naval Air Station, Whidbey Island	98 Units	\$16,873,000
Total:			\$205,120,000

4 (b) PLANNING AND DESIGN.—Using amounts appro-
 5 priated pursuant to the authorization of appropriations in
 6 section 2204(a)(5)(A), the Secretary of the Navy may
 7 carry out architectural and engineering services and con-
 8 struction design activities with respect to the construction
 9 or improvement of military family housing units in an
 10 amount not to exceed \$19,958,000.

11 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 12 **UNITS.**

13 Subject to section 2825 of title 10, United States
 14 Code, and using amounts appropriated pursuant to the

1 authorization of appropriations in section 2204(a)(5)(A),
2 the Secretary of the Navy may improve existing military
3 family housing units in an amount not to exceed
4 \$192,147,000.

5 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

6 (a) IN GENERAL.—Funds are hereby authorized to
7 be appropriated for fiscal years beginning after September
8 30, 2000, for military construction, land acquisition, and
9 military family housing functions of the Department of the
10 Navy in the total amount of \$2,187,673,000, as follows:

11 (1) For military construction projects inside the
12 United States authorized by section 2201(a),
13 \$718,627,000.

14 (2) For military construction projects outside
15 the United States authorized by section 2201(b),
16 \$68,511,000.

17 (3) For unspecified minor construction projects
18 authorized by section 2805 of title 10, United States
19 Code, \$7,659,000.

20 (4) For architectural and engineering services
21 and construction design under section 2807 of title
22 10, United States Code, \$67,502,000.

23 (5) For military family housing functions:

1 (A) For construction and acquisition, plan-
2 ning and design, and improvement of military
3 family housing and facilities, \$417,225,000.

4 (B) For support of military housing (in-
5 cluding functions described in section 2833 of
6 title 10, United States Code), \$882,638,000.

7 (6) For construction of a berthing wharf at
8 Naval Air Station, North Island, California, author-
9 ized by section 2201(a) of the Military Construction
10 Authorization Act for Fiscal Year 2000 (division B
11 of Public Law 106–65; 113 Stat. 828), \$12,800,000.

12 (7) For construction of the Commander-in-
13 Chief Headquarters, Pacific Command, Camp H.M.
14 Smith, Hawaii, authorized by section 2201(a) of the
15 Military Construction Authorization Act for Fiscal
16 Year 2000, \$35,600,000.

17 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
18 PROJECTS.—Notwithstanding the cost variations author-
19 ized by section 2853 of title 10, United States Code, and
20 any other cost variation authorized by law, the total cost
21 of all projects carried out under section 2201 of this Act
22 may not exceed—

23 (1) the total amount authorized to be appro-
24 priated under paragraphs (1) and (2) of subsection
25 (a);

1 (2) \$17,500,000 (the balance of the amount au-
2 thorized under section 2201(a) for repair of a pier
3 at Naval Station, San Diego, California);

4 (3) \$24,460,000 (the balance of the amount au-
5 thorized under section 2201(a) for replacement of a
6 pier at Naval Ship Yard, Bremerton, Puget Sound,
7 Washington); and

8 (4) \$10,280,000 (the balance of the amount au-
9 thorized under section 2201(a) for construction of
10 an industrial skills center at Naval Shipyard, Brem-
11 erton, Puget Sound, Washington).

12 (c) ADJUSTMENTS.—The total amount authorized to
13 be appropriated pursuant to paragraphs (1) through (7)
14 of subsection (a) is the sum of the amounts authorized
15 to be appropriated in such paragraphs, reduced by—

16 (1) \$2,889,000, which represents the combina-
17 tion of savings resulting from adjustments to foreign
18 currency exchange rates for military construction
19 outside the United States; and

20 (2) \$20,000,000, which represents the combina-
21 tion of project savings in military construction re-
22 sulting from favorable bids, reduced overhead
23 charges, and cancellations due to force structure
24 changes.

1 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **FISCAL YEAR 1997 PROJECT AT MARINE**
3 **CORPS COMBAT DEVELOPMENT COMMAND,**
4 **QUANTICO, VIRGINIA.**

5 The Secretary of the Navy may carry out a military
6 construction project involving infrastructure development
7 at the Marine Corps Combat Development Command,
8 Quantico, Virginia, in the amount of \$8,900,000, using
9 amounts appropriated pursuant to the authorization of ap-
10 propriations in section 2204(a)(1) of the Military Con-
11 struction Authorization Act for Fiscal Year 1997 (division
12 B of Public Law 104–201; 110 Stat. 2769) for a military
13 construction project involving a sanitary landfill at that
14 installation, as authorized by section 2201(a) of that Act
15 (110 Stat. 2767).

16 **TITLE XXIII—AIR FORCE**

17 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
18 **LAND ACQUISITION PROJECTS.**

19 (a) **INSIDE THE UNITED STATES.**—Using amounts
20 appropriated pursuant to the authorization of appropria-
21 tions in section 2304(a)(1), the Secretary of the Air Force
22 may acquire real property and carry out military construc-
23 tion projects for the installations and locations inside the
24 United States, and in the amounts, set forth in the fol-
25 lowing table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	\$3,825,000
Alaska	Cape Romanzof	\$3,900,000
	Eielson Air Force Base	\$15,990,000
	Elmendorf Air Force Base	\$27,520,000
Arizona	Davis-Monthan Air Force Base	\$7,900,000
Arkansas	Little Rock Air Force Base	\$18,319,000
California	Beale Air Force Base	\$10,100,000
	Los Angeles Air Force Base	\$6,580,000
	Vandenberg Air Force Base	\$4,650,000
	Buckley Air National Guard Base ...	\$2,750,000
Colorado	Peterson Air Force Base	\$15,570,000
	Schriever Air Force Base	\$8,450,000
	United States Air Force Academy ...	\$18,960,000
CONUS Classified	Classified Location	\$1,810,000
District of Columbia	Bolling Air Force Base	\$4,520,000
Florida	Eglin Air Force Base	\$8,940,000
	Eglin Auxiliary Field 9	\$7,960,000
	Patrick Air Force Base	\$12,970,000
	Tyndall Air Force Base	\$31,495,000
	Fort Stewart/Hunter Army Air Field	\$4,920,000
Georgia	Moody Air Force Base	\$2,500,000
	Robins Air Force Base	\$11,762,000
	Hickam Air Force Base	\$4,620,000
Hawaii	Hickam Air Force Base	\$4,620,000
Idaho	Mountain Home Air Force Base	\$10,125,000
Illinois	Scott Air Force Base	\$3,830,000
Kansas	McConnell Air Force Base	\$9,764,000
Louisiana	Barksdale Air Force Base	\$6,390,000
Mississippi	Keesler Air Force Base	\$15,040,000
Missouri	Whiteman Air Force Base	\$12,050,000
Montana	Malmstrom Air Force Base	\$5,300,000
New Jersey	McGuire Air Force Base	\$29,772,000
North Carolina	Pope Air Force Base	\$24,570,000
	Seymour Johnson Air Force Base ...	\$7,141,000
	Minot Air Force Base	\$3,151,000
Ohio	Wright-Patterson Air Force Base ...	\$37,508,000
Oklahoma	Altus Air Force Base	\$2,939,000
	Tinker Air Force Base	\$26,895,000
	Charleston Air Force Base	\$12,789,000
South Carolina	Shaw Air Force Base	\$8,102,000
	Dyess Air Force Base	\$19,523,000
Texas	Lackland Air Force Base	\$10,330,000
	Laughlin Air Force Base	\$11,973,000
	Sheppard Air Force Base	\$6,450,000
	Hill Air Force Base	\$28,050,000
Utah	Hill Air Force Base	\$28,050,000
Virginia	Langley Air Force Base	\$19,650,000
Washington	Fairechild Air Force Base	\$7,926,000
	McChord Air Force Base	\$10,250,000
Wyoming	F.E. Warren Air Force Base	\$25,720,000
	Total:	\$591,249,000

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-

tion projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Diego Garcia	Diego Garcia	\$5,475,000
Italy	Aviano Air Base	\$8,000,000
Korea	Kunsan Air Base	\$6,400,000
	Osan Air Base	\$21,948,000
Spain	Naval Station, Rota	\$5,052,000
Turkey	Incirlik Air Base	\$1,000,000
	Total:	\$47,875,000

4 SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
California	Edwards Air Force Base	57 Units	\$9,870,000
	Travis Air Force Base	64 Units	\$9,870,000
District of Columbia	Bolling Air Force Base	136 Units	\$17,137,000
Nevada	Nellis Air Force Base	26 Units	\$5,000,000
North Dakota	Cavalier Air Force Station	2 Units	\$443,000
	Minot Air Force Base	134 Units	\$19,097,000
		Total:	\$61,417,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may

1 carry out architectural and engineering services and con-
2 struction design activities with respect to the construction
3 or improvement of military family housing units in an
4 amount not to exceed \$12,760,000.

5 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
6 **UNITS.**

7 Subject to section 2825 of title 10, United States
8 Code, and using amounts appropriated pursuant to the
9 authorization of appropriations in section 2304(a)(5)(A),
10 the Secretary of the Air Force may improve existing mili-
11 tary family housing units in an amount not to exceed
12 \$174,046,000.

13 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
14 **FORCE.**

15 (a) IN GENERAL.—Funds are hereby authorized to
16 be appropriated for fiscal years beginning after September
17 30, 2000, for military construction, land acquisition, and
18 military family housing functions of the Department of the
19 Air Force in the total amount of \$1,766,136,000, as fol-
20 lows:

21 (1) For military construction projects inside the
22 United States authorized by section 2301(a),
23 \$589,199,000.

1 (2) For military construction projects outside
2 the United States authorized by section 2301(b),
3 \$47,875,000.

4 (3) For unspecified minor construction projects
5 authorized by section 2805 of title 10, United States
6 Code, \$9,850,000.

7 (4) For architectural and engineering services
8 and construction design under section 2807 of title
9 10, United States Code, \$56,949,000.

10 (5) For military housing functions:

11 (A) For construction and acquisition, plan-
12 ning and design, and improvement of military
13 family housing and facilities, \$248,223,000.

14 (B) For support of military family housing
15 (including functions described in section 2833
16 of title 10, United States Code), \$826,271,000.

17 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
18 PROJECTS.—Notwithstanding the cost variations author-
19 ized by section 2853 of title 10, United States Code, and
20 any other cost variation authorized by law, the total cost
21 of all projects carried out under section 2301 of this Act
22 may not exceed—

23 (1) the total amount authorized to be appro-
24 priated under paragraphs (1) and (2) of subsection
25 (a); and

1 (2) \$9,400,000 (the balance of the amount au-
 2 thorized under section 2301(c) for the construction
 3 of an air freight terminal and base supply complex
 4 at McGuire Air Force Base, New Jersey).

5 (c) ADJUSTMENT.—The total amount authorized to
 6 be appropriated pursuant to paragraphs (1) through (5)
 7 of subsection (a) is the sum of the amounts authorized
 8 to be appropriated in such paragraphs, reduced by
 9 \$12,231,000, which represents the combination of savings
 10 resulting from adjustments to foreign currency exchange
 11 rates for military family housing construction and military
 12 family housing support outside the United States.

13 **TITLE XXIV—DEFENSE**
 14 **AGENCIES**

15 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 16 **TION AND LAND ACQUISITION PROJECTS.**

17 (a) INSIDE THE UNITED STATES.—Using amounts
 18 appropriated pursuant to the authorization of appropria-
 19 tions in section 2402(a)(1), the Secretary of Defense may
 20 acquire real property and carry out military construction
 21 projects for the installations and locations inside the
 22 United States, and in the amounts, set forth in the fol-
 23 lowing table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Education Activity ..	Camp Lejeune, North Carolina	\$5,914,000
	Laurel Bay, South Carolina	\$804,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
Defense Logistics Agency	Defense Distribution Supply Point New Cumberland, Pennsylvania ...	\$17,700,000
	Defense Fuel Support Point, Cherry Point, North Carolina	\$5,700,000
	Defense Fuel Support Point, MacDill Air Force Base, Florida ..	\$16,956,000
	Defense Fuel Support Point, McConnell Air Force Base, Kan- sas	\$11,000,000
	Defense Fuel Support Point, Naval Air Station, Fallon, Nevada	\$5,000,000
	Defense Fuel Support Point, North Island, California	\$5,900,000
	Defense Fuel Support Point, Oceana Naval Air Station, Virginia	\$2,000,000
	Defense Fuel Support Point, Patux- ent River, Maryland	\$8,300,000
	Defense Fuel Support Point, Twentynine Palms, California	\$2,200,000
	Defense Supply Center, Richmond, Virginia	\$4,500,000
National Security Agency	Fort Meade, Maryland	\$4,228,000
Special Operations Command	Eglin Auxiliary Field 9, Florida	\$26,523,000
	Fleet Combat Training Center, Dam Neck, Virginia	\$5,500,000
	Fort Bragg, North Carolina	\$8,600,000
	Fort Campbell, Kentucky	\$16,300,000
	Kodiak, Alaska	\$5,000,000
	Naval Air Station, North Island, California	\$1,350,000
	Naval Air Station, Oceana, Virginia	\$3,400,000
	Naval Amphibious Base, Coronado, California	\$4,300,000
	Naval Amphibious Base, Little Creek, Virginia	\$5,400,000
	Pearl Harbor, Hawaii	\$9,990,000
TRICARE Management Ac- tivity	Edwards Air Force Base, California	\$17,900,000
	Marine Corps Base, Camp Pen- dleton, California	\$14,150,000
	Eglin Air Force Base, Florida	\$37,600,000
	Fort Drum, New York	\$1,400,000
	Patrick Air Force Base, Florida	\$2,700,000
	Tyndall Air Force Base, Florida	\$7,700,000
	Total:	\$258,015,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2402(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

1 United States, and in the amounts, set forth in the fol-
 2 lowing table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Education Activity ..	Hanau, Germany	\$1,026,000
	Hohenfels, Germany	\$13,774,000
	Royal Air Force, Feltwell, United Kingdom	\$1,287,000
	Royal Air Force, Lakenheath, United Kingdom	\$3,086,000
	Schweinfurt, Germany	\$1,444,000
	Sigonella, Italy	\$971,000
	Wuerzburg, Germany	\$1,798,000
Defense Finance and Accounting Service	Kleber Kaserne, Germany	\$7,500,000
Defense Logistics Agency	Defense Fuel Support Point, Andersen Air Force Base, Guam	\$36,000,000
	Defense Fuel Support Point, Marine Corps Air Station, Iwakuni, Japan	\$22,400,000
	Defense Fuel Support Point, Misawa Air Base, Japan	\$26,400,000
	Defense Fuel Support Point, Royal Air Force, Mildenhall, United Kingdom	\$10,000,000
	Defense Fuel Support Point, Sigonella, Italy	\$16,300,000
Defense Threat Reduction Agency	Darmstadt, Germany	\$2,450,000
Special Operations Command	Roosevelt Roads, Puerto Rico	\$1,241,000
	Taegu, Korea	\$1,450,000
TRICARE Management Agency	Kitzingen, Germany	\$1,400,000
	Wiesbaden Air Base, Germany	\$7,187,000
Total:		\$155,714,000

3 (c) UNSPECIFIED WORLDWIDE.—Using amounts ap-
 4 propriated pursuant to the authorization of appropriations
 5 in section 2402(a)(3), the Secretary of Defense may ac-
 6 quire real property and carry out military construction
 7 projects for the installations and locations, and in the
 8 amounts, set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide	Unspecified Worldwide	\$451,135,000

1 **SEC. 2402. AUTHORIZATION OF APPROPRIATIONS, DE-**
2 **FENSE AGENCIES.**

3 (a) IN GENERAL.—Funds are hereby authorized to
4 be appropriated for fiscal years beginning after September
5 30, 2000, for military construction, land acquisition, and
6 military family housing functions of the Department of
7 Defense (other than the military departments), in the total
8 amount of \$2,034,759,000, as follows:

9 (1) For military construction projects inside the
10 United States authorized by section 2401(a),
11 \$262,415,000.

12 (2) For military construction projects outside
13 the United States authorized by section 2401(b),
14 \$155,714,000.

15 (3) For the military construction projects at
16 unspecified worldwide locations authorized by section
17 2401(c), \$85,095,000.

18 (4) For unspecified minor construction projects
19 under section 2805 of title 10, United States Code,
20 \$17,390,000.

21 (5) For contingency construction projects of the
22 Secretary of Defense under section 2804 of title 10,
23 United States Code, \$10,000,000.

24 (6) For architectural and engineering services
25 and construction design under section 2807 of title
26 10, United States Code, \$75,705,000.

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
4 Public Law 101–510; 10 U.S.C. 2687 note),
5 \$1,174,369,000.

6 (8) For military family housing functions, for
7 support of military housing (including functions de-
8 scribed in section 2833 of title 10, United States
9 Code), \$44,886,000 of which not more than
10 \$38,478,000 may be obligated or expended for the
11 leasing of military family housing units worldwide.

12 (9) For the construction of an ammunition de-
13 militarization facility, Pine Bluff Arsenal, Arkansas,
14 authorized by section 2401(a) of the Military Con-
15 struction Authorization Act for Fiscal Year 1995
16 (division B of Public Law 103–337; 108 Stat.
17 3040), as amended by section 2407 of the Military
18 Construction Authorization Act for Fiscal Year 1996
19 (division B of Public Law 104–106; 110 Stat. 539),
20 section 2408 of the Military Construction Authoriza-
21 tion Act for Fiscal Year 1998 (division B of Public
22 Law 105–85; 111 Stat. 1982), and section 2406 of
23 the Military Construction Authorization Act for Fis-
24 cal Year 1999 (division B of Public Law 105–261;
25 112 Stat. 2197), \$43,600,000.

