

105TH CONGRESS
2^D SESSION

HR 3616

To authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1998

Mr. SPENCE (for himself and Mr. SKELTON) (both by request) introduced the following bill; which was referred to the Committee on National Security

A BILL

To authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999, and for other purposes.

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.**

4 This Act may be cited as the “National Defense Au-
5 thorization Act for Fiscal Year 1999”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

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. Defense Health Program.
- Sec. 107. Chemical Demilitarization Program.

Subtitle B—Multi-Year Contract Authorizations

- Sec. 111. Authorizations of Multi-Year Contracts for the Army and the Navy.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

- Sec. 201. Authorization of Appropriations.

Subtitle B—Other Matters

- Sec. 211. Low-rate Initial Production of Weapons Systems.
- Sec. 212. Extension of Authority to Permit the Use of Test and Evaluation Installations by Commercial Entities.
- Sec. 213. Technical Correction Concerning Information Disclosure.

TITLE III—OPERATION AND MAINTENANCE

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- Sec. 302. Working Capital Funds.
- Sec. 303. Armed Forces Retirement Home.
- Sec. 304. Fisher House Trust Funds.
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- Sec. 402. Repeal of Minimum End Strength Provisions to Conform End Strength Management Provisions with the Budget.
- Sec. 403. Annual Manpower Requirements Report.
- Sec. 404. Joint Staff General Officer and Flag Structure.

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 Number of Members in Certain Grades Authorized to be on Active Duty in Support of the Reserves.
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Insurance Fund

Sec. 421. Reserve Mobilization Income Insurance Fund.

TITLE V—MILITARY PERSONNEL POLICY

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- Sec. 501. Promotion Policy Objectives for Joint Officers.
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 Sec. 504. Posthumous Commissions and Warrants.
 Sec. 505. Exclusion of Regular Chief Warrant Officers, W-4, from Involuntary Retirement for Non-Selection for promotion.
 Sec. 506. Clarification of Selection Procedures for the Judge Advocates General and the Assistant/deputy Judge Advocates General of the Military Departments.
 Sec. 507. To Establish the Term of Office of the Chief of the Air Force Nurse Corps as Three Years.
 Sec. 508. Time-in-Grade Requirements of Reserve General and Flag Officers.
 Sec. 509. Separation of Regular Officers for Substandard Performance of Duty or Certain Other Reasons.
 Sec. 510. Special Selection Board Consideration for Certain Officers, Retired Officers, or Former Officers of the Armed Forces.

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- Sec. 511. Active Guard And Reserve Personnel in Support of Active or Reserve Component.
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TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

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- Sec. 601. Increase in Basic Pay for Fiscal Year 1999.

Subtitle B—Bonus and Incentive Pay

- Sec. 611. Extension of Authority Relating to Payment of Other Bonuses and Special Pays.
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- Sec. 702. Modification to Cost or Pricing Data: Truth in Negotiations.
- Sec. 703. Procurement Technical Assistance Program Distribution Conforming Amendment.
- Sec. 704. Procurement Technical Assistance Program Limitation.
- Sec. 705. Repeal of Requirements Relating to Undefined Contractual Actions.
- Sec. 706. Contract Disputes Act Amendment Relating to Payment of Interest on Contractor Claims.
- Sec. 707. Critical Acquisition Positions.
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- Sec. 711. Holding GAO Protest Proceedings in Abeyance.
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TITLE VIII—DEPARTMENT OF DEFENSE MANAGEMENT

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- Sec. 801. Authority to Pay Certain Expenses Relating to Humanitarian and Civic Assistance for Clearance of Landmines.
- Sec. 802. Collection of Dishonored Checks Issued to the Defense Commissary Agency.
- Sec. 803. Revision of Inspection Requirements Relating to the Armed Forces Retirement Home.
- Sec. 804. Protection of Operational Files of the National Imagery and Mapping Agency.
- Sec. 805. Protection of Commercial Sources.
- Sec. 806. Repeal of Export Controls on High Performance Computers.
- Sec. 807. Repeal of Requirement to Transfer Tactical Airlift Mission to Reserve Components.