1 (10) For the construction of phase 6 of an am-
2 munition demilitarization facility, Umatilla Army
3 Depot, Oregon, authorized by section 2401(a) of the
4 Military Construction Authorization Act for Fiscal
5 Year 1995, as amended by section 2407 of the Mili-
6 tary Construction Authorization Act for Fiscal Year
7 1996, section 2408 of the Military Construction Au-
8 thorization Act for Fiscal Year 1998, and section
9 2406 of the Military Construction Authorization Act
10 for Fiscal Year 1999, \$9,400,000.

11 (11) For the construction of phase 2 of an am-
12 munition demilitarization facility, Pueblo Army
13 Depot, Colorado, authorized by section 2401(a) of
14 the Military Construction Authorization Act for Fis-
15 cal Year 1997 (division B of Public Law 104–201;
16 110 Stat. 2775), as amended by section 2406 of the
17 Military Construction Authorization Act for Fiscal
18 Year 2000 (division B of Public Law 106–65; 113
19 Stat. 839), \$10,700,000.

20 (12) For the construction of phase 3 of an am-
21 munition demilitarization facility, Newport Army
22 Depot, Indiana, authorized by section 2401(a) of the
23 Military Construction Authorization Act for Fiscal
24 Year 1999 (division B of Public Law 105–261; 112
25 Stat. 2193), \$54,400,000.

1 (13) For the construction of phase 3 of an am-
2 munition demilitarization facility, Aberdeen Proving
3 Ground, Maryland, authorized by section 2401(a) of
4 the Military Construction Authorization Act for Fis-
5 cal Year 1999 (112 Stat. 2193), \$45,700,000.

6 (14) For construction of a replacement hospital
7 at Fort Wainwright, Alaska, authorized by section
8 2401(a) of the Military Construction Authorization
9 Act for Fiscal Year 2000 (division B of Public Law
10 106–65; 113 Stat. 836), \$44,000,000.

11 (15) For the construction of the Ammunition
12 Demilitarization Support Phase 2, Blue Grass Army
13 Depot, Kentucky, authorized in section 2401(a) the
14 Military Construction Act for Fiscal Year 2000 (113
15 Stat. 836), \$8,500,000.

16 (b) LIMITATION OF TOTAL COST OF CONSTRUCTION
17 PROJECTS.—Notwithstanding the cost variation author-
18 ized by section 2853 of title 10, United States Code, and
19 any other cost variations authorized by law, the total cost
20 of all projects carried out under section 2401 of this Act
21 may not exceed—

22 (1) the total amount authorized to be appro-
23 priated under paragraphs (1) and (2) of subsection
24 (a); and

1 (2) \$366,040,000 (the balance of the amount
2 authorized under section 2401(c) for construction of
3 National Missile Defense initial deployment facilities,
4 unspecified worldwide locations).

5 (c) ADJUSTMENT.—The total amount authorized to
6 be appropriated pursuant to paragraphs (1) through (15)
7 of subsection (a) is the sum of the amounts authorized
8 to be appropriated in such paragraphs, reduced by
9 \$7,115,000, which represents the combination of savings
10 resulting from adjustments to foreign currency exchange
11 rates for military construction outside the United States.

12 **TITLE XXV—NORTH ATLANTIC**
13 **TREATY ORGANIZATION SE-**
14 **CURITY INVESTMENT PRO-**
15 **GRAM**

16 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
17 **ACQUISITION PROJECTS.**

18 The Secretary of Defense may make contributions for
19 the North Atlantic Treaty Organization Security Invest-
20 ment program as provided in section 2806 of title 10,
21 United States Code, in an amount not to exceed the sum
22 of the amount authorized to be appropriated for this pur-
23 pose in section 2502 and the amount collected from the
24 North Atlantic Treaty Organization as a result of con-
25 struction previously financed by the United States.

1 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

2 Funds are hereby authorized to be appropriated for
3 fiscal years beginning after September 30, 2000, for con-
4 tributions by the Secretary of Defense under section 2806
5 of title 10, United States Code, for the share of the United
6 States of the cost of projects for the North Atlantic Treaty
7 Organization Security Investment program authorized by
8 section 2501, in the amount of \$177,500,000.

9 **TITLE XXVI—GUARD AND**
10 **RESERVE FACILITIES**

11 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
12 **TION AND LAND ACQUISITION PROJECTS.**

13 There are authorized to be appropriated for fiscal
14 years beginning after September 30, 2000, for the costs
15 of acquisition, architectural and engineering services, and
16 construction of facilities for the Guard and Reserve
17 Forces, and for contributions therefor, under chapter
18 1803 of title 10, United States Code (including the cost
19 of acquisition of land for those facilities), the following
20 amounts:

21 (1) For the Department of the Army—

22 (A) for the Army National Guard of the
23 United States, \$129,139,000; and

24 (B) for the Army Reserve, \$104,854,000.

25 (2) For the Department of the Navy, for the
26 Naval and Marine Corps Reserve, \$56,574,000.

- 1 (3) For the Department of the Air Force—
2 (A) for the Air National Guard of the
3 United States, \$110,885,000; and
4 (B) for the Air Force Reserve,
5 \$41,748,000.

6 **TITLE XXVII—EXPIRATION AND**
7 **EXTENSION OF AUTHORIZA-**
8 **TIONS**

9 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
10 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
11 **LAW.**

12 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
13 YEARS.—Except as provided in subsection (b), all author-
14 izations contained in titles XXI through XXVI for military
15 construction projects, land acquisition, family housing
16 projects and facilities, and contributions to the North At-
17 lantic Treaty Organization Security Investment program
18 (and authorizations of appropriations therefor) shall ex-
19 pire on the later of—

20 (1) October 1, 2003; or

21 (2) the date of the enactment of an Act author-
22 izing funds for military construction for fiscal year
23 2004.

24 (b) EXCEPTION.—Subsection (a) shall not apply to
25 authorizations for military construction projects, land ac-

1 quisation, family housing projects and facilities, and con-
2 tributions to the North Atlantic Treaty Organization Se-
3 curity Investment program (and authorizations of appro-
4 priations therefor) for which appropriated funds have been
5 obligated before the later of—

6 (1) October 1, 2003; or

7 (2) the date of the enactment of an Act author-
8 izing funds for fiscal year 2004 for military con-
9 struction projects, land acquisition, family housing
10 projects and facilities, or contributions to the North
11 Atlantic Treaty Organization Security Investment
12 program.

13 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
14 **FISCAL YEAR 1998 PROJECTS.**

15 (a) **EXTENSION.**—Notwithstanding section 2701 of
16 the Military Construction Authorization Act for Fiscal
17 Year 1998 (division B of Public Law 105–85; 111 Stat.
18 1984), authorizations set forth in the tables in subsection
19 (b), as provided in section 2102, 2202, or 2302 of that
20 Act, shall remain in effect until October 1, 2001, or the
21 date of the enactment of an Act authorizing funds for mili-
22 tary construction for fiscal year 2002, whichever is later.

23 (b) **TABLES.**—The tables referred to in subsection (a)
24 are as follows:

Army: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
Maryland	Fort Meade	Family Housing Construction (56 units)	\$7,900,000
Texas	Fort Hood	Family Housing Construction (130 units) ..	\$18,800,000

Navy: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
California	Naval Complex, San Diego	Replacement Family Housing Construction (94 units)	\$13,500,000
California	Marine Corps Air Station, Miramar	Family Housing Construction (166 units) ..	\$28,881,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	Replacement Family Housing Construction (132 units)	\$23,891,000
Louisiana	Naval Complex, New Orleans	Replacement Family Housing Construction (100 units)	\$11,930,000
Texas	Naval Air Station, Corpus Christi	Family Housing Construction (212 units) ..	\$22,250,000
Washington	Naval Air Station, Whidbey Island	Replacement Family Housing Construction (102 units)	\$16,000,000

Air Force: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
Georgia	Robins Air Force Base	Replace Family Housing (60 units)	\$6,800,000
Idaho	Mountain Home Air Force Base	Replace Family Housing (60 units)	\$11,032,000

Air Force: Extension of 1998 Project Authorizations—Continued

State	Installation or location	Project	Amount
New Mexico	Kirtland Air Force Base	Replace Family Housing (180 units)	\$20,900,000
Texas	Dyess Air Force Base	Construct Family Housing (70 units)	\$10,503,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
2 **FISCAL YEAR 1997 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2701 of
4 the Military Construction Authorization Act for Fiscal
5 Year 1997 (division B of Public Law 104–201; 110 Stat.
6 2782), authorizations set forth in the table in subsection
7 (b), as provided in section 2201 or 2202 of that Act and
8 extended by section 2702 of the Military Construction Au-
9 thorization Act for Fiscal Year 2000 (division B of Public
10 Law 106–65; 113 Stat. 842), shall remain in effect until
11 October 1, 2001, or the date of the enactment of an Act
12 authorizing funds for military construction for fiscal year
13 2002, whichever is later.

14 (b) TABLE.—The table referred to in subsection (a)
15 is as follows:

Navy: Extension of 1997 Project Authorizations

State	Installation or location	Project	Amount
Florida	Navy Station, Mayport	Family Housing Construction (100 units) ..	\$10,000,000
North Carolina	Marine Corps Base, Camp Lejuene	Family Housing Construction (94 units)	\$10,110,000

Navy: Extension of 1997 Project Authorizations—Continued

State	Installation or location	Project	Amount
South Carolina	Marine Corps Air Station, Beaufort	Family Housing Construction (140 units) ..	\$14,000,000
Texas	Naval Complex, Corpus Christi	Family Housing Replacement (104 units) ..	\$11,675,000
	Naval Air Station, Kingsville	Family Housing Replacement (48 units)	\$7,550,000
Virginia	Marine Corps Combat Development Command, Quantico	Infrastructure Development	\$8,900,000
Washington	Naval Station, Everett	Family Housing Construction (100 units) ..	\$15,015,000

1 **SEC. 2704. EFFECTIVE DATE.**

2 Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI
3 shall take effect on the later of—

4 (1) October 1, 2000; or

5 (2) the date of the enactment of this Act.

6 **TITLE XXVIII—GENERAL**
7 **PROVISIONS**

8 **Subtitle A—Military Construction**
9 **Program and Military Family**
10 **Housing Changes**

11 **SEC. 2801. REVISION OF LIMITATIONS ON SPACE BY PAY**
12 **GRADE.**

13 Section 2826 of title 10, United States Code, is
14 amended to read as follows:

1 **“§ 2826. Limitations on space by pay grade**

2 “In the construction, acquisition, and improvement of
3 military family housing units, the Secretary concerned
4 shall ensure that the room patterns and floor areas are
5 generally comparable to the room patterns and floor areas
6 of similar housing units in the locality concerned.”.

7 **SEC. 2802. LEASING OF MILITARY FAMILY HOUSING,**
8 **UNITED STATES SOUTHERN COMMAND,**
9 **MIAMI, FLORIDA.**

10 (a) FIVE-YEAR LEASE; PAYMENT SOURCE.—Sub-
11 section (b)(4) of section 2828 of title 10, United States
12 Code, is amended—

13 (1) by striking “and no lease on any individual
14 housing unit may exceed \$60,000 per year” and in-
15 serting “and the lease payments shall be made out
16 of annual appropriations for that year”; and

17 (2) by adding at the end the following new sen-
18 tence: “A lease under this paragraph may not exceed
19 5 years.”.

20 (b) HOUSING ADJUSTMENT.—Such subsection is fur-
21 ther amended—

22 (1) by inserting “(A)” after “(4)”; and

23 (2) by adding at the end the following new sub-
24 paragraph:

25 “(B) At the beginning of each fiscal year, the Sec-
26 retary of the Army shall adjust the maximum amount pro-

1 vided for leases under subparagraph (A) for the previous
2 fiscal year by the percentage (if any) by which the basic
3 allowance for housing under section 403 of title 37 for
4 the Miami metropolitan area during the preceding fiscal
5 year exceeded such basic allowance for housing for the sec-
6 ond preceding fiscal year.”.

7 (c) CONFORMING AMENDMENT.—Subsection (b)(5)
8 of such section is amended by striking “paragraphs (2),
9 (3), and (4)” and inserting “paragraphs (2) and (3)”.

10 **SEC. 2803. EXTENSION OF ALTERNATIVE AUTHORITY FOR**
11 **ACQUISITION AND IMPROVEMENT OF MILI-**
12 **TARY HOUSING.**

13 Section 2885 of title 10, United States Code, is
14 amended by striking “2001” and inserting “2006”.

15 **SEC. 2804. EXPANSION OF DEFINITION OF ARMORY TO IN-**
16 **CLUDE READINESS CENTERS.**

17 (a) DEFINITION.—Section 18232(3) of title 10,
18 United States Code, is amended by striking “The term
19 ‘armory’ means” and inserting “The terms ‘armory’ and
20 ‘readiness center’ mean”.

21 (b) CONFORMING AMENDMENTS.—(1) Section
22 18232(2) of such title is amended by striking “armory or
23 other structure” and inserting “armory, readiness center,
24 or other structure”.

1 (2) Section 18236(b) of such title by inserting “or
2 readiness center” after “armory”.

3 **Subtitle B—Real Property and**
4 **Facilities Administration**

5 **SEC. 2811. INCREASE IN THRESHOLD FOR NOTICE AND**
6 **WAIT REQUIREMENTS FOR REAL PROPERTY**
7 **TRANSACTIONS.**

8 (a) INCREASED THRESHOLD.—Section 2662 of title
9 10, United States Code, is amended by striking
10 “\$200,000” each place it appears and inserting thereof
11 “\$500,000”.

12 (b) REFERENCE TO SIMPLIFIED ACQUISITION
13 THRESHOLD.—Subsection (b) of such section is amended
14 by striking “under section 2304(g) of this title” and in-
15 serting “specified in section 4(11) of the Office of Federal
16 Procurement Policy Act (41 U.S.C. 403(11)),”.

17 **SEC. 2812. ENHANCEMENT OF AUTHORITY OF MILITARY**
18 **DEPARTMENTS TO LEASE NON-EXCESS PROP-**
19 **ERTY.**

20 (a) PROPERTY AVAILABLE FOR LEASE.—Subsection
21 (a) of section 2667 of title 10, United States Code, is
22 amended—

23 (1) by inserting “and” at the end of paragraph

24 (1);

25 (2) by striking paragraph (2); and

1 (3) by redesignating paragraph (3) as para-
2 graph (2).

3 (b) ACCEPTANCE OF IN-KIND CONSIDERATION.—

4 Such section is further amended—

5 (1) in subsection (b)(5)—

6 (A) by striking “improvement, mainte-
7 nance, protection, repair, or restoration,” and
8 inserting “alteration, repair, or improvement,”;
9 and

10 (B) by striking “, or of the entire unit or
11 installation where a substantial part of it is
12 leased,”;

13 (2) by transferring subsection (c) to the end of
14 the section and redesignating such subsection, as so
15 transferred, as subsection (i);

16 (3) by inserting after subsection (b) the fol-
17 lowing new subsection (c):

18 “(c)(1) In addition to any in-kind consideration ac-
19 cepted under subsection (b)(5), in-kind consideration ac-
20 cepted with respect to a lease under this section may in-
21 clude the following:

22 “(A) Maintenance, protection, alteration, repair,
23 improvement, or restoration (including environ-
24 mental restoration) of property or facilities under
25 the control of the Secretary concerned.

1 “(B) Provision of facilities for use by the Sec-
2 retary concerned.

3 “(C) Facilities operation support for the Sec-
4 retary concerned.

5 “(D) Provision of such other services relating to
6 activities that will occur on the leased property as
7 the Secretary concerned considers appropriate.

8 “(2) In-kind consideration under paragraph (1) may
9 be accepted at any property or facilities under the control
10 of the Secretary concerned that are selected for that pur-
11 pose by the Secretary concerned.

12 “(3) The Secretary concerned may not accept in-kind
13 consideration during a fiscal year with respect to leases
14 under this section until the Comptroller General certifies
15 to the Secretary concerned that the total received by the
16 Secretary concerned as money rentals for that fiscal year
17 under such leases is equal to the total money rentals under
18 such leases received by the Secretary concerned during fis-
19 cal year 2000.

20 “(4) In the case of a lease for which all or part of
21 the consideration proposed to be accepted by the Secretary
22 concerned under this subsection is in-kind consideration
23 with a value in excess of \$500,000, the Secretary con-
24 cerned may not enter into the lease until 30 days after

1 the date on which a report on the facts of the lease is
2 submitted to the congressional defense committees.”; and

3 (4) in subsection (f)—

4 (A) by striking paragraph (4); and

5 (B) by redesignating paragraph (5) as
6 paragraph (4).

7 (c) USE OF CASH PROCEEDS AND CONGRESSIONAL
8 NOTIFICATION.—Subsection (d) of such section is
9 amended—

10 (1) in paragraph (1), by striking subparagraph

11 (B) and inserting the following new subparagraphs:

12 “(B) Subject to subparagraphs (C) and (D), the
13 amounts deposited in the special account of a military de-
14 partment pursuant to subparagraph (A) shall be available
15 to the Secretary of that military department, in such
16 amounts as provided in appropriation Acts, for the fol-
17 lowing:

18 “(i) Maintenance, protection, alteration, repair,
19 improvement, or restoration (including environ-
20 mental restoration) of property or facilities.

21 “(ii) Lease of facilities.

22 “(iii) Facilities operation support.

23 “(C) At least 50 percent of the amounts deposited
24 in the special account of a military department under sub-
25 paragraph (A) by reason of a lease shall be available for

1 activities described in subparagraph (B) only at the mili-
2 tary installation where the leased property is located.

3 “(D) The Secretary concerned may not expend under
4 subparagraph (B) an amount in excess of \$500,000 at a
5 single installation until 30 days after the date on which
6 a report on the facts of the proposed expenditure is sub-
7 mitted to the congressional defense committees.”; and

8 (2) in paragraph (3)—

9 (A) in the matter preceding subparagraph
10 (A), by striking “As part” and all that follows
11 through “Secretary of Defense” and inserting
12 “Not later than March 15 each year, the Sec-
13 retary of Defense shall submit to the congres-
14 sional defense committees a report which”; and

15 (B) in subparagraph (A), by striking “re-
16 quest” and inserting “report”.

17 (e) DEFINITIONS.—Subsection (h) of such section is
18 amended to read as follows:

19 “(h) In this section:

20 “(1) The term ‘congressional defense commit-
21 tees’ means:

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

1 “(B) The Committee on Armed Services
2 and the Committee on Appropriations of the
3 House of Representatives.

4 “(2) The term ‘base closure law’ means the fol-
5 lowing:

6 “(A) Section 2687 of this title.

7 “(B) The Defense Base Closure and Re-
8 alignment Act of 1990 (part A of title XXIX of
9 Public Law 101–510; 10 U.S.C. 2687 note).

10 “(C) Title II of the Defense Authorization
11 Amendments and Base Closure and Realign-
12 ment Act (Public Law 100–526; 10 U.S.C.
13 2687 note).

14 “(3) The term ‘military installation’ has the
15 meaning given such term in section 2687(e)(1) of
16 this title.”.

17 **SEC. 2813. CONVEYANCE AUTHORITY REGARDING UTILITY**
18 **SYSTEMS OF MILITARY DEPARTMENTS.**

19 Subsection (b) of section 2688 of title 10, United
20 States Code, is amended to read as follows:

21 “(b) SELECTION OF CONVEYEE OR AWARDEE.—(1)
22 The Secretary concerned shall comply with the competi-
23 tion requirements of section 2304 of this title in conveying
24 a utility system under this section and in awarding any

1 utility services contract related to the conveyance of the
2 utility system.

3 “(2) A conveyance or award may be made under
4 paragraph (1) only if the Secretary concerned determines
5 that the conveyance or award complies with State laws,
6 regulations, rulings, and policies governing the provision
7 of utility services. Such State laws, regulations, rulings,
8 and policies shall apply to the conveyee or awardee not-
9 withstanding the existence of exclusive federal legislative
10 jurisdiction as to any parcels of land served by the utility
11 system.”.

12 **Subtitle C—Land Conveyances**

13 **PART I—ARMY CONVEYANCES**

14 **SEC. 2831. TRANSFER OF JURISDICTION, ROCK ISLAND AR-** 15 **SENAL, ILLINOIS.**

16 (a) TRANSFER AUTHORIZED.—The Secretary of the
17 Army may transfer, without reimbursement, to the admin-
18 istrative jurisdiction of the Secretary of Veterans Affairs
19 a parcel of real property, including any improvements
20 thereon, consisting of approximately 23 acres and com-
21 prising a portion of the Rock Island Arsenal, Illinois.

22 (b) USE OF LAND.—The Secretary of Veterans Af-
23 fairs shall include the real property transferred under sub-
24 section (a) in the Rock Island National Cemetery and use

1 the transferred property as a national cemetery under
2 chapter 24 of title 38, United States Code.

3 (c) **LEGAL DESCRIPTION.**—The exact acreage and
4 legal description of the real property to be transferred
5 under this section shall be determined by a survey satis-
6 factory to the Secretary of the Army. The cost of the sur-
7 vey shall be borne by the Secretary of Veterans Affairs.

8 (d) **ADDITIONAL TERMS AND CONDITIONS.**—The
9 Secretary of the Army may require such additional terms
10 and conditions in connection with the transfer under this
11 section as the Secretary of the Army considers appropriate
12 to protect the interests of the United States.

13 **SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER,**
14 **GALESBURG, ILLINOIS.**

15 (a) **CONVEYANCE AUTHORIZED.**—The Secretary of
16 the Army may convey, without consideration, to Knox
17 County, Illinois (in this section referred to as the “Coun-
18 ty”), all right, title, and interest of the United States in
19 and to a parcel of real property, including improvements
20 thereon, in Galesburg, Illinois, consisting of approximately
21 4.65 acres and containing an Army Reserve Center for
22 the purpose of permitting the County to use the parcel
23 for municipal office space.

24 (b) **DESCRIPTION OF PROPERTY.**—The exact acreage
25 and legal description of the real property to be conveyed

1 under subsection (a) shall be determined by a survey satis-
2 factory to the Secretary. The cost of the survey shall be
3 borne by the County.

4 (c) **ADDITIONAL TERMS AND CONDITIONS.**—The
5 Secretary may require such additional terms and condi-
6 tions in connection with the conveyance under subsection
7 (a) as the Secretary considers appropriate to protect the
8 interests of the United States.

9 **SEC. 2833. LAND CONVEYANCE, ARMY RESERVE CENTER,**
10 **WINONA, MINNESOTA.**

11 (a) **CONVEYANCE AUTHORIZED.**—The Secretary of
12 the Army may convey, without consideration, to the Wi-
13 nona State University Foundation of Winona, Minnesota
14 (in this section referred to as the “Foundation”), all right,
15 title, and interest of the United States in and to a parcel
16 of real property, including improvements thereon, in Wi-
17 nona, Minnesota, containing an Army Reserve Center for
18 the purpose of permitting the Foundation to use the parcel
19 for educational purposes.

20 (b) **DESCRIPTION OF PROPERTY.**—The exact acreage
21 and legal description of the real property to be conveyed
22 under subsection (a) shall be determined by a survey satis-
23 factory to the Secretary. The cost of the survey shall be
24 borne by the Foundation.

1 (c) **ADDITIONAL TERMS AND CONDITIONS.**—The
2 Secretary may require such additional terms and condi-
3 tions in connection with the conveyance under subsection
4 (a) as the Secretary considers appropriate to protect the
5 interests of the United States.

6 **SEC. 2834. LAND CONVEYANCE, FORT POLK, LOUISIANA.**

7 (a) **CONVEYANCE AUTHORIZED.**—The Secretary of
8 the Army may convey, without consideration, to the State
9 of Louisiana (in this section referred to as the “State”),
10 all right, title, and interest of the United States in and
11 to a parcel of real property, including improvements there-
12 on, consisting of approximately 200 acres at Fort Polk,
13 Louisiana, for the purpose of permitting the State to es-
14 tablish a State-run cemetery for veterans.

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
19 borne by the State.

20 (c) **ADDITIONAL TERMS AND CONDITIONS.**—The
21 Secretary may require such additional terms and condi-
22 tions in connection with the conveyance under subsection
23 (a) as the Secretary considers appropriate to protect the
24 interests of the United States.

1 **SEC. 2835. LAND CONVEYANCE, FORT PICKETT, VIRGINIA.**

2 (a) CONVEYANCE AUTHORIZED.—The Secretary of
3 the Army may convey, without consideration, to the Com-
4 monwealth of Virginia (in this section referred to as the
5 “Commonwealth”), all right, title, and interest of the
6 United States in and to a parcel of real property, including
7 improvements thereon, consisting of approximately 700
8 acres at Fort Pickett, Virginia, for the purpose of permit-
9 ting the Commonwealth to develop and operate a public
10 safety training facility.

11 (b) DESCRIPTION OF PROPERTY.—The exact acreage
12 and legal description of the real property to be conveyed
13 under subsection (a) shall be determined by a survey satis-
14 factory to the Secretary. The cost of the survey shall be
15 borne by the Commonwealth.

16 (c) ADDITIONAL TERMS AND CONDITIONS.—The
17 Secretary may require such additional terms and condi-
18 tions in connection with the conveyance under subsection
19 (a) as the Secretary considers appropriate to protect the
20 interests of the United States.

21 **SEC. 2836. LAND CONVEYANCE, FORT DIX, NEW JERSEY.**

22 (a) CONVEYANCE AUTHORIZED.—The Secretary of
23 the Army may convey, without consideration, to Pem-
24 berton Township, New Jersey (in this section referred to
25 as the “Township”), all right, title, and interest of the
26 United States in and to a parcel of real property at Fort

1 Dix, New Jersey, consisting of approximately 2 acres and
2 containing a parking lot inadvertently constructed on the
3 parcel by the Township.

4 (b) 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
8 borne by the Township.

9 (c) CONDITIONS ON CONVEYANCE.—The conveyance
10 authorized under subsection (a) shall be subject to the
11 conditions that—

12 (1) the Township accept the property as is; and

13 (2) the Township assume responsibility for any
14 environmental restoration or remediation required
15 with respect to the property under applicable law.

16 (d) ADDITIONAL TERMS AND CONDITIONS.—The
17 Secretary may require such additional terms and condi-
18 tions in connection with the conveyance under subsection
19 (a) as the Secretary considers appropriate to protect the
20 interests of the United States.

21 **SEC. 2837. LAND CONVEYANCE, NIKE SITE 43, ELRAMA,**
22 **PENNSYLVANIA.**

23 (a) CONVEYANCE AUTHORIZED.—The Secretary of
24 the Army may convey, without consideration, to the Board
25 of Supervisors of Union Township, Pennsylvania (in this

1 section referred to as the “Township”), all right, title, and
2 interest of the United States in and to a parcel of real
3 property, including improvements thereon, in Elrama,
4 Pennsylvania, consisting of approximately 160 acres,
5 which is known as Nike Site 43 and was more recently
6 used by the Pennsylvania Army National Guard, for the
7 purpose of permitting the Township to use the parcel for
8 municipal storage and other public purposes.

9 (b) 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
13 borne by the Township.

14 (c) ADDITIONAL TERMS AND CONDITIONS.—The
15 Secretary may require such additional terms and condi-
16 tions in connection with the conveyance under subsection
17 (a) as the Secretary considers appropriate to protect the
18 interests of the United States.

19 **SEC. 2838. LAND EXCHANGE, FORT HOOD, TEXAS.**

20 (a) EXCHANGE AUTHORIZED.—The Secretary of the
21 Army may convey to the City of Copperas Cove, Texas
22 (in this section referred to as the “City”), all right, title
23 and interest of the United States in and to a parcel of
24 real property, including any improvements thereon, con-
25 sisting of approximately 100 acres at Fort Hood, Texas,

1 in exchange for the City's conveyance to the Secretary of
2 all right, title, and interest of the City in and to one or
3 more parcels of real property that are acceptable to the
4 Secretary and consist of a total of approximately 300
5 acres.

6 (b) DESCRIPTION OF PROPERTY.—The exact acreage
7 and legal description of the parcels of real property to be
8 exchanged under subsection (a) shall be determined by
9 surveys satisfactory to the Secretary. The cost of the sur-
10 veys shall be borne by the City.

11 (c) ADDITIONAL TERMS AND CONDITIONS.—The
12 Secretary may require such additional terms and condi-
13 tions in connection with the exchange under subsection (a)
14 as the Secretary considers appropriate to protect the inter-
15 ests of the United States.

16 **SEC. 2839. LAND CONVEYANCE, CHARLES MELVIN PRICE**
17 **SUPPORT CENTER, ILLINOIS.**

18 (a) CONVEYANCE AUTHORIZED.—(1) The Secretary
19 of the Army may convey to the Tri-City Regional Port
20 District of Granite City, Illinois (in this section referred
21 to as the “Port District”), all right, title, and interest of
22 the United States in and to a parcel of real property, in-
23 cluding improvements thereon, consisting of approxi-
24 mately 752 acres and known as the U.S. Army Charles
25 Melvin Price Support Center, for the purpose of permit-

1 ting the Port District to use the parcel for development
2 of a port facility and for other public purposes.

3 (2) The property to be conveyed under paragraph (1)
4 shall include 158 units of military family housing at the
5 Charles Melvin Price Support Center for the purpose of
6 permitting the Port District to use the housing to provide
7 affordable housing, but only if the Port District agrees
8 to provide members of the Armed Forces first priority in
9 leasing the housing at a rental rate not to exceed the mem-
10 ber's basic allowance for housing.

11 (3) The Secretary of the Army may include as part
12 of the conveyance under paragraph (1) personal property
13 of the Army at the Charles Melvin Price Support Center
14 that the Secretary of Transportation recommends is ap-
15 propriate for the development or operation of the port fa-
16 cility and the Secretary of the Army agrees is excess to
17 the needs of the Army.

18 (b) INTERIM LEASE.—Until such time as the real
19 property described in subsection (a) is capable of being
20 conveyed by deed, the Secretary of the Army may lease
21 the property to the Port District.

22 (c) CONSIDERATION.—(1) The conveyance under
23 subsection (a) shall be made without consideration as a
24 public benefit conveyance for port development if the Sec-
25 retary of the Army determines that the Port District satis-

1 files the criteria specified in section 203(q) of the Federal
2 Property and Administrative Services Act of 1949 (40
3 U.S.C. 484(q)) and regulations prescribed to implement
4 such section. If the Secretary determines that the Port
5 District fails to qualify for a public benefit conveyance,
6 but still desires to acquire the property, the Port District
7 shall pay to the United States an amount equal to the
8 fair market value of the property to be conveyed. The fair
9 market value of the property shall be determined by the
10 Secretary of the Army.

11 (2) The Secretary of the Army may accept as consid-
12 eration for a lease of the property under subsection (b)
13 an amount that is less than fair market value if the Sec-
14 retary determines that the public interest will be served
15 as a result of the lease and the fair market value is
16 unobtainable or is not compatible with the public interest.

17 (d) ARMY RESERVE ACTIVITIES.—(1) Notwith-
18 standing the total acreage of the parcel authorized for con-
19 veyance under subsection (a), the Secretary of the Army
20 may retain up to 50 acres of the parcel for use by the
21 Army Reserve. The acreage selected for retention shall be
22 mutually agreeable to the Secretary and the Port District.

23 (2) At such time as the Secretary of the Army deter-
24 mines that the property retained under this subsection is
25 no longer needed for Army Reserve activities, the Sec-

1 retary shall convey the property to the Port District. The
2 consideration for the conveyance shall be determined in
3 the manner provided in subsection (c).

4 (e) NAVY ENCLAVE.—Notwithstanding the total
5 acreage of the parcel authorized for conveyance under sub-
6 section (a), the Secretary of the Army may retain an addi-
7 tional portion of the parcel, up to 150 acres, for the devel-
8 opment of a Navy enclave to support the existing Federal
9 use of the parcel. The acreage selected for retention shall
10 be mutually agreeable to the Secretary and the Port Dis-
11 trict.

12 (2) At such time as the Secretary of the Army deter-
13 mines that the property retained under this subsection is
14 no longer needed, the Secretary shall convey the property
15 to the Port District. The consideration for the conveyance
16 shall be determined in the manner provided in subsection
17 (c).

18 (f) FLOOD CONTROL EASEMENT.—The Port District
19 shall grant to the Secretary of the Army an easement on
20 the property conveyed under subsection (a) for the pur-
21 pose of permitting the Secretary to implement and main-
22 tain flood control projects. The Secretary of the Army,
23 acting through the Corps of Engineers, shall be respon-
24 sible for the maintenance of any flood control project built
25 on the property pursuant to the easement.

1 (g) DESCRIPTION OF PROPERTY.—The exact acreage
2 and legal description of the property to be conveyed under
3 subsection (a) shall be determined by a survey satisfactory
4 to the Secretary of the Army and the Port District. The
5 cost of such survey shall be borne by the Port District.

6 (h) ADDITIONAL TERMS.—The Secretary of the
7 Army may require such additional terms and conditions
8 in connection with the conveyance as the Secretary con-
9 siders appropriate to protect the interests of the United
10 States.

11 **SEC. 2840. LAND CONVEYANCE, ARMY RESERVE LOCAL**
12 **TRAINING CENTER, CHATTANOOGA, TEN-**
13 **NESSEE.**

14 (a) CONVEYANCE AUTHORIZED.—The Secretary of
15 the Army may convey, without consideration, to the Medal
16 of Honor Museum, Inc., a nonprofit corporation organized
17 in the State of Tennessee (in this section referred to as
18 the “Corporation”), all right, title, and interest of the
19 United States in and to a parcel of real property, including
20 any improvements thereon, consisting of approximately 15
21 acres at the Army Reserve Local Training Center located
22 on Bonnie Oaks Drive, Chattanooga, Tennessee, for the
23 purpose of permitting the Corporation to develop and use
24 the parcel as a museum and for other educational pur-
25 poses.

1 (b) 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
5 borne by the Corporation.

6 (c) ADDITIONAL TERMS AND CONDITIONS.—The
7 Secretary may require such additional terms and condi-
8 tions in connection with the conveyance under subsection
9 (a) as the Secretary considers appropriate to protect the
10 interests of the United States.

11 **SEC. 2841. LAND CONVEYANCE, FORT RILEY MILITARY RES-**
12 **ERVATION, KANSAS.**

13 (a) CONVEYANCE AUTHORIZED.—The Secretary of
14 the Army may convey, without consideration, to the State
15 of Kansas, all right, title, and interest of the United States
16 in and to a parcel of real property, including any improve-
17 ments thereon, consisting of approximately 70 acres at
18 Fort Riley Military Reservation, Fort Riley, Kansas. The
19 preferred site is adjacent to the Fort Riley Military Res-
20 ervation boundary, along the north side of Huebner Road
21 across from the First Territorial Capitol of Kansas His-
22 torical Site Museum.