- Sec. 808. Codification of Provisions Pertaining to George C. Marshall European Center for Security Studies; Waiver of Charges for Certain Participants of the Asia Pacific Center.

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- Sec. 814. Clarification of Defense Civilian Personnel System Positions.
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- Sec. 816. Experimental Personnel Authority—Defense Advance Research Projects Agency.

TITLE IX—GENERAL PROVISIONS

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- Sec. 901. Repeal of Requirement For Separate Budget Request For Procurement of Reserve Equipment.
- Sec. 902. Repeal of Requirement for Two-year Budget Cycle for the Department of Defense.
- Sec. 903. Chemical Stockpile Emergency Preparedness Program.
- Sec. 904. Authority to Move Funds for Combating Terrorism Support to Military Operations.
- Sec. 905. Transfer of Funds: Procedure and Limitations.
- Sec. 906. Ballistic Missile Defense Program Elements.
- Sec. 907. Transfer of Funds Related to the Execution of Military Family Housing Privatization Projects.
- Sec. 908. Clarification of the Proper Charges to Military Construction Design Funds.
- Sec. 909. Payment of Foreign Licensing Fees from the Proceeds Received from the Sale of Maps, Charts, and Navigational Books.
- Sec. 910. Fees at Military History Institutes.

Subtitle B—Miscellaneous Report Requirements and Repeals

- Sec. 911. Repeal of Obsolete Reporting Requirement.
- Sec. 912. Repeal of Report on NATO Conventional Defense Capabilities.
- Sec. 913. Repeal of Outdated Reports on Allied Burdensharing.
- Sec. 914. Repeal of Reporting Requirements Relating to Training of Special Operations Forces with Friendly Foreign Forces.
- Sec. 915. Repeal of Annual Report on the Defense Business Operations Fund.
- Sec. 916. Repeal of Annual Report on Use of Authority by the Defense Contract Audit Agency to Subpoena Records of Defense Contractors.
- Sec. 917. Repeal of Report on Use of Funds Received from the Lease of Non-excess Property.
- Sec. 918. Repeal of Studies and Reports on Demonstration Projects for Delivery of Health Care.
- Sec. 919. Reduction in Frequency of Report on Promotion of Joint Officers.
- Sec. 920. Repeal of Commission Report on Alternative Utilization of Military Facilities.

- Sec. 921. Repeal of Report on Proposed Contract for Sale of Gregg Circle Area, Fort Jackson, South Carolina.
- Sec. 922. Exceptions from Reporting Requirements for Emergency Real Property Transactions.
- Sec. 923. Repeal of Notification Requirements Relating to Inspector General Investigations.
- Sec. 924. Repeal of Reporting of Certain Elements of Overseas Basing Costs.
- Sec. 925. Inflation Adjustment to Notification Requirement for Architectural and Engineering Services and Construction Design Contract.

Subtitle C—Matters Relating to Terrorism

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- Sec. 932. Maintenance and Operation of Equipment for Counter-Terrorism.

Subtitle D—Matters Relating to Counter Drug Operations

- Sec. 941. Department of Defense Support for Counter-Drug Activities.
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Subtitle E—Other Matters

- Sec. 951. Definition of Financial Institution For Direct Deposit of Pay.
- Sec. 952. Release of Drug Test Results of Civil Service Mariners of the Military Sealift Command.
- Sec. 953. Disposition of Collections Recovered from Claims against Third Parties for Loss or Damage to Personal Property Shipped or Stored at Government Expense.
- Sec. 954. Transportation of Polychlorinated Biphenyls.
- Sec. 955. Rental of Family Housing in Italy and Korea.
- Sec. 956. Pilot Program on Separate Notice by Federal Agency Prior to Garnishment For Child Support and Alimony.
- Sec. 957. Long-term Charter of Three Vessels in Support of Submarine Rescue, Escort, and Towing.