23 (b) DESCRIPTION OF PROPERTY.—The exact acreage
24 and legal description of the real property to be conveyed
25 under subsection (a) shall be determined by a survey satis-

1 factory to the Secretary of the Army and the Director of
2 the Kansas Commission on Veterans Affairs.

3 (c) EXCEPTION FROM SCREENING REQUIREMENT.—

4 The Secretary may make the conveyance required by sub-
5 section (a) without regard to the requirement under sec-
6 tion 2696 of title 10, United States Code, that the prop-
7 erty be screened for further Federal use in accordance
8 with the Federal Property and Administrative Services
9 Act of 1949 (40 U.S.C. 471 et seq.).

10 (d) CONDITIONS OF CONVEYANCE.—The conveyance
11 required by subsection (a) shall be subject to the condi-
12 tions that—

13 (1) the State of Kansas use the property con-
14 veyed solely for purposes of establishing and main-
15 taining a State-operated veterans cemetery; and

16 (2) all costs associated with the conveyance, in-
17 cluding the cost of relocating water and electric utili-
18 ties should such relocation be determined necessary
19 based on the survey described in subsection (b),
20 shall be borne by the State of Kansas.

21 (e) ADDITIONAL TERMS AND CONDITIONS.—The
22 Secretary of the Army may require such additional terms
23 and conditions in connection with the conveyance required
24 by subsection (a) as the Secretary of the Army determines
25 appropriate to protect the interests of the United States.

1 **SEC. 2842. LAND CONVEYANCES, FORT VANCOUVER BAR-**
2 **RACKS, VANCOUVER, WASHINGTON.**

3 (a) CONVEYANCE OF WEST BARRACKS.—The Sec-
4 retary of the Army may convey, without consideration, to
5 the City of Vancouver, Washington (in this section re-
6 ferred to as the “City”), all right, title, and interest of
7 the United States in and to a parcel of real property en-
8 compassing 19 structures at Vancouver Barracks, Wash-
9 ington, which are identified by the Army using numbers
10 between 602 and 676 and are known as the west barracks.

11 (b) CONVEYANCE OF EAST BARRACKS.—Upon vaca-
12 tion, or agreement to vacate, by the Army Reserve and
13 the Army National Guard of the parcel of real property
14 at Vancouver Barracks encompassing 10 structures, which
15 are identified by the Army using numbers between 704
16 and 786 and the numbers 987, 989, 991, and 993, and
17 are known as the east barracks, the Secretary may convey,
18 without consideration, to the City all right, title, and inter-
19 est of the United States in and to the parcel.

20 (c) MODIFICATION AND CONVEYANCE OF REVER-
21 SIONARY INTEREST.—(1) The Secretary may modify the
22 reversionary interest that was retained by the United
23 States when a parcel of real property at Vancouver Bar-
24 racks was conveyed to the Washington State Department
25 of Transportation to remove the condition that the real
26 property be used only for highway-related purposes.

1 (2) The Secretary may convey, without consideration,
2 to the City the reversionary interest referred to in para-
3 graph (1), modified as provided by such paragraph. Upon
4 conveyance, the Secretary shall execute and file in the ap-
5 propriate office an amended deed or other appropriate in-
6 strument effectuating the modification and conveyance of
7 the reversionary interest.

8 (d) DESCRIPTION OF PROPERTY.—The exact acreage
9 and legal description of the real property authorized to
10 be conveyed under subsections (a) and (b) shall be deter-
11 mined by surveys satisfactory to the Secretary of the
12 Army. The cost of any such survey shall be borne by the
13 City.

14 (e) ADDITIONAL TERMS AND CONDITIONS.—The
15 Secretary of the Army may require such additional terms
16 and conditions in connection with a conveyance under this
17 section as the Secretary considers appropriate to protect
18 the interests of the United States.

19 **PART II—NAVY CONVEYANCES**

20 **SEC. 2851. MODIFICATION OF AUTHORITY FOR OXNARD**

21 **HARBOR DISTRICT, PORT HUENEME, CALI-**

22 **FORNIA, TO USE CERTAIN NAVY PROPERTY.**

23 (a) ADDITIONAL RESTRICTIONS ON JOINT USE.—
24 Subsection (c) of section 2843 of the Military Construc-
25 tion Authorization Act for Fiscal Year 1995 (division B

1 of Public Law 103–337; 108 Stat. 3067) is amended to
2 read as follows:

3 “(c) RESTRICTIONS ON USE.—The District’s use of
4 the property covered by an agreement under subsection
5 (a) is subject to the following conditions:

6 “(1) The District shall suspend operations
7 under the agreement upon notification by the com-
8 manding officer of the Center that the property is
9 needed to support mission essential naval vessel sup-
10 port requirements or Navy contingency operations,
11 including combat missions, natural disasters, and
12 humanitarian missions.

13 “(2) The District shall use the property covered
14 by the agreement in a manner consistent with Navy
15 operations at the Center, including cooperating with
16 the Navy for the purpose of assisting the Navy to
17 meet its through-put requirements at the Center for
18 the expeditious movement of military cargo.

19 “(3) The commanding officer of the Center may
20 require the District to remove any of its personal
21 property at the Center that the commanding officer
22 determines may interfere with military operations at
23 the Center. If the District cannot expeditiously re-
24 move the property, the commanding officer may pro-

1 vide for the removal of the property at District ex-
2 pense.”.

3 (b) CONSIDERATION.—Subsection (d) of such section
4 is amended to read as follows:

5 “(d) CONSIDERATION.—(1) As consideration for the
6 use of the property covered by an agreement under sub-
7 section (a), the District shall pay to the Navy an amount
8 that is mutually agreeable to the parties to the agreement,
9 taking into account the nature and extent of the District’s
10 use of the property.

11 “(2) The Secretary may accept in-kind consideration
12 under paragraph (1), including consideration in the form
13 of—

14 “(A) the District’s maintenance, preservation,
15 improvement, protection, repair, or restoration of all
16 or any portion of the property covered by the agree-
17 ment;

18 “(B) the construction of new facilities, the
19 modification of existing facilities, or the replacement
20 of facilities vacated by the Navy on account of the
21 agreement; and

22 “(C) covering the cost of relocation of the oper-
23 ations of the Navy from the vacated facilities to the
24 replacement facilities.

1 “(3) All cash consideration received under paragraph
2 (1) shall be deposited in the special account in the Treas-
3 ury established for the Navy under section 2667(d) of title
4 10, United States Code. The amounts deposited in the
5 special account pursuant to this paragraph shall be avail-
6 able, as provided in appropriation Acts, for general super-
7 vision, administration, overhead expenses, and Center op-
8 erations and for the maintenance preservation, improve-
9 ment, protection, repair, or restoration of property at the
10 Center.”.

11 (c) CONFORMING AMENDMENTS.—Such section is
12 further amended—

13 (1) by striking subsection (f); and

14 (2) by redesignating subsections (g) and (h) as
15 subsections (f) and (g), respectively.

16 **SEC. 2852. MODIFICATION OF LAND CONVEYANCE, MARINE**
17 **CORPS AIR STATION, EL TORO, CALIFORNIA.**

18 Section 2811(a)(2) of the National Defense Author-
19 ization Act for Fiscal Years 1990 and 1991 (Public Law
20 101–189; 103 Stat. 1650) is amended by striking “of ad-
21 ditional military family housing units at Marine Corps Air
22 Station, Tustin, California” and inserting “and repair of
23 roads, and the development of Aerial Port of Embarkation
24 facilities, at Marine Corps Air Station, Miramar, Cali-
25 fornia”.

1 **SEC. 2853. TRANSFER OF JURISDICTION, MARINE CORPS**
2 **AIR STATION, MIRAMAR, CALIFORNIA.**

3 (a) **TRANSFER AUTHORIZED.**—The Secretary of the
4 Navy may transfer, without reimbursement, to the admin-
5 istrative jurisdiction of the Secretary of the Interior a par-
6 cel of real property, including any improvements thereon,
7 consisting of approximately 250 acres and known as the
8 Teacup Parcel, which comprises a portion of the Marine
9 Corps Air Station, Miramar, California.

10 (b) **USE OF LAND.**—The Secretary of the Interior
11 shall include the real property transferred under sub-
12 section (a) as a part of the Vernal Pool Unit of the San
13 Diego National Wildlife Refuge and administer the prop-
14 erty for the conservation of fish and wildlife. All current
15 and future military aviation and related activities at the
16 Marine Corps Air Station, Miramar, are deemed to be
17 compatible with the refuge purposes for which the prop-
18 erty is transferred, and with any secondary uses that may
19 be established on the transferred property.

20 (c) **CONDITION ON TRANSFER.**—The transfer author-
21 ized under subsection (a) shall be subject to the condition
22 that the Secretary of the Interior make the transferred
23 property available to the Secretary of the Navy for any
24 habitat restoration or preservation project that may be re-
25 quired for mitigation of military activities occurring at the
26 Marine Corps Air Station, Miramar, unless the Secretary

1 of the Interior determines that the project adversely affect
2 the property's sensitive wildlife and habitat resource val-
3 ues.

4 (d) **LEGAL DESCRIPTION.**—The exact acreage and
5 legal description of the real property to be transferred
6 under this section shall be determined by a survey satis-
7 factory to the Secretary of the Navy. The cost of the sur-
8 vey shall be borne by the Secretary of the Interior.

9 (e) **ADDITIONAL TERMS AND CONDITIONS.**—The
10 Secretary of the Navy may require such additional terms
11 and conditions in connection with the transfer under this
12 section as the Secretary of the Navy considers appropriate
13 to protect the interests of the United States.

14 **SEC. 2854. LEASE OF PROPERTY, MARINE CORPS AIR STA-**
15 **TION, MIRAMAR, CALIFORNIA.**

16 (a) **AUTHORITY TO LEASE.**—(1) The Secretary of
17 the Navy may lease, without consideration, to the City of
18 San Diego, California (in this section referred to as the
19 “City”), a parcel of real property, including any improve-
20 ments thereon, consisting of approximately 44 acres and
21 known as the Hickman Field, which comprises a portion
22 of the Marine Corps Air Station, Miramar, California.

23 (2) The lease authorized by paragraph (1) may have
24 a term not to exceed 5 years.

1 (b) DESCRIPTION OF PROPERTY.—The exact acreage
2 and legal description of the real property to be leased
3 under subsection (a) shall be determined by a survey satis-
4 factory to the Secretary. The cost of the survey shall be
5 borne by the City.

6 (c) CONDITIONS ON LEASE.—The lease authorized
7 under subsection (a) shall be subject to the conditions
8 that—

9 (1) the City maintain the property at no cost to
10 the United States;

11 (2) the City make the property available to the
12 existing tenant at no cost during the term of the
13 lease; and

14 (3) the property be used only for recreational
15 purposes.

16 (d) ADDITIONAL TERMS AND CONDITIONS.—The
17 Secretary may require such additional terms and condi-
18 tions in connection with the lease under subsection (a) as
19 the Secretary considers appropriate to protect the inter-
20 ests of the United States.

21 **SEC. 2855. LEASE OF PROPERTY, NAVAL AIR STATION, PEN-**
22 **SACOLA, FLORIDA.**

23 (a) AUTHORITY TO LEASE.—The Secretary of the
24 Navy may lease, without consideration, to the Naval Avia-
25 tion Museum Foundation (in this section referred to as

1 the “Foundation”) real property improvements con-
2 structed by the Foundation at the National Museum of
3 Naval Aviation at Naval Air Station, Pensacola, Florida,
4 for the purpose of permitting the Foundation to operate
5 a National Flight Academy to encourage and assist Amer-
6 ican young people to develop an interest in naval aviation
7 and to preserve and enhance the image and heritage of
8 naval aviation.

9 (b) CONSTRUCTION.—The Foundation shall be solely
10 responsible for the design and construction of the real
11 property improvements referred to in subsection (a). Upon
12 completion, the improvements shall be donated to and be-
13 come the property of the United States, subject to the
14 terms of the lease under subsection (a).

15 (c) TERM OF LEASE.—(1) The lease authorized by
16 subsection (a) may be for a term of up to 50 years, with
17 an option to renew for an additional 50 years.

18 (2) In the event that the National Flight Academy
19 ceases operation for a period in excess of 1 year during
20 the leasehold period, or any extension thereof, the lease
21 shall immediately terminate without cost or future liability
22 to the United States.

23 (d) USE BY NAVY.—The Secretary may use all or a
24 portion of the leased property when the National Flight
25 Academy is not in session or whenever the use of the prop-

1 erty would not conflict with operation of the Academy. The
2 Foundation shall permit such use at no cost to the Navy.

3 (e) MAINTENANCE AND REPAIR.—The Foundation
4 shall be solely responsible during the leasehold period, and
5 any extension thereof, for the operation, maintenance, and
6 repair or replacement of the real property improvements
7 authorized for lease under this section.

8 (f) ASSISTANCE.—(1) Subject to subsection (e), the
9 Secretary may assist the Foundation in implementing the
10 National Flight Academy by furnishing facilities, utilities,
11 maintenance, and other services within the boundaries of
12 Naval Air Station, Pensacola. The Secretary may require
13 the Foundation to reimburse the Secretary for the facili-
14 ties, utilities, maintenance, or other services so provided
15 or may provide the facilities, utilities, maintenance, or
16 other services without reimbursement by the Foundation.

17 (2) Any assistance provided the Foundation pursuant
18 to paragraph (1) may be terminated by the Secretary
19 without notice, cause, or liability to the United States.

20 (g) ADDITIONAL TERMS AND CONDITIONS.—The
21 Secretary may require such additional terms and condi-
22 tions in connection with the lease under subsection (a) as
23 the Secretary considers appropriate to protect the inter-
24 ests of the United States.

1 **SEC. 2856. LAND EXCHANGE, MARINE CORPS RECRUIT**
2 **DEPOT, SAN DIEGO, CALIFORNIA.**

3 (a) **CONVEYANCE AUTHORIZED.**—The Secretary of
4 the Navy may convey to the San Diego Unified Port Dis-
5 trict of San Diego California (in this section referred to
6 as the “Port District”), all right, title, and interest of the
7 United States in and to three parcels of real property, in-
8 cluding improvements thereon, consisting of approxi-
9 mately 44.5 acres and comprising a portion of the Marine
10 Corps Recruit Depot, San Diego, California, in exchange
11 for the Port District’s—

12 (1) conveyance to the Secretary of all right,
13 title, and interest of Port District in and to a parcel
14 of real property that is acceptable to the Secretary
15 and contiguous to the recruit depot; and

16 (2) construction of suitable replacement facili-
17 ties and necessary supporting structures on the par-
18 cel or other property comprising the recruit depot,
19 as determined necessary by the Secretary.

20 (b) **TIME FOR CONVEYANCE.**—The Secretary may
21 not make the conveyance to the Port District authorized
22 by subsection (a) until the Secretary determines that the
23 replacement facilities have been constructed and are ready
24 for occupancy.

25 (c) **ADMINISTRATIVE EXPENSES.**—The Port District
26 shall reimburse the Secretary for administrative expenses

1 incurred by the Secretary in carrying out the exchange
2 under subsection (a), including expenses related to the
3 planning, design, survey, environmental compliance, and
4 supervision and inspection of construction of the replace-
5 ment facilities. Section 2695(c) of title 10, United States
6 Code, shall apply to the amounts received by the Sec-
7 retary.

8 (d) CONSTRUCTION SCHEDULE.—The Port District
9 shall construct the replacement facilities pursuant to
10 such schedule and in such a manner so as to not interrupt
11 or adversely affect the capability of the Marine Corps Re-
12 cruit Depot to accomplish its mission.

13 (e) DESCRIPTION OF PROPERTY.—The exact acreage
14 and legal description of the parcels of real property to be
15 exchanged under subsection (a) shall be determined by
16 surveys satisfactory to the Secretary. The cost of the sur-
17 veys shall be borne by the Port District.

18 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
19 retary may require such additional terms and conditions
20 in connection with the exchange under subsection (a) as
21 the Secretary considers appropriate to protect the inter-
22 ests of the United States.

1 **SEC. 2857. LAND EXCHANGE, NAVAL AIR RESERVE CENTER,**
2 **COLUMBUS, OHIO.**

3 (a) EXCHANGE AUTHORIZED.—The Secretary of the
4 Navy may convey to the Rickenbacker Port Authority of
5 Columbus, Ohio (in this section referred to as the “Au-
6 thority”), all right, title, and interest of the United States
7 in and to a parcel of real property, including improve-
8 ments thereon, consisting of approximately 24 acres com-
9 prising the civilian facilities of the Naval Air Reserve at
10 Rickenbacker International Airport in Franklin County,
11 Ohio, in exchange for the Authority’s conveyance to the
12 Secretary of all right, title, and interest of the Authority
13 in and to a parcel of real property consisting of approxi-
14 mately 10 to 15 acres acceptable to the Secretary at Rick-
15 enbacker International Airport.

16 (b) USE OF ACQUIRED PROPERTY.—The Secretary
17 shall use the real property acquired from the Authority
18 in the exchange as the site for a replacement facility that
19 will house both the Naval Air Reserve Center at Ricken-
20 backer International Airport and the Naval and Marine
21 Corps Reserve Center currently located in Columbus,
22 Ohio.

23 (c) TIME FOR CONVEYANCE.—The Secretary may not
24 make the conveyance to the Authority authorized by sub-
25 section (a) until the Secretary determines that the replace-

1 ment facility described in subsection (b) has been con-
2 structed and is ready for occupancy.

3 (d) DESCRIPTION OF PROPERTY.—The exact acreage
4 and legal description of the parcels of real property to be
5 exchanged under subsection (a) shall be determined by
6 surveys satisfactory to the Secretary. The cost of the sur-
7 veys shall be borne by the Authority.

8 (e) ADDITIONAL TERMS AND CONDITIONS.—The
9 Secretary may require such additional terms and condi-
10 tions in connection with the exchange under subsection (a)
11 as the Secretary considers appropriate to protect the inter-
12 ests of the United States.

13 **SEC. 2858. LAND CONVEYANCE, NAVAL RESERVE CENTER,**
14 **TAMPA, FLORIDA.**

15 (a) CONVEYANCE AUTHORIZED.—The Secretary of
16 the Navy may convey to the Tampa Port Authority of
17 Tampa, Florida (in this section referred to as the “Port
18 Authority”), all right, title, and interest of the United
19 States in and to a parcel of real property, including im-
20 provements thereon, consisting of approximately 2.18
21 acres and comprising the Naval Reserve Center, Tampa,
22 Florida, for the purpose of permitting the Port Authority
23 to use the parcel to facilitate the expansion of the Port
24 of Tampa.

1 (b) CONDITIONS ON CONVEYANCE.—The conveyance
2 authorized under subsection (a) shall be subject to the fol-
3 lowing conditions:

4 (1) The Port Authority will accept the Naval
5 Reserve Center as is.

6 (2) The Port Authority will provide a replace-
7 ment facility for the Naval Reserve Center on a site
8 of comparable size and consisting of comparable im-
9 provements on port property or other public land ac-
10 ceptable to the Secretary. In the event that a feder-
11 ally owned site acceptable to the Secretary is not
12 available for the construction of the replacement fa-
13 cility, the Port Authority will provide a site for the
14 replacement facility acceptable to the Secretary and
15 convey it in fee title to the United States.

16 (3) The Port Authority will procure all nec-
17 essary funding and the planning and design nec-
18 essary to construct a replacement facility that is
19 fully operational and satisfies the Base Facilities Re-
20 quirements plan, as provided by the Naval Reserve.

21 (4) The Port Authority will bear all reasonable
22 costs that the Navy may incur in the relocating to
23 the replacement facility.

24 (c) TIME FOR CONVEYANCE.—The Secretary may not
25 make the conveyance authorized under subsection (a) until

1 all of the conditions specified in subsection (b) have been
2 met to the satisfaction of the Secretary.

3 (d) 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
7 borne by the Port Authority.

8 (e) ADDITIONAL TERMS AND CONDITIONS.—The
9 Secretary may require such additional terms and condi-
10 tions in connection with the conveyance under subsection
11 (a) as the Secretary considers appropriate to protect the
12 interests of the United States.

13 **PART III—AIR FORCE CONVEYANCES**

14 **SEC. 2861. LAND CONVEYANCE, WRIGHT PATTERSON AIR** 15 **FORCE BASE, OHIO.**

16 (a) CONVEYANCE AUTHORIZED.—The Secretary of
17 the Air Force may convey, without consideration, to
18 Greene County, Ohio, (in this section referred to as the
19 “County”), 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 92 acres
22 comprising the communications test annex at Wright Pat-
23 terson Air Force Base, Ohio, for the purpose of permitting
24 the County to use the parcel for recreational purposes.

1 (b) 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
5 borne by the County.

6 (c) ADDITIONAL TERMS AND CONDITIONS.—The
7 Secretary may require such additional terms and condi-
8 tions in connection with the conveyance under subsection
9 (a) as the Secretary considers appropriate to protect the
10 interests of the United States.

11 **SEC. 2862. LAND CONVEYANCE, POINT ARENA AIR FORCE**
12 **STATION, CALIFORNIA.**

13 (a) CONVEYANCE AUTHORIZED.—The Secretary of
14 the Air Force may convey, without consideration, to
15 Mendocino County, California (in this section referred to
16 as the “County”), all right, title, and interest of the
17 United States in and to a parcel of real property, including
18 improvements thereon, consisting of approximately 82
19 acres at the Point Arena Air Force Station, California,
20 for the purpose of permitting the County to use the parcel
21 for municipal and other public purposes.

22 (b) DESCRIPTION OF PROPERTY.—The exact acreage
23 and legal description of the real property to be conveyed
24 under subsection (a) shall be determined by a survey satis-

1 factory to the Secretary. The cost of the survey shall be
2 borne by the County.

3 (c) EFFECT OF RECONVEYANCE.—If at any time the
4 County conveys all or a portion of the property conveyed
5 under subsection (a), the County shall pay the United
6 States an amount equal to the fair market value of the
7 property conveyed, as determined by an appraisal satisfac-
8 tory to the Secretary.

9 (d) ADDITIONAL TERMS AND CONDITIONS.—The
10 Secretary may require such additional terms and condi-
11 tions in connection with the conveyance under subsection
12 (a) as the Secretary considers appropriate to protect the
13 interests of the United States.

14 **SEC. 2863. LAND CONVEYANCE, LOS ANGELES AIR FORCE**
15 **BASE, CALIFORNIA.**

16 (a) CONVEYANCE AUTHORIZED.—The Secretary of
17 the Air Force may convey, by sale or lease upon such
18 terms as the Secretary considers appropriate, all or any
19 portion of the following parcels of real property, including
20 improvements thereon, at Los Angeles Air Force Base,
21 California:

22 (1) Approximately 42 acres in El Segundo,
23 California, commonly known as Area A.

24 (2) Approximately 52 acres in El Segundo,
25 California, commonly known as Area B.

1 (3) Approximately 13 acres in Hawthorne, Cali-
2 fornia, commonly known as the Lawndale Annex.

3 (4) Approximately 3.7 acres in Sun Valley,
4 California, commonly known as the Armed Forces
5 Radio and Television Service Broadcast Center.

6 (b) CONSIDERATION.—As consideration for the con-
7 veyance of real property under subsection (a), the recipi-
8 ent of the property shall provide for the design and con-
9 struction on real property acceptable to the Secretary of
10 one or more facilities to consolidate the mission and sup-
11 port functions at Los Angeles Air Force Base. Any such
12 facility must comply with the seismic and safety design
13 standards for Los Angeles County, California, in effect at
14 the time the Secretary takes possession of the facility.

15 (c) LEASEBACK AUTHORITY.—If the fair market
16 value of a facility to be provided as consideration for the
17 conveyance of real property under subsection (a) exceeds
18 the fair market value of the conveyed property, the Sec-
19 retary may enter into a lease for the facility for a period
20 not to exceed 10 years. Rental payments under the lease
21 shall be established at the rate necessary to permit the
22 lessor to recover, by the end of the lease term, the dif-
23 ference between the fair market value of a facility and the
24 fair market value of the conveyed property. At the end

1 of the lease, all right, title, and interest in the facility shall
2 vest in the United States.

3 (d) APPRAISAL OF PROPERTY.—The Secretary shall
4 obtain an appraisal of the fair market value of all property
5 and facilities to be sold, leased, or acquired under this sec-
6 tion. An appraisal shall be made by a qualified appraiser
7 familiar with the type of property to be appraised. The
8 Secretary shall consider the appraisals in determining
9 whether a proposed conveyance accomplishes the purpose
10 of this section and is in the interest of the United States.
11 Appraisal reports shall not be released outside of the Fed-
12 eral Government, other than the other party to a convey-
13 ance.

14 (e) DESCRIPTION OF PROPERTY.—The exact acreage
15 and legal description of real property to be conveyed under
16 subsection (a) or acquired under subsection (b) shall be
17 determined by a survey satisfactory to the Secretary. The
18 cost of the survey shall be borne by the recipient of the
19 property.

20 (f) EXEMPTION.—Section 2696 of title 10, United
21 States Code, does not apply to the conveyance authorized
22 by subsection (a).

23 (g) ADDITIONAL TERMS AND CONDITIONS.—The
24 Secretary may require such additional terms and condi-
25 tions in connection with a conveyance under subsection (a)

1 or a lease under subsection (c) as the Secretary considers
2 appropriate to protect the interests of the United States.

3 **SEC. 2864. LAND CONVEYANCE, LOWRY AIR FORCE BASE,**
4 **COLORADO.**

5 (a) CONVEYANCE AUTHORIZED.—The Secretary of
6 the Air Force may convey, without consideration, or lease
7 upon such terms as the Secretary considers appropriate,
8 to the Lowry Redevelopment Authority (in this section re-
9 ferred to as the “Authority”) all right, title, and interest
10 of the United States in and to seven parcels of real prop-
11 erty, including improvements thereon, consisting of ap-
12 proximately 23 acres at the former Lowry Air Force Base,
13 Colorado, for the purpose of permitting the Authority to
14 use the property in furtherance of economic development
15 and other public purposes.

16 (b) DESCRIPTION OF PROPERTY.—The exact acreage
17 and legal description of real property to be conveyed or
18 leased under subsection (a) shall be determined by a sur-
19 vey satisfactory to the Secretary. The cost of the survey
20 shall be borne by the Authority.

21 (c) ADDITIONAL TERMS AND CONDITIONS.—The
22 Secretary may require such additional terms and condi-
23 tions in connection with a conveyance or lease under sub-
24 section (a) as the Secretary considers appropriate to pro-
25 tect the interests of the United States.

PART IV—OTHER CONVEYANCES**SEC. 2871. CONVEYANCE OF ARMY AND AIR FORCE EX-
CHANGE SERVICE PROPERTY, FARMERS
BRANCH, TEXAS.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of Defense may authorize the Army and Air Force Exchange Service, which is a nonappropriated fund instrumentality of the United States, to sell all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 2727 LBJ Freeway in Farmers Branch, Texas.

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

(c) CONSIDERATION.—As consideration for conveyance under subsection (a), the purchaser shall pay, in a single lump sum payment, an amount equal to the fair market value of the real property conveyed, as determined by the Secretary. The payment shall be handled in the manner provided in section 204(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(c)).

(d) CONGRESSIONAL REPORT.—Within 30 days after the sale of the property under subsection (a), the Sec-

1 retary shall submit to Congress a report detailing the par-
2 ticulars of the sale.

3 (e) **ADDITIONAL TERMS AND CONDITIONS.**—The
4 Secretary may require such additional terms and condi-
5 tions in connection with the conveyance under subsection
6 (a) as the Secretary considers appropriate to protect the
7 interests of the United States.

8 **Subtitle D—Other Matters**

9 **SEC. 2881. RELATION OF EASEMENT AUTHORITY TO** 10 **LEASED PARKLAND, MARINE CORPS BASE,** 11 **CAMP PENDLETON, CALIFORNIA.**

12 Section 2851 of the Military Construction Authoriza-
13 tion Act for Fiscal Year 1999 (division B of Public Law
14 105–261; 112 Stat. 2219) is amended by adding at the
15 end the following new subsection:

16 “(f) **EXEMPTION FOR CERTAIN LEASED LANDS.**—(1)
17 Section 303 of title 49, and section 138 of title 23, United
18 States Code, shall not apply to any approval by the Sec-
19 retary of Transportation of the use by State Route 241
20 of parkland within Camp Pendleton that is leased by the
21 State of California, where the lease reserved to the United
22 States the right to establish rights-of-way.

23 “(2) The Agency shall be responsible for the imple-
24 mentation of any measures required by the Secretary of
25 Transportation to mitigate the impact of the Agency’s use

1 of parkland within Camp Pendleton for State Route 241.
2 With the exception of those mitigation measures directly
3 related to park functions, the measures shall be located
4 outside the boundaries of Camp Pendleton. The required
5 mitigation measures related to park functions shall be im-
6 plemented in accordance with the terms of the lease re-
7 ferred to in paragraph (1).”.

8 **SEC. 2882. EXTENSION OF DEMONSTRATION PROJECT FOR**
9 **PURCHASE OF FIRE, SECURITY, POLICE, PUB-**
10 **LIC WORKS, AND UTILITY SERVICES FROM**
11 **LOCAL GOVERNMENT AGENCIES.**

12 Section 816(c) of the National Defense Authorization
13 Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat.
14 2820), as added by section 2873 of the Strom Thurmond
15 National Defense Authorization Act for Fiscal Year 1999
16 (Public Law 105–261; 112 Stat. 2225), is amended by
17 striking “2000” and inserting “2002”.

18 **SEC. 2883. ESTABLISHMENT OF WORLD WAR II MEMORIAL**
19 **ON GUAM.**

20 (a) ESTABLISHMENT REQUIRED.—The Secretary of
21 Defense shall establish on Federal lands near the Fena
22 Caves in Guam a suitable memorial intended to honor
23 those Guamanian civilians who were killed during the oc-
24 cupation of Guam during World War II and to commemo-

1 rate the liberation of Guam by the United States Armed
2 Forces in 1944.

3 (b) MAINTENANCE OF MEMORIAL.—The Secretary of
4 Defense shall be responsible for the maintenance of the
5 memorial established pursuant to subsection (a).

6 (c) CONSULTATION.—In designing and building the
7 memorial and selecting the specific location for the memo-
8 rial, the Secretary of Defense shall consult with the Amer-
9 ican Battle Monuments Commission established under
10 chapter 21 of title 36, United States Code.

11 **SEC. 2884. NAMING OF ARMY MISSILE TESTING RANGE AT**
12 **KWAJALEIN ATOLL AS THE RONALD REAGAN**
13 **BALLISTIC MISSILE DEFENSE TEST SITE AT**
14 **KWAJALEIN ATOLL.**

15 The United States Army missile testing range located
16 at Kwajalein Atoll in the Marshall Islands shall after the
17 date of the enactment of this Act be known and designated
18 as the “Ronald Reagan Ballistic Missile Defense Test Site
19 at Kwajalein Atoll”. Any reference to that range in any
20 law, regulation, map, document, record, or other paper of
21 the United States shall be considered to be a reference
22 to the Ronald Reagan Ballistic Missile Defense Test Site
23 at Kwajalein Atoll.

1 **SEC. 2885. DESIGNATION OF BUILDING AT FORT BELVOIR,**
2 **VIRGINIA, IN HONOR OF ANDREW T. MCNA-**
3 **MARA.**

4 The building at 8725 John J. Kingman Road, Fort
5 Belvoir, Virginia, shall be known and designated as the
6 “Andrew T. McNamara Building”. Any reference to that
7 building in any law, regulation, map, document, record,
8 or other paper of the United States shall be considered
9 to be a reference to the Andrew T. McNamara Building.

10 **SEC. 2886. DESIGNATION OF BALBOA NAVAL HOSPITAL,**
11 **SAN DIEGO, CALIFORNIA, IN HONOR OF BOB**
12 **WILSON, A FORMER MEMBER OF THE HOUSE**
13 **OF REPRESENTATIVES.**

14 The Balboa Naval Hospital in San Diego, California,
15 shall be known and designated as the “Bob Wilson Naval
16 Hospital”. Any reference to the Balboa Naval Hospital in
17 any law, regulation, map, document, record, or other
18 paper of the United States shall be considered to be a ref-
19 erence to the Bob Wilson Naval Hospital.

20 **SEC. 2887. SENSE OF THE CONGRESS REGARDING IMPOR-**
21 **TANCE OF EXPANSION OF NATIONAL TRAIN-**
22 **ING CENTER, FORT IRWIN, CALIFORNIA.**

23 (a) FINDINGS.—The Congress finds the following:

24 (1) The National Training Center at Fort
25 Irwin, California, is the Army’s premier warfare
26 training center.

1 (2) The National Training Center was cited by
2 General Norman Schwarzkopf as being instrumental
3 to the success of the allied victory in the Persian
4 Gulf conflict.

5 (3) The National Training Center gives a mili-
6 tary unit the opportunity to use high-tech equipment
7 and confront realistic opposing forces in order to ac-
8 curately discover the unit's strengths and weak-
9 nesses.

10 (4) The current size of the National Training
11 Center is insufficient in light of the advanced equip-
12 ment and technology required for modern warfare
13 training.

14 (5) The expansion of the National Training
15 Center to include additional lands would permit mili-
16 tary units and members of the Armed Forces to ade-
17 quately prepare for future conflicts and various war-
18 fare scenarios they may encounter throughout the
19 world.

20 (6) Additional lands for the expansion of the
21 National Training Center are presently available in
22 the California desert.

23 (7) The expansion of the National Training
24 Center is a top priority of the Army and the Office
25 of the Secretary of Defense.

1 (b) SENSE OF THE CONGRESS.—It is the sense of
2 the Congress that the prompt expansion of the National
3 Training Center is vital to the national security interests
4 of the United States.

5 **DIVISION C—DEPARTMENT OF**
6 **ENERGY NATIONAL SECURITY**
7 **AUTHORIZATIONS AND**
8 **OTHER AUTHORIZATIONS**
9 **TITLE XXXI—DEPARTMENT OF**
10 **ENERGY NATIONAL SECURITY**
11 **PROGRAMS**

12 **Subtitle A—National Security**
13 **Programs Authorizations**

14 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
15 **TION.**

16 (a) IN GENERAL.—Funds are hereby authorized to
17 be appropriated to the Department of Energy for fiscal
18 year 2001 for the activities of the National Nuclear Secu-
19 rity Administration in carrying out programs necessary
20 for national security in the amount of \$6,269,435,000, to
21 be allocated as follows:

22 (1) WEAPONS ACTIVITIES.—For weapons activi-
23 ties, \$4,677,800,000, to be allocated as follows:

24 (A) For stewardship, \$4,280,415,000, to
25 be allocated as follows:

1 (i) For directed stockpile work,
2 \$856,603,000.