1 **TITLE I—PROCUREMENT**
 2 **Subtitle A—Authorization of**
 3 **Appropriations**

4 **SEC. 101. ARMY.**

5 Funds are hereby authorized to be appropriated for
 6 fiscal year 1999 for procurement for the Army as follows:

7 (1) For aircraft, \$1,325,943,000.

8 (2) For missiles, \$1,205,768,000.

1 (3) For weapons and tracked combat vehicles,
2 \$1,433,608,000.

3 (4) For ammunition, \$1,008,855,000.

4 (5) For other procurement, \$3,198,811,000.

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

6 (a) NAVY.—Funds are hereby authorized to be ap-
7 propriated for fiscal year 1999 for procurement for the
8 Navy as follows:

9 (1) For aircraft, \$7,466,734,000.

10 (2) For weapons, including missiles and tor-
11 pedoes, \$1,327,545,000.

12 (3) For shipbuilding and conversion,
13 \$6,252,672,000.

14 (4) For procurement of ammunition for the
15 Navy and the Marine Corps, \$429,539,000.

16 (5) For other procurement, \$3,937,737,000.

17 (b) MARINE CORPS.—Funds are hereby authorized to
18 be appropriated for fiscal year 1999 for procurement for
19 the Marine Corps in the amount of \$745,858,000.

20 **SEC. 103. AIR FORCE.**

21 Funds are hereby authorized to be appropriated for
22 fiscal year 1999 for procurement for the Air Force as fol-
23 lows:

24 (1) For aircraft, \$7,756,475,000.

25 (2) For missiles, \$2,359,803,000.

1 (3) For procurement of ammunition,
2 \$384,161,000.

3 (4) For other procurement, \$6,974,387,000.

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

5 Funds are hereby authorized to be appropriated for
6 fiscal year 1999 for defense-wide procurement in the
7 amount of \$2,041,650,000.

8 **SEC. 105. DEFENSE INSPECTOR GENERAL.**

9 Funds are hereby authorized to be appropriated for
10 fiscal year 1999 for procurement for the Defense Inspec-
11 tor General in the amount of \$1,300,000.

12 **SEC. 106. DEFENSE HEALTH PROGRAMS.**

13 Funds are hereby authorized to be appropriated for
14 fiscal year 1999 for the Department of Defense for pro-
15 curement for carrying out health care programs, projects,
16 and activities of the Department of Defense in the total
17 amount of \$402,387,000.

18 **SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

19 There is hereby authorized to be appropriated for fis-
20 cal year 1999 in the amount of \$855,100,000 for—

21 (1) the destruction of lethal chemical weapons
22 in accordance with section 1412 of the Department
23 of Defense Authorization Act, 1986 (50 U.S.C.
24 1521); and

1 (2) the destruction of chemical warfare material
2 of the United States that is not covered by section
3 1412 of such Act.

4 **Subtitle B—Multi-Year Contract**
5 **Authorizations**

6 **SEC. 111. AUTHORIZATION OF APPROPRIATIONS.**

7 Multi-year contracts may be entered into in accord-
8 ance with section 2306 of title 10, United States Code,
9 as follows:

10 (1) For the Army:

11 (A) Medium Tactical Vehicle Replacement
12 (MTVR) vehicle; and

13 (B) Longbow Hellfire Missile.

14 (2) For the Navy:

15 (A) AV-8B aircraft;

16 (B) E-2C aircraft; and

17 (C) T-45 aircraft.

1 **TITLE II—RESEARCH, DEVELOP-**
2 **MENT, TEST, AND EVALUA-**
3 **TION**

4 **Subtitle A—Authorization of**
5 **Appropriations**

6 **SEC. 201 AUTHORIZATION OF APPROPRIATIONS.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 1999 for the use of the Armed Forces for re-
9 search, development, test, and evaluation, as follows:

10 (1) For the Army, \$4,780,545,000.

11 (2) For the Navy, \$8,108,923,000.

12 (3) For the Air Force, \$13,598,093,000.