3 (ii) For campaigns, \$2,057,014,000,
4 to be allocated as follows:

5 (I) For operation and mainte-
6 nance, \$1,707,682,000.

7 (II) For construction,
8 \$349,332,000, to be allocated as fol-
9 lows:

10 Project 01–D–101, distributed
11 information systems laboratory,
12 Sandia National Laboratories, Albu-
13 querque, New Mexico, \$2,300,000.

14 Project 00–D–103, terascale sim-
15 ulation facility, Lawrence Livermore
16 National Laboratory, Livermore, Cali-
17 fornia, \$5,000,000.

18 Project 00–D–105, strategic
19 computing complex, Los Alamos Na-
20 tional Laboratory, Los Alamos, New
21 Mexico, \$56,000,000.

22 Project 00–D–107, joint com-
23 putational engineering laboratory,
24 Sandia National Laboratories, Albu-
25 querque, New Mexico, \$6,700,000.

1 Project 98–D–125, tritium ex-
2 traction facility, Savannah River
3 Plant, Aiken, South Carolina,
4 \$75,000,000.

5 Project 97–D–102, dual-axis ra-
6 diographic hydrotest facility, Los Ala-
7 mos National Laboratory, Los Ala-
8 mos, New Mexico, \$35,232,000.

9 Project 96–D–111, national igni-
10 tion facility (NIF), Lawrence Liver-
11 more National Laboratory, Livermore,
12 California, \$169,100,000.

13 (iii) For readiness in technical base
14 and facilities, \$1,366,798,000.

15 (B) For secure transportation asset,
16 \$115,673,000, to be allocated as follows:

17 (i) For operation and maintenance,
18 \$79,357,000.

19 (ii) For program direction,
20 \$36,316,000.

21 (C) For program direction, \$216,871,000.

22 (D) For plant projects (including mainte-
23 nance, restoration, planning, construction, ac-
24 quisition, modification of facilities, and the con-
25 tinuation of projects authorized in prior years,

1 and land acquisition related thereto),
2 \$159,841,000, to be allocated as follows:

3 Project 01-D-103, preliminary
4 project design and engineering, various lo-
5 cations, \$14,500,000.

6 Project 01-D-124, highly enriched
7 uranium (HEU) storage facility, Y-12
8 Plant, Oak Ridge, Tennessee,
9 \$17,800,000.

10 Project 01-D-126, weapons evalua-
11 tion test laboratory, Pantex Plant, Ama-
12 rillo, Texas, \$3,000,000.

13 Project 99-D-103, isotope sciences
14 facilities, Lawrence Livermore National
15 Laboratory, Livermore, California,
16 \$5,000,000.

17 Project 99-D-104, protection of real
18 property (roof reconstruction, phase II),
19 Lawrence Livermore National Laboratory,
20 Livermore, California, \$2,800,000.

21 Project 99-D-106, model validation
22 and system certification center, Sandia Na-
23 tional Laboratories, Albuquerque, New
24 Mexico, \$5,200,000.

1 Project 99–D–108, renovate existing
2 roadways, Nevada Test Site, Nevada,
3 \$2,000,000.

4 Project 99–D–125, replace boilers and
5 controls, Kansas City Plant, Kansas City,
6 Missouri, \$13,000,000.

7 Project 99–D–127, stockpile manage-
8 ment restructuring initiative, Kansas City
9 plant, Kansas City, Missouri, \$23,765,000.

10 Project 99–D–128, stockpile manage-
11 ment restructuring initiative, Pantex
12 Plant, Amarillo, Texas, \$4,998,000.

13 Project 99–D–132, stockpile manage-
14 ment restructuring initiative, nuclear mate-
15 rial safeguards and security upgrades
16 project, Los Alamos National Laboratory,
17 Los Alamos, New Mexico, \$18,043,000.

18 Project 98–D–123, stockpile manage-
19 ment restructuring initiative, tritium facil-
20 ity modernization and consolidation, Sa-
21 vannah River Plant, Aiken, South Caro-
22 lina, \$30,767,000.

23 Project 97–D–123, structural up-
24 grades, Kansas City Plant, Kansas City,
25 Missouri, \$2,918,000.

1 Project 95–D–102, chemistry and
2 metallurgy research (CMR) upgrades
3 project, Los Alamos National Laboratory,
4 Los Alamos, New Mexico, \$13,337,000.

5 Project 88–D–123, security enhance-
6 ments, Pantex Plant, Amarillo, Texas,
7 \$2,713,000.

8 (2) DEFENSE NUCLEAR NONPROLIFERATION.—
9 For other nuclear security activities, \$914,035,000,
10 to be allocated as follows:

11 (A) For nonproliferation and verification re-
12 search and development, \$232,990,000, to be
13 allocated as follows:

14 (i) For operation and maintenance,
15 \$225,990,000.

16 (ii) For plant projects (including mainte-
17 nance, restoration, planning, construction,
18 acquisition, modification of facilities, and
19 the continuation of projects authorized in
20 prior years, and land acquisition related
21 thereto), \$7,000,000, to be allocated as fol-
22 lows:

23 Project 00–D–192, nonprolifera-
24 tion and international security center
25 (NISC), Los Alamos National Labora-

1 tory, Los Alamos, New Mexico,
2 \$7,000,000.

3 (B) For arms control, \$272,870,000.

4 (C) For long-term nonproliferation pro-
5 gram for Russia, \$100,000,000.

6 (D) For highly enriched uranium trans-
7 parency implementation, \$15,190,000.

8 (E) For international nuclear safety,
9 \$20,000,000.

10 (F) For fissile materials control and dis-
11 position, \$221,517,000, to be allocated as fol-
12 lows:

13 (i) For operation and maintenance,
14 \$175,517,000.

15 (ii) For plant projects (including
16 maintenance, restoration, planning, con-
17 struction, acquisition, modification of fa-
18 cilities, and the continuation of projects
19 authorized in prior years, and land acquisi-
20 tion related thereto), \$46,000,000, to be
21 allocated as follows:

22 Project 00–D–142, immobiliza-
23 tion and associated processing facility,
24 various locations, \$3,000,000.

1 Project 99–D–141, pit dis-
2 assembly and conversion facility, var-
3 ious locations, \$20,000,000.

4 Project 99–D–143, mixed oxide
5 fuel fabrication facility, various loca-
6 tions, \$23,000,000.

7 (G) For program direction, \$51,468,000.

8 (3) NAVAL REACTORS.—For naval reactors,
9 \$677,600,000, to be allocated as follows:

10 (A) For naval reactors development,
11 \$656,200,000, to be allocated as follows:

12 (i) For operation and maintenance,
13 \$627,500,000.

14 (ii) For general plant projects,
15 \$11,400,000.

16 (iii) For plant projects (including
17 maintenance, restoration, planning, con-
18 struction, acquisition, modification of fa-
19 cilities, and the continuation of projects
20 authorized in prior years, and land acquisi-
21 tion related thereto), \$17,300,000, to be
22 allocated as follows:

23 Project 01–D–200, major office
24 replacement building, Schenectady,
25 New York, \$1,300,000.

1 Project 90–N–102, expended core
2 facility dry cell project, Naval Reac-
3 tors Facility, Idaho, \$16,000,000.

4 (B) For program direction, \$21,400,000.

5 (b) ADJUSTMENT.—The total amount authorized to
6 be appropriated pursuant to paragraph (1) of subsection
7 (a) is the sum of the amounts authorized to be appro-
8 priated in subparagraphs (A) through (D) of such para-
9 graph reduced by \$95,000,000.

10 **SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND**
11 **WASTE MANAGEMENT.**

12 (a) IN GENERAL.—Funds are hereby authorized to
13 be appropriated to the Department of Energy for fiscal
14 year 2001 for environmental restoration and waste man-
15 agement in carrying out programs necessary for national
16 security in the amount of \$4,591,527,000, to be allocated
17 as follows:

18 (1) SITE/PROJECT COMPLETION.—For site
19 project and completion in carrying out environ-
20 mental restoration and waste management activities
21 necessary for national security programs in the
22 amount of \$1,010,951,000, to be allocated as fol-
23 lows:

24 (A) For operation and maintenance,
25 \$941,475,000.

1 (B) For plant projects (including mainte-
2 nance, restoration, planning, construction, ac-
3 quisition, modification of facilities, and the con-
4 tinuation of projects authorized in prior years,
5 and land acquisition related thereto),
6 \$69,476,000, to be allocated as follows:

7 Project 01–D–402, Intec cathodic
8 protection system expansion, Idaho Na-
9 tional Engineering and Environmental
10 Laboratory, Idaho, \$500,000.

11 Project 01–D–407, Highly Enriched
12 Uranium (HEU) Blend-down, Savannah
13 River Site, Aiken, South Carolina,
14 \$27,932,000.

15 Project 99–D–402, tank farm support
16 services, F&H area, Savannah River Site,
17 Aiken, South Carolina, \$7,714,000.

18 Project 99–D–404, health physics in-
19 strumentation laboratory, Idaho National
20 Engineering and Environmental Labora-
21 tory, Idaho, \$4,300,000.

22 Project 98–D–453, plutonium sta-
23 bilization and handling system for pluto-
24 nium finishing plant, Richland, Wash-
25 ington, \$1,690,000.

1 Project 97–D–470, regulatory moni-
2 toring and bioassay laboratory, Savannah
3 River Site, Aiken, South Carolina,
4 \$3,949,000.

5 Project 96–D–471, chlorofluorocarbon
6 heating, ventilation, and air conditioning
7 and chiller retrofit, Savannah River Site,
8 Aiken, South Carolina, \$12,512,000.

9 Project 92–D–140, F and H canyon
10 exhaust upgrades, Savannah River Site,
11 Aiken, South Carolina, \$8,879,000.

12 Project 86–D–103, decontamination
13 and waste treatment facility, Lawrence
14 Livermore National Laboratory, Liver-
15 more, California, \$2,000,000.

16 (2) POST-2006 COMPLETION.—For post-2006
17 project completion in carrying out environmental
18 restoration and waste management activities nec-
19 essary for national security programs in the amount
20 of \$3,108,457,000, to be allocated as follows:

21 (A) For operation and maintenance,
22 \$2,588,725,000.

23 (B) For plant projects (including mainte-
24 nance, restoration, planning, construction, ac-
25 quisition, modification of facilities, and the con-

1 continuation of projects authorized in prior years,
2 and land acquisition related thereto),
3 \$99,732,000, to be allocated as follows:

4 Project 01–D–403, immobilized high
5 level waste interim storage facility, Rich-
6 land, Washington, \$1,300,000.

7 Project 99–D–403, privatization
8 phase I infrastructure support, Richland,
9 Washington, \$7,812,000.

10 Project 97–D–402, tank farm restora-
11 tion and safe operations, Richland, Wash-
12 ington, \$46,023,000.

13 Project 94–D–407, initial tank re-
14 trieval systems, Richland, Washington,
15 \$17,385,000.

16 Project 93–D–187, high-level waste
17 removal from filled waste tanks, Savannah
18 River Site, Aiken, South Carolina,
19 \$27,212,000.

20 (3) SCIENCE AND TECHNOLOGY.—For science
21 and technology in carrying out environmental res-
22 toration and waste management activities necessary
23 for national security programs in the amount of
24 \$196,548,000.

1 (4) PROGRAM DIRECTION.—For program direc-
2 tion in carrying out environmental restoration and
3 waste management activities necessary for national
4 security programs in the amount of \$359,888,000.

5 (b) ADJUSTMENT.—The total amount authorized to
6 be appropriated in subsection (a) is the sum of the
7 amounts authorized to be appropriated in paragraphs (1)
8 through (4) of that subsection reduced by \$84,317,000,
9 to be derived from offsets and use of prior year balances.

10 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

11 (a) IN GENERAL.—Funds are hereby authorized to
12 be appropriated to the Department of Energy for fiscal
13 year 2001 for other defense activities in carrying out pro-
14 grams necessary for national security in the amount of
15 \$557,122,000, to be allocated as follows:

16 (1) INTELLIGENCE.—For intelligence,
17 \$38,059,000, to be allocated as follows:

18 (A) For operation and maintenance,
19 \$36,059,000.

20 (B) For plant projects (including mainte-
21 nance, restoration, planning, construction, ac-
22 quisition, modification of facilities, and the con-
23 tinuation of projects authorized in prior years,
24 and land acquisition related thereto),
25 \$2,000,000, to be allocated as follows:

1 Project 01–D–800, Sensitive compart-
2 mented information facility, Lawrence
3 Livermore National Laboratory, Liver-
4 more, California, \$2,000,000.

5 (2) COUNTERINTELLIGENCE.—For counter-
6 intelligence, \$45,200,000.

7 (3) SECURITY AND EMERGENCY OPERATIONS.—
8 For security and emergency operations,
9 \$340,376,000, to be allocated as follows:

10 (A) For nuclear safeguards and security,
11 \$124,409,000.

12 (B) For security investigations,
13 \$33,000,000.

14 (C) For emergency management,
15 \$93,600,000.

16 (D) For program direction, \$89,367,000.

17 (4) INDEPENDENT OVERSIGHT AND PERFORM-
18 ANCE ASSURANCE.—For independent oversight and
19 performance assurance, \$14,937,000.

20 (5) ENVIRONMENT, SAFETY, AND HEALTH.—
21 For the Office of Environment, Safety, and Health,
22 \$111,050,000, to be allocated as follows:

23 (A) For environment, safety, and health
24 (defense), \$88,446,000.

25 (B) For program direction, \$22,604,000.

1 (6) WORKER AND COMMUNITY TRANSITION AS-
2 SISTANCE.—For worker and community transition
3 assistance, \$24,500,000, to be allocated as follows:

4 (A) For worker and community transition,
5 \$21,500,000.

6 (B) For program direction, \$3,000,000.

7 (7) OFFICE OF HEARINGS AND APPEALS.—For
8 the Office of Hearings and Appeals, \$3,000,000.

9 (b) ADJUSTMENTS.—The amount authorized to be
10 appropriated pursuant to subsection (a)(3)(B) is reduced
11 by \$20,000,000 to reflect an offset provided by user orga-
12 nizations for security investigations.

13 **SEC. 3104. DEFENSE FACILITIES CLOSURE PROJECTS.**

14 Funds are hereby authorized to be appropriated to
15 the Department of Energy for fiscal year 2001 for closure
16 projects carried out in accordance with section 3143 of
17 the National Defense Authorization Act for Fiscal Year
18 1997 (Public Law 104–201; 110 Stat. 2836; 42 U.S.C.
19 7274n) in the amount of \$1,082,297,000.

20 **SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRI-**
21 **VATIZATION.**

22 (a) IN GENERAL.—Funds are hereby authorized to
23 be appropriated to the Department of Energy for fiscal
24 year 2001 for privatization projects at various locations
25 in carrying out environmental restoration and waste man-

1 agement activities necessary for national security pro-
2 grams in the amount of \$284,092,000.

3 (b) EXPLANATION OF ADJUSTMENT.—The amount
4 authorized to be appropriated in subsection (a) is the sum
5 of the amounts authorized to be appropriated for the
6 projects in that subsection reduced by \$25,092,000 for use
7 of prior year balances of funds for defense environmental
8 management privatization.

9 **SEC. 3106. DEFENSE NUCLEAR WASTE DISPOSAL.**

10 Funds are hereby authorized to be appropriated to
11 the Department of Energy for fiscal year 2001 for pay-
12 ment to the Nuclear Waste Fund established in section
13 302(c) of the Nuclear Waste Policy Act of 1982 (42
14 U.S.C. 10222(c)) in the amount of \$112,000,000.

15 **Subtitle B—Recurring General**
16 **Provisions**

17 **SEC. 3121. REPROGRAMMING.**

18 (a) IN GENERAL.—Until the Secretary of Energy
19 submits to the congressional defense committees the re-
20 port referred to in subsection (b) and a period of 45 days
21 has elapsed after the date on which such committees re-
22 ceive the report, the Secretary may not use amounts ap-
23 propriated pursuant to this title for any program—

24 (1) in amounts that exceed, in a fiscal year—

1 (A) 110 percent of the amount authorized
2 for that program by this title; or

3 (B) \$1,000,000 more than the amount au-
4 thorized for that program by this title; or

5 (2) which has not been presented to, or re-
6 quested of, Congress.

7 (b) REPORT.—(1) The report referred to in sub-
8 section (a) is a report containing a full and complete state-
9 ment of the action proposed to be taken and the facts and
10 circumstances relied upon in support of such proposed ac-
11 tion.

12 (2) In the computation of the 45-day period under
13 subsection (a), there shall be excluded any day on which
14 either House of Congress is not in session because of an
15 adjournment of more than 3 days to a day certain.

16 (c) LIMITATIONS.—(1) In no event may the total
17 amount of funds obligated pursuant to this title exceed
18 the total amount authorized to be appropriated by this
19 title.

20 (2) Funds appropriated pursuant to this title may not
21 be used for an item for which Congress has specifically
22 denied funds.

23 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

24 (a) IN GENERAL.—The Secretary of Energy may
25 carry out any construction project under the general plant

1 projects authorized by this title if the total estimated cost
2 of the construction project does not exceed \$5,000,000.

3 (b) REPORT TO CONGRESS.—If, at any time during
4 the construction of any general plant project authorized
5 by this title, the estimated cost of the project is revised
6 because of unforeseen cost variations and the revised cost
7 of the project exceeds \$5,000,000, the Secretary shall im-
8 mediately furnish a complete report to the congressional
9 defense committees explaining the reasons for the cost
10 variation.