13 (4) For Defense-wide research, development,
14 test, and evaluation, \$9,591,016,000 of which—

15 (A) \$251,106,000 is authorized for the ac-
16 tivities of the Director, Test and Evaluation;
17 and

18 (B) \$25,245,000 is authorized for the Di-
19 rector of Operational Test and Evaluation.

20 **Subtitle B—Other Matters**

21 **SEC. 211. LOW-RATE INITIAL PRODUCTION OF WEAPONS**
22 **SYSTEMS.**

23 Section 2400(b) of title 10, United States Code is
24 amended—

1 (1) by striking “and” at the end of paragraph
2 (2); and

3 (2) by striking the period at the end of para-
4 graph (3) and inserting in lieu thereof a semi-colon;
5 and

6 (3) by adding at the end the following new
7 paragraphs (4) and (5):

8 “(4) to establish an initial training base for a
9 system and permit long-lead training to occur which
10 is essential for efficient fielding of the system; and

11 “(5) to field a limited number of systems to
12 meet an urgent operational requirement of a unified
13 or specified commander.”.

14 **SEC. 212. EXTENSION OF AUTHORITY TO PERMIT THE USE**
15 **OF TEST AND EVALUATION INSTALLATIONS**
16 **BY COMMERCIAL ENTITIES.**

17 Section 2681(g) of title 10, United States Code, is
18 amended by striking “September 30, 1998” and inserting
19 in lieu thereof “September 30, 2003”.

20 **SEC. 213. TECHNICAL CORRECTION CONCERNING INFOR-**
21 **MATION DISCLOSURE.**

22 Subsection (i) of section 2371(i) of title 10, United
23 States Code, as added by section 832 of the National De-
24 fense Authorization Act for Fiscal Year 1998 (Public Law
25 105–85; 111 Stat. 1841), is amended in subparagraph

1 (2)(A) by striking “cooperative agreement that includes
2 a clause described in subsection (d)” and inserting in lieu
3 thereof “cooperative agreement for basic, applied, or ad-
4 vanced research”.

5 **TITLE III—OPERATION AND**
6 **MAINTENANCE**

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

8 Funds are hereby authorized to be appropriated for
9 fiscal year 1999 for the use of the Armed Forces of the
10 United States and other activities and agencies of the De-
11 partment of Defense, for expenses, not otherwise provided
12 for, for operation and maintenance, in amounts as follows:

13 (1) For the Army, \$17,273,063,000.

14 (2) For the Navy, \$21,927,202,000.

15 (3) For the Marine Corps, \$2,523,703,000.

16 (4) For the Air Force, \$19,177,004,000.

17 (5) For the Defense-wide activities,
18 \$10,750,701,000.

19 (6) For the Army Reserve, \$1,202,622,000.

20 (7) For the Naval Reserve, \$928,639,000.

21 (8) For the Marine Corps Reserve,
22 \$114,593,000.

23 (9) For the Air Force Reserve, \$1,744,696,000.

24 (10) For the Army National Guard,
25 \$2,436,815,000.

1 (11) For the Air National Guard,
2 \$3,093,933,000.

3 (12) For the Defense Inspector General,
4 \$130,764,000.

5 (13) For the United States Court of Appeals
6 for the Armed Forces, \$7,324,000.

7 (14) For Environmental Restoration, Army,
8 \$377,640,000.

9 (15) For Environmental Restoration, Navy,
10 \$281,600,000.

11 (16) For Environmental Restoration, Air Force,
12 \$379,100,000.

13 (17) For Environmental Restoration, Defense-
14 wide, \$26,091,000.

15 (18) For Environmental Restoration, Formerly
16 Used Defense Sites, \$195,000,000.

17 (19) For Overseas Humanitarian, Disaster, and
18 Civic Aid programs, \$63,311,000.

19 (20) For Drug Interdiction and Counter-drug
20 Activities, Defense-wide, \$727,582,000.

21 (21) For the Kaho'olawe Island Conveyance,
22 Remediation, and Environmental Restoration Trust
23 Fund, \$15,000,000.

24 (22) For Medical Programs, Defense,
25 \$9,653,435,000.