11 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

12 (a) IN GENERAL.—(1) Except as provided in para-
13 graph (2), construction on a construction project may not
14 be started or additional obligations incurred in connection
15 with the project above the total estimated cost, whenever
16 the current estimated cost of the construction project,
17 which is authorized by section 3101, 3102, or 3103, or
18 which is in support of national security programs of the
19 Department of Energy and was authorized by any pre-
20 vious Act, exceeds by more than 25 percent the higher
21 of—

22 (A) the amount authorized for the project; or

23 (B) the amount of the total estimated cost for
24 the project as shown in the most recent budget jus-
25 tification data submitted to Congress.

1 (2) An action described in paragraph (1) may be
2 taken if—

3 (A) the Secretary of Energy has submitted to
4 the congressional defense committees a report on the
5 actions and the circumstances making such action
6 necessary; and

7 (B) a period of 30 days has elapsed after the
8 date on which the report is received by the commit-
9 tees.

10 (3) In the computation of the 30-day period under
11 paragraph (2), there shall be excluded any day on which
12 either House of Congress is not in session because of an
13 adjournment of more than 3 days to a day certain.

14 (b) EXCEPTION.—Subsection (a) shall not apply to
15 any construction project which has a current estimated
16 cost of less than \$5,000,000.

17 **SEC. 3124. FUND TRANSFER AUTHORITY.**

18 (a) TRANSFER TO OTHER FEDERAL AGENCIES.—
19 The Secretary of Energy may transfer funds authorized
20 to be appropriated to the Department of Energy pursuant
21 to this title to other Federal agencies for the performance
22 of work for which the funds were authorized. Funds so
23 transferred may be merged with and be available for the
24 same purposes and for the same period as the authoriza-

1 tions of the Federal agency to which the amounts are
2 transferred.

3 (b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—

4 (1) Subject to paragraph (2), the Secretary of Energy may
5 transfer funds authorized to be appropriated to the De-
6 partment of Energy pursuant to this title between any
7 such authorizations. Amounts of authorizations so trans-
8 ferred may be merged with and be available for the same
9 purposes and for the same period as the authorization to
10 which the amounts are transferred.

11 (2) Not more than 5 percent of any such authoriza-
12 tion may be transferred between authorizations under
13 paragraph (1). No such authorization may be increased
14 or decreased by more than 5 percent by a transfer under
15 such paragraph.

16 (c) LIMITATION.—The authority provided by this sec-
17 tion to transfer authorizations—

18 (1) may only be used to provide funds for items
19 relating to activities necessary for national security
20 programs that have a higher priority than the items
21 from which the funds are transferred; and

22 (2) may not be used to provide funds for an
23 item for which Congress has specifically denied
24 funds.

1 (d) NOTICE TO CONGRESS.—The Secretary of En-
2 ergy shall promptly notify the Committee on Armed Serv-
3 ices of the Senate and the Committee on National Security
4 of the House of Representatives of any transfer of funds
5 to or from authorizations under this title.

6 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**
7 **TION DESIGN.**

8 (a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1)
9 Subject to paragraph (2) and except as provided in para-
10 graph (3), before submitting to Congress a request for
11 funds for a construction project that is in support of a
12 national security program of the Department of Energy,
13 the Secretary of Energy shall complete a conceptual de-
14 sign for that project.

15 (2) If the estimated cost of completing a conceptual
16 design for a construction project exceeds \$3,000,000, the
17 Secretary shall submit to Congress a request for funds for
18 the conceptual design before submitting a request for
19 funds for the construction project.

20 (3) The requirement in paragraph (1) does not apply
21 to a request for funds—

22 (A) for a construction project the total esti-
23 mated cost of which is less than \$5,000,000; or

24 (B) for emergency planning, design, and con-
25 struction activities under section 3126.

1 (b) **AUTHORITY FOR CONSTRUCTION DESIGN.**—(1)
2 Within the amounts authorized by this title, the Secretary
3 of Energy may carry out construction design (including
4 architectural and engineering services) in connection with
5 any proposed construction project if the total estimated
6 cost for such design does not exceed \$600,000.

7 (2) If the total estimated cost for construction design
8 in connection with any construction project exceeds
9 \$600,000, funds for such design must be specifically au-
10 thorized by law.

11 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
12 **SIGN, AND CONSTRUCTION ACTIVITIES.**

13 (a) **AUTHORITY.**—The Secretary of Energy may use
14 any funds available to the Department of Energy pursuant
15 to an authorization in this title, including those funds au-
16 thorized to be appropriated for advance planning and con-
17 struction design under sections 3101, 3102, and 3103, to
18 perform planning, design, and construction activities for
19 any Department of Energy national security program con-
20 struction project that, as determined by the Secretary,
21 must proceed expeditiously in order to protect public
22 health and safety, to meet the needs of national defense,
23 or to protect property.

24 (b) **LIMITATION.**—The Secretary may not exercise
25 the authority under subsection (a) in the case of any con-

1 construction project until the Secretary has submitted to the
2 congressional defense committees a report on the activities
3 that the Secretary intends to carry out under this section
4 and the circumstances making such activities necessary.

5 (c) SPECIFIC AUTHORITY.—The requirement of sec-
6 tion 3125(b)(2) does not apply to emergency planning, de-
7 sign, and construction activities conducted under this sec-
8 tion.

9 **SEC. 3127. AVAILABILITY OF FUNDS.**

10 (a) IN GENERAL.—Except as provided in subsection
11 (b), amounts appropriated for any activities under this
12 title pursuant to an authorization of appropriations in this
13 title shall remain available for obligation only until the
14 later of the following dates:

15 (1) October 1, 2003.

16 (2) The date of the enactment of an Act au-
17 thORIZING funds for such activities for fiscal year
18 2004.

19 (b) EXCEPTION FOR PROGRAM DIRECTION.—
20 Amounts appropriated for program direction pursuant to
21 an authorization of appropriations in this title shall re-
22 main available for obligation only until the later of the
23 following dates:

24 (1) October 1, 2001.

1 (2) The date of the enactment of an Act au-
2 thorizing funds for such program direction for fiscal
3 year 2002.

4 **SEC. 3128. TRANSFERS OF DEFENSE ENVIRONMENTAL**
5 **MANAGEMENT FUNDS.**

6 (a) **TRANSFER AUTHORITY FOR DEFENSE ENVIRON-**
7 **MENTAL MANAGEMENT FUNDS.**—The Secretary of En-
8 ergy shall provide the manager of each field office of the
9 Department of Energy with the authority to transfer de-
10 fense environmental management funds from a program
11 or project under the jurisdiction of the office to another
12 such program or project.

13 (b) **LIMITATIONS.**—(1) Only one transfer may be
14 made to or from any program or project under subsection
15 (a) in a fiscal year.

16 (2) The amount transferred to or from a program
17 or project under subsection (a) may not exceed \$5,000,000
18 in a fiscal year.

19 (3) A transfer may not be carried out by a manager
20 of a field office under subsection (a) unless the manager
21 determines that the transfer is necessary to address a risk
22 to health, safety, or the environment or to assure the most
23 efficient use of defense environmental management funds
24 at the field office.

1 (4) Funds transferred pursuant to subsection (a)
2 may not be used for an item for which Congress has spe-
3 cifically denied funds or for a new program or project that
4 has not been authorized by Congress.

5 (c) EXEMPTION FROM REPROGRAMMING REQUIRE-
6 MENTS.—The requirements of section 3121 shall not
7 apply to transfers of funds pursuant to subsection (a).

8 (d) NOTIFICATION.—The Secretary, acting through
9 the Assistant Secretary of Energy for Environmental
10 Management, shall notify Congress of any transfer of
11 funds pursuant to subsection (a) not later than 30 days
12 after such transfer occurs.

13 (e) DEFINITIONS.—In this section:

14 (1) The term “program or project” means, with
15 respect to a field office of the Department of En-
16 ergy, any of the following:

17 (A) A program referred to or a project list-
18 ed in paragraph (2) or (3) of section 3102.

19 (B) A program or project not described in
20 subparagraph (A) that is for environmental res-
21 toration or waste management activities nec-
22 essary for national security programs of the De-
23 partment, that is being carried out by the of-
24 fice, and for which defense environmental man-
25 agement funds have been authorized and appro-

1 (2) appropriations currently available for pri-
2 vatization initiatives in carrying out environmental
3 restoration and waste management activities nec-
4 essary for national security programs, and not other-
5 wise obligated; or

6 (3) funds appropriated specifically for the pay-
7 ment of such costs.

8 **SEC. 3132. ENHANCED COOPERATION BETWEEN NATIONAL**
9 **NUCLEAR SECURITY ADMINISTRATION AND**
10 **BALLISTIC MISSILE DEFENSE ORGANIZA-**
11 **TION.**

12 (a) **JOINTLY FUNDED PROJECTS.**—The Secretary of
13 Energy and the Secretary of Defense shall modify the
14 memorandum of understanding for the use of national lab-
15 oratories for ballistic missile defense programs, entered
16 into under section 3131 of the National Defense Author-
17 ization Act for Fiscal Year 1998 (Public Law 105–85; 111
18 Stat. 2034), to provide for jointly funded projects.

19 (b) **REQUIREMENTS FOR PROJECTS.**—The projects
20 referred to in subsection (a) shall—

21 (1) be carried out by the National Nuclear Se-
22 curity Administration and the Ballistic Missile De-
23 fense Organization; and

24 (2) contribute to sustaining—

1 (A) the expertise necessary for the viability
2 of such laboratories; and

3 (B) the capabilities required to sustain the
4 nuclear stockpile.

5 (c) PARTICIPATION BY NNSA IN CERTAIN BMDO
6 ACTIVITIES.—The Administrator of the National Nuclear
7 Security Administration and the Director of the Ballistic
8 Missile Defense Organization shall implement mechanisms
9 that increase the cooperative relationship between those
10 organizations. Those mechanisms shall include participa-
11 tion by personnel of the National Nuclear Security Admin-
12 istration in the following activities of the Ballistic Missile
13 Defense Organization:

14 (1) Peer reviews of technical efforts.

15 (2) Activities of so-called “red teams”.

16 **SEC. 3133. REQUIRED CONTENTS OF FUTURE-YEARS NU-**
17 **CLEAR SECURITY PROGRAM TO BE SUB-**
18 **MITTED WITH FISCAL YEAR 2002 BUDGET**
19 **AND LIMITATION ON THE OBLIGATION OF**
20 **CERTAIN FUNDS PENDING SUBMISSION OF**
21 **THAT PROGRAM.**

22 (a) FINDINGS.—Congress finds that:

23 (1) The budget justification materials sub-
24 mitted to Congress in support of the budget for fis-
25 cal year 2001 did not comply with the requirement

1 of section 3251(b) of the National Nuclear Security
2 Administration Act (title XXXII of Public Law 106–
3 65; 113 Stat. 966; 50 U.S.C. 2451) that the
4 amounts requested for the National Nuclear Secu-
5 rity Administration be specified in individual, dedi-
6 cated program elements.

7 (2) The information submitted to Congress in
8 support of that budget did not comply with the re-
9 quirement of section 3253(b) of such Act (50 U.S.C.
10 2453(b)) that a future-years nuclear security pro-
11 gram be submitted that contains—

12 (A) the estimated expenditures and pro-
13 posed appropriations necessary to support the
14 programs, projects, and activities of the Admin-
15 istration during the 5-fiscal year period covered
16 by the program, expressed in a level of detail
17 comparable to that contained in the budget; and

18 (B) a description of the anticipated work-
19 load requirements for each Administration site
20 during that 5-fiscal year period.

21 (b) REQUIRED DETAIL FOR FUTURE-YEARS NU-
22 CLEAR SECURITY PROGRAM SUBMITTED WITH FISCAL
23 YEAR 2002 BUDGET.—The future-years nuclear security
24 program submitted in connection with the budget for fiscal
25 year 2002 shall, at a minimum, and in addition to the

1 information required to be contained in such program by
2 section 3253 of such Act (50 U.S.C. 2453), include the
3 following information:

4 (1) A detailed description of proposed program
5 elements for directed stockpile work, campaigns,
6 readiness in technical base and facilities, non-
7 proliferation and national security, fissile materials
8 disposition, and naval reactors, and for their associ-
9 ated projects, activities, and construction projects,
10 during the 5-fiscal year period covered by such pro-
11 gram.

12 (2) A statement of proposed budget authority,
13 proposed expenditures, and proposed appropriations
14 necessary to support each proposed program element
15 specified in paragraph (1).

16 (3) A detailed description of how the funds
17 identified for each proposed program element speci-
18 fied in paragraph (1) in the budget of the Adminis-
19 tration for each fiscal year during the 5-fiscal year
20 period covered by such program will help ensure that
21 the nuclear weapons stockpile is safe and reliable as
22 determined in accordance with the criteria estab-
23 lished under section 3158 of the Strom Thurmond
24 National Defense Authorization Act for Fiscal Year

1 1999 (Public Law 105–261; 112 Stat. 2257; 42
2 U.S.C. 2121 note).

3 (c) LIMITATION ON OBLIGATION OF CERTAIN
4 FUNDS.—The Administrator for Nuclear Security may
5 not obligate more than 50 percent of the funds described
6 in subsection (d) until 30 days after the Administrator
7 submits the future-years nuclear security program re-
8 quired to be submitted in connection with the budget for
9 fiscal year 2002.

10 (d) COVERED FUNDS.—Funds referred to in sub-
11 section (c) are funds appropriated or otherwise available
12 to the Administrator for Program Direction within any
13 National Nuclear Security Administration budget account
14 for fiscal year 2001.

15 **SEC. 3134. LIMITATION ON OBLIGATION OF CERTAIN**
16 **FUNDS.**

17 (a) LIMITATION.—The Secretary of Energy may not
18 obligate any funds appropriated or otherwise made avail-
19 able to the Secretary for fiscal year 2001 for the purpose
20 of infrastructure upgrades or maintenance in an account
21 specified in subsection (b) for any other purpose.

22 (b) COVERED ACCOUNTS.—An account referred to in
23 subsection (a) is any Construction account or Readiness
24 in Technical Base and Facilities account within any Na-
25 tional Nuclear Security Administration budget account.

1 **SEC. 3135. DESIGNATION OF RIVER PROTECTION PROJECT,**
2 **RICHLAND, WASHINGTON.**

3 The tank waste remediation system environmental
4 project, Richland, Washington, shall be known and des-
5 ignated as the “River Protection Project”. Any reference
6 to that project in any law, regulation, map, document,
7 record, or other paper of the United States shall be consid-
8 ered to be a reference to the River Protection Project.

9 **SEC. 3136. ADJUSTMENT OF COMPOSITE THEORETICAL**
10 **PERFORMANCE LEVELS FOR POST-SHIPMENT**
11 **VERIFICATION REPORTS ON ADVANCED**
12 **SUPERCOMPUTERS SALES TO CERTAIN FOR-**
13 **EIGN NATIONS.**

14 Section 3157 of the National Defense Authorization
15 Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is
16 amended by adding at the end the following new sub-
17 section:

18 “(e) ADJUSTMENT OF PERFORMANCE LEVELS.—
19 Whenever a new composite theoretical performance level
20 is established under section 1211(d), that level shall apply
21 for the purposes of subsection (a) of this section in lieu
22 of the level set forth in subsection (a).”.

23 **SEC. 3137. EMPLOYEE INCENTIVES FOR EMPLOYEES AT**
24 **CLOSURE PROJECT FACILITIES.**

25 (a) AUTHORITY TO PROVIDE INCENTIVES.—Notwith-
26 standing any other provision of law, the Secretary of En-

1 ergy may provide to any eligible employee of the Depart-
2 ment of Energy one or more of the incentives described
3 in subsection (d).

4 (b) ELIGIBLE EMPLOYEES.—An individual is an eli-
5 gible employee of the Department of Energy for purposes
6 of this section if the individual—

7 (1) has worked continuously at a closure facility
8 for at least 2 years;

9 (2) is an employee (as that term is defined in
10 section 2105(a) of title 5, United States Code);

11 (3) has a fully satisfactory or equivalent per-
12 formance rating during the most recent performance
13 period and is not subject to an adverse notice re-
14 garding conduct; and

15 (4) meets any other requirement or condition
16 under subsection (d) for the incentive which is pro-
17 vided the employee under this section.

18 (c) CLOSURE FACILITY DEFINED.—For purposes of
19 this section, the term “closure facility” means a Depart-
20 ment of Energy facility at which the Secretary is carrying
21 out a closure project selected under section 3143 of the
22 National Defense Authorization Act for Fiscal Year 1997
23 (42 U.S.C. 7274n).

24 (d) INCENTIVES.—The incentives that the Secretary
25 may provide under this section are the following:

1 (1) The right to accumulate annual leave pro-
2 vided by section 6303 of title 5, United States Code,
3 for use in succeeding years until it totals not more
4 than 90 days, or not more than 720 hours based on
5 a standard work week, at the beginning of the first
6 full biweekly pay period, or corresponding period for
7 an employee who is not paid on the basis of biweekly
8 pay periods, occurring in a year, except that—

9 (A) any annual leave that remains unused
10 when an employee transfers to a position in a
11 department or agency of the Federal Govern-
12 ment shall be liquidated upon the transfer by
13 payment to the employee of a lump sum for
14 leave in excess of 30 days, or in excess of 240
15 hours based on a standard work week; and

16 (B) upon separation from service, annual
17 leave accumulated under this paragraph shall
18 be treated as any other accumulated annual
19 leave is treated.

20 (2) The right to be paid a retention allowance
21 in a lump sum in compliance with paragraphs (1)
22 and (2) of section 5754(b) of title 5, United States
23 Code, if the employee meets the requirements of sec-
24 tion 5754(a) of that title, except that the retention
25 allowance may exceed 25 percent, but may not be

1 more than 30 percent, of the employee's rate of
2 basic pay.

3 (e) AGREEMENT.—An eligible employee of the De-
4 partment of Energy provided an incentive under this sec-
5 tion shall enter into an agreement with the Secretary to
6 remain employed at the closure facility at which the em-
7 ployee is employed as of the date of the agreement until
8 a specific date or for a specific period of time.

9 (f) VIOLATION OF AGREEMENT.—(1) Except as pro-
10 vided under paragraph (3), an eligible employee of the De-
11 partment of Energy who violates an agreement under sub-
12 section (e), or is dismissed for cause, shall forfeit eligibility
13 for any incentives under this section as of the date of the
14 violation or dismissal, as the case may be.

15 (2) Except as provided under paragraph (3), an eligi-
16 ble employee of the Department of Energy who is paid
17 a retention allowance under subsection (d)(2) and who vio-
18 lates an agreement under subsection (e), or is dismissed
19 for cause, before the end of the period or date of employ-
20 ment agreed upon under such agreement shall refund to
21 the United States an amount that bears the same ratio
22 to the aggregate amount so paid to or received by the em-
23 ployee as the unserved part of such employment bears to
24 the total period of employment agreed upon under such
25 agreement.

1 (3) The Secretary may waive the applicability of
2 paragraph (1) or (2) to an employee otherwise covered by
3 such paragraph if the Secretary determines that there is
4 good and sufficient reason for the waiver.

5 (g) REPORT.—The Secretary shall include in each re-
6 port on a closure project under section 3143(h) of the Na-
7 tional Defense Authorization Act for Fiscal Year 1997 a
8 report on the incentives, if any, provided under this section
9 with respect to the project for the period covered by such
10 report.

11 (h) AUTHORITY WITH RESPECT TO HEALTH COV-
12 ERAGE.—Section 8905a(d)(5)(A) of title 5, United States
13 Code (as added by section 1106 of the Veterans Millen-
14 nium Health Care and Benefits Act (Public Law 106–117;
15 113 Stat. 1598)), is amended by inserting after “readjust-
16 ment” the following: “, or a voluntary or involuntary sepa-
17 ration from a Department of Energy position at a Depart-
18 ment of Energy facility at which the Secretary is carrying
19 out a closure project selected under section 3143 of the
20 National Defense Authorization Act for Fiscal Year 1997
21 (42 U.S.C. 7274n)”.

22 (i) AUTHORITY WITH RESPECT TO VOLUNTARY SEP-
23 ARATIONS.—(1) The Secretary of Energy may—

24 (A) separate from service any employee at a
25 Department of Energy facility at which the Sec-

1 retary is carrying out a closure project selected
2 under section 3143 of the National Defense Author-
3 ization Act for Fiscal Year 1997 (42 U.S.C. 7274n)
4 who volunteers to be separated under this subpara-
5 graph even though the employee is not otherwise
6 subject to separation due to a reduction in force;
7 and

8 (B) for each employee voluntarily separated
9 under subparagraph (A), retain an employee in a
10 similar position who would otherwise be separated
11 due to a reduction in force.

12 (2) The separation of an employee under paragraph
13 (1)(A) shall be treated as an involuntary separation due
14 to a reduction in force.

15 (3) An employee with critical knowledge and skills (as
16 defined by the Secretary) may not participate in a vol-
17 untary separation under paragraph (1)(A) if the Secretary
18 determines that such participation would impair the per-
19 formance of the mission of the Department of Energy.

1 **SEC. 3138. SENSE OF THE CONGRESS REGARDING COM-**
2 **PENSATION AND HEALTH CARE FOR PER-**
3 **SONNEL OF THE DEPARTMENT OF ENERGY**
4 **AND ITS CONTRACTORS AND VENDORS WHO**
5 **HAVE SUSTAINED BERYLLIUM, SILICA, AND**
6 **RADIATION-RELATED INJURY.**

7 It is the sense of the Congress that—

8 (1) Since World War II Federal nuclear activi-
9 ties have been explicitly recognized by the United
10 States Government as an a ultra-hazardous activity
11 under Federal law. Nuclear weapons production and
12 testing involved unique dangers, including potential
13 catastrophic nuclear accidents that private insurance
14 carriers would not cover, as well as chronic expo-
15 sures to radioactive and hazardous substances, such
16 as beryllium and silica, that even in small amounts
17 could cause medical harm.

18 (2) Since the inception of the nuclear weapons
19 program and for several decades afterwards, large
20 numbers of nuclear weapons workers at Department
21 of Energy and at vendor sites who supplied the Cold
22 War effort were put at risk without their knowledge
23 and consent for reasons that, documents reveal, were
24 driven by fears of adverse publicity, liability, and
25 employee demands for hazardous duty pay.

1 (3) Numerous previous secret records docu-
2 mented unmonitored radiation, beryllium, silica,
3 heavy metals, and toxic substances' exposures and
4 continuing problems at the Department of Energy
5 and vendor sites across the country, where since
6 World War II the Department of Energy and its
7 predecessors have been self-regulating with respect
8 to nuclear safety and occupational safety and health.
9 No other hazardous Federal activity has been per-
10 mitted to have such sweeping self-regulatory powers.

11 (4) The Department of Energy policy to litigate
12 occupational illness claims has deterred workers
13 from filing workers compensation claims and im-
14 posed major financial burdens for workers who
15 sought compensation. Department of Energy con-
16 tractors have been held harmless and the Depart-
17 ment of Energy workers were denied workers com-
18 pensation coverage for occupational disease.

19 (5) Over the past 20 years more than two
20 dozen scientific findings have emerged that indicate
21 that certain Department of Energy workers are ex-
22 periencing increased risks of dying from cancer and
23 non-malignant diseases at numerous facilities that
24 provided for the nation's nuclear deterrent. Several
25 of these studies also establish a correlation between

1 excess diseases and exposure to radiation, beryllium,
2 and silica.

3 (6) While linking exposure to occupational haz-
4 ards with the development of occupational disease is
5 sometimes difficult, scientific evidence supports the
6 conclusion that occupational exposure to dust par-
7 ticles or vapor of beryllium, even where there was
8 compliance with the standards in place at the time,
9 can cause beryllium sensitivity and chronic beryllium
10 disease. Furthermore, studies indicate than 98 per-
11 cent of radiation induced cancers within the Depart-
12 ment of Energy complex occur at dose levels below
13 existing maximum safe thresholds. Further, that
14 workers at Department of Energy sites were exposed
15 to silica, heavy metals, and toxic substances at levels
16 that will lead or contribute to illness and diseases.

17 (7) Existing information indicates that State
18 workers' compensation programs are not a uniform
19 means to provide adequate compensation for the
20 types of occupational illnesses and diseases related
21 to the prosecution of the Cold War effort.

22 (8) The civilian men and women who performed
23 duties uniquely related to the Department of Ener-
24 gy's nuclear weapons production and testing pro-
25 grams over the last 50 years should have efficient,

1 uniform, and adequate compensation for beryllium-
2 related health conditions, radiation-related health
3 conditions, and silica-related health conditions in
4 order to assure fairness and equity.

5 (9) This situation is sufficiently unique to the
6 Department of Energy's nuclear weapons production
7 and testing programs that it is appropriate for Con-
8 gressional action this year.

9 **TITLE XXXII—DEFENSE NU-**
10 **CLEAR FACILITIES SAFETY**
11 **BOARD**

12 **SEC. 3201. AUTHORIZATION.**

13 There are authorized to be appropriated for fiscal
14 year 2001, \$17,000,000 for the operation of the Defense
15 Nuclear Facilities Safety Board under chapter 21 of the
16 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

17 **TITLE XXXIII—NATIONAL**
18 **DEFENSE STOCKPILE**

19 **SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.**

20 (a) OBLIGATION OF STOCKPILE FUNDS.—During fis-
21 cal year 2001, the National Defense Stockpile Manager
22 may obligate up to \$70,500,000 of the funds in the Na-
23 tional Defense Stockpile Transaction Fund established
24 under subsection (a) of section 9 of the Strategic and Crit-
25 ical Materials Stock Piling Act (50 U.S.C. 98h) for the

1 authorized uses of such funds under subsection (b)(2) of
2 such section, including the disposal of hazardous materials
3 that are environmentally sensitive.

4 (b) **ADDITIONAL OBLIGATIONS.**—The National De-
5 fense Stockpile Manager may obligate amounts in excess
6 of the amount specified in subsection (a) if the National
7 Defense Stockpile Manager notifies Congress that extraor-
8 dinary or emergency conditions necessitate the additional
9 obligations. The National Defense Stockpile Manager may
10 make the additional obligations described in the notifica-
11 tion after the end of the 45-day period beginning on the
12 date on which Congress receives the notification.

13 (c) **LIMITATIONS.**—The authorities provided by this
14 section shall be subject to such limitations as may be pro-
15 vided in appropriations Acts.

16 **SEC. 3302. USE OF EXCESS TITANIUM SPONGE IN THE NA-**
17 **TIONAL DEFENSE STOCKPILE TO MANUFAC-**
18 **TURE DEPARTMENT OF DEFENSE EQUIP-**
19 **MENT.**

20 (a) **TRANSFER AUTHORIZED.**—Upon the request of
21 the Secretary of a military department or the director of
22 a defense agency, the Secretary of Defense may transfer
23 excess titanium sponge in the National Defense Stockpile
24 for use in manufacturing equipment to be used by the
25 Armed Forces. The quantity of titanium sponge trans-

1 ferred under this section may not exceed 20,000 short
2 tons.

3 (b) NONREIMBURSABLE.—Any transfer of excess ti-
4 tanium sponge under this section shall be made without
5 reimbursement, except that the recipient of the material
6 shall be responsible for all transportation and related costs
7 incurred in connection with the transfer.

8 (c) RELATIONSHIP TO OTHER DISPOSAL AUTHOR-
9 ITY.—Any request by the Secretary of the Army for the
10 transfer of titanium sponge pursuant to section 3305 of
11 the National Defense Authorization Act for Fiscal Year
12 1996 (Public Law 104–106; 110 Stat. 630) takes prece-
13 dence over any transfer request received under this sec-
14 tion.

15 **TITLE XXXIV—MARITIME** 16 **ADMINISTRATION**

17 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS FOR FIS-** 18 **CAL YEAR 2001.**

19 Funds are hereby authorized to be appropriated for
20 fiscal year 2001, to be available without fiscal year limita-
21 tion if so provided in appropriations Acts, for the use of
22 the Department of Transportation for the Maritime Ad-
23 ministration as follows:

24 (1) For expenses necessary for operations and
25 training activities, \$94,160,000.

1 (2) For expenses under the loan guarantee pro-
2 gram authorized by title XI of the Merchant Marine
3 Act, 1936 (46 App. U.S.C. 1271 et seq.),
4 \$54,179,000, of which—

5 (A) \$50,000,000 is for the cost (as defined
6 in section 502(5) of the Federal Credit Reform
7 Act of 1990 (2 U.S.C. 661a(5))) of loan guar-
8 antees under the program; and

9 (B) \$4,179,000 is for administrative ex-
10 penses related to loan guarantee commitments
11 under the program.

12 **SEC. 3402. EXTENSION OF PERIOD FOR DISPOSAL OF OBSO-**
13 **LETE VESSELS IN THE NATIONAL DEFENSE**
14 **RESERVE FLEET.**

15 (a) EXTENSION.—Section 6(c)(1)(A) of the National
16 Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)(A))
17 is amended by striking “2001” and inserting “2006”.

18 (b) UTILIZATION OF FOREIGN SCRAPPING.—Section
19 6(c)(1) of such Act (16 U.S.C. 5405(c)(1)) is amended—

20 (1) in subparagraph (B) by striking “and”
21 after the semicolon;

22 (2) in subparagraph (C)—

23 (A) by striking “in accordance with” and
24 inserting “subject to subparagraph (D), in ac-
25 cordance with”; and

1 (B) by striking the period at the end and
2 inserting “; and”; and

3 (3) by adding at the end the following:

4 “(D) to the maximum extent possible, by
5 scrapping outside of the United States.”.

6 (c) PLAN FOR COMPLETION OF DISPOSAL.—Not
7 later than 90 days after the date of the enactment of this
8 Act, the Secretary of Transportation shall submit to the
9 Congress a plan for completing disposal of vessels in the
10 National Defense Reserve Fleet in accordance with section
11 6(c) of the National Maritime Heritage Act of 1994 (16
12 U.S.C. 5405), as amended by subsection (a), including—

13 (1) a description of resources required for such
14 completion; and

15 (2) a determination of the extent to which such
16 vessels will be disposed of by scrapping outside of
17 the United States.

18 **SEC. 3403. AUTHORITY TO CONVEY NATIONAL DEFENSE RE-**

19 **SERVE FLEET VESSEL, GLACIER.**

20 (a) AUTHORITY TO CONVEY.—The Secretary of
21 Transportation (in this section referred to as “the Sec-
22 retary”) may, subject to subsection (b), convey all right,
23 title, and interest of the United States Government in and
24 to the vessel in the National Defense Reserve Fleet that
25 was formerly the U.S.S. GLACIER (United States official

1 number AGB-4) to the Glacier Society, Inc., a corporation
2 established under the laws of the State of Connecticut that
3 is located in Bridgeport, Connecticut (in this section re-
4 ferred to as the “recipient”).

5 (b) TERMS OF CONVEYANCE.—

6 (1) REQUIRED CONDITIONS.—The Secretary
7 may not convey a vessel under this section unless
8 the recipient—

9 (A) agrees to use the vessel for the pur-
10 pose of a monument to the accomplishments of
11 members of the Armed Forces of the United
12 States, civilians, scientists, and diplomats in ex-
13 ploration of the Arctic and the Antarctic;

14 (B) agrees that the vessel will not be used
15 for commercial purposes;

16 (C) agrees to make the vessel available to
17 the Government if the Secretary requires use of
18 the vessel by the Government for war or na-
19 tional emergency;

20 (D) agrees to hold the Government harm-
21 less for any claims arising from exposure to as-
22 bestos, polychlorinated biphenyls, or lead paint
23 after the conveyance of the vessel, except for
24 claims arising from use of the vessel by the

1 Government pursuant to the agreement under
2 subparagraph (C); and

3 (E) provides sufficient evidence to the Sec-
4 retary that it has available for use to restore
5 the vessel, in the form of cash, liquid assets, or
6 a written loan commitment, financial resources
7 of at least \$100,000.

8 (2) DELIVERY OF VESSEL.—If the Secretary
9 conveys the vessel under this section, the Secretary
10 shall deliver the vessel—

11 (A) at the place where the vessel is located
12 on the date of conveyance;

13 (B) in its condition on that date; and

14 (C) at no cost to the United States Gov-
15 ernment.

16 (3) ADDITIONAL TERMS.—The Secretary may
17 require such additional terms in connection with the
18 conveyance authorized by this section as the Sec-
19 retary considers appropriate.

20 (c) OTHER UNNEEDED EQUIPMENT.—If the Sec-
21 retary conveys the vessel under this section, the Secretary
22 may also convey to the recipient any unneeded equipment
23 from other vessels in the National Defense Reserve Fleet
24 or Government storage facilities for use to restore the ves-

1 sel to museum quality or to its original configuration (or
2 both).

3 (d) RETENTION OF VESSEL IN NDRF.—The Sec-
4 retary shall retain in the National Defense Reserve Fleet
5 the vessel authorized to be conveyed under this section
6 until the earlier of—

7 (1) 2 years after the date of the enactment of
8 this Act; or

9 (2) the date of the conveyance of the vessel
10 under this section.

11 **SEC. 3404. AUTHORITY TO CONVEY OFFSHORE DRILL RIG**

12 **OCEAN STAR.**

13 (a) AUTHORITY TO CONVEY.—

14 (1) IN GENERAL.—The Secretary of Transpor-
15 tation (referred to in this section as the “Sec-
16 retary”) may, without consideration, convey all
17 right, title, and interest of the United States Gov-
18 ernment in and to the offshore drill rig OCEAN
19 STAR, to the Offshore Rig Museum, Inc., a non-
20 profit corporation established under the laws of the
21 State of Texas and doing business as the Offshore
22 Energy Center (in this section referred to as “the
23 recipient”).

24 (2) RELEASE OF ASSOCIATED INTERESTS.—As
25 part of the conveyance, the Secretary shall release

1 any encumbrance and forgive any promissory note or
2 loan held by the United States with respect to the
3 drill rig.

4 (b) CONDITIONS.—Any conveyance, release, or for-
5 giveness under subsection (a) shall be subject to the fol-
6 lowing conditions:

7 (1) The recipient must have at least 3 consecu-
8 tive years experience in operating a drill rig as a
9 nonprofit museum.

10 (2) Before the effective date of the conveyance,
11 release, and forgiveness, the recipient must agree—

12 (A) to continue to use the drill rig as part
13 of a museum to demonstrate to the public the
14 recovery of offshore energy resources;

15 (B) to make the drill rig available to the
16 Government if the Secretary requires use of the
17 drill rig for a national emergency;

18 (C) that if the recipient no longer requires
19 the drill rig for use as a museum dedicated to
20 demonstrating to the public the recovery of off-
21 shore energy resources, the recipient shall, at
22 the discretion of the Secretary, convey the drill
23 rig to the Government; and

24 (D) to any other conditions the Secretary
25 considers appropriate.

Calendar No. 564

106TH CONGRESS
2D SESSION

H. R. 4205

AN ACT

To authorize appropriations for fiscal year 2001 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.

MAY 22, 2000

Received; read twice and placed on the calendar