1 (23) For Cooperative Threat Reduction pro-
2 grams, \$442,400,000.

3 (24) For Overseas Contingency Operations
4 Transfer Fund, \$746,900,000.

5 **SEC. 302. WORKING CAPITAL FUNDS.**

6 Funds are hereby authorized to be appropriated for
7 fiscal year 1999 for the use of the Armed Forces of the
8 United States and other activities and agencies of the De-
9 partment of Defense for providing capital for working cap-
10 ital and revolving funds in amounts as follows:

11 (1) For the Defense Working Capital Funds,
12 \$94,500,000.

13 (2) For the National Defense Sealift Fund,
14 \$418,166,000.

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

16 There is hereby authorized to be appropriated for fis-
17 cal year 1999 from the Armed Forces Retirement Home
18 Trust Fund the sum of \$70,745,000 for the operation of
19 the Armed Forces Retirement Home, including the United
20 States Soldiers' and Airmen's Home and the Naval Home.

21 **SEC. 304. FISHER HOUSE TRUST FUNDS.**

22 There are hereby authorized to be appropriated for
23 fiscal year 1999 such amounts which are available from
24 earnings or gains in the applicable Fisher House trust
25 fund established under section 2221(a) of title 10, United

1 States Code, for the operation of the Fisher Houses ad-
2 ministered by the Departments of the Army, the Navy,
3 and the Air Force which are located in proximity to medi-
4 cal treatment facilities of each such department.

5 **SEC. 305. TRANSFERS FROM THE NATIONAL DEFENSE**
6 **STOCKPILE TRANSACTION FUND.**

7 (a) TRANSFER AUTHORITY.—To the extend provided
8 in appropriations Acts:

9 (1) Not more than \$150,000,000 is authorized
10 to be transferred from the National Defense Stock-
11 pile Transaction Fund to operation and maintenance
12 accounts for fiscal year 1999 in amounts as follows:

13 (A) For the Army, \$50,000,000.

14 (B) For the Navy, \$50,000,000.

15 (C) For the Air Force, \$50,000,000.

16 (2) Not more than \$350,000,000 may be trans-
17 ferred to the Defense Working Capital Funds for the
18 purpose of reducing the outstanding balance of ad-
19 vance billings.

20 (b) TREATMENT OF TRANSFERS.—Amounts trans-
21 ferred under this section—

22 (1) shall be merged with, and be available for
23 the same purposes and the same period as, the
24 amounts in accounts to which transferred; and

1 (2) may not be expended for an item that has
2 been denied authorization of appropriations by Con-
3 gress.

4 **SEC. 306. PAYMENT OF STIPULATED PENALTIES ASSESSED**
5 **UNDER THE COMPREHENSIVE ENVIRON-**
6 **MENTAL RESPONSE COMPENSATION AND LI-**
7 **ABILITY ACT, OF 1980 IN CONNECTION WITH**
8 **MCCLELLAN AIR FORCE BASE, CALIFORNIA.**

9 From the amounts in the Department of Defense
10 Base Closure Account 1990 established by section
11 2906(a)(1) of the Defense Base Closure and Realignment
12 Act of 1990 (part A of Title XXIX of Public Law 101–
13 510; 10 U.S.C. 2687 note), the Secretary of Defense may
14 expend not more than \$15,000 to pay stipulated penalties
15 under the Comprehensive Environmental Response Com-
16 pensation and Liability Act (42 U.S.C. 9601 et seq.)
17 against McClellan Air Force Base, California.

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, 1999, as follows:

24 (1) The Army, 480,000.

25 (2) The Navy, 372,696.

1 (3) The Marine Corps, 172,200.

2 (4) The Air Force, 370,882.

3 **SEC. 402. REPEAL OF MINIMUM END STRENGTH PROVI-**
4 **SIONS TO CONFORM END STRENGTH MAN-**
5 **AGEMENT PROVISIONS WITH THE BUDGET.**

6 (a) IN GENERAL.—Section 691 of title 10, United
7 States Code, is repealed.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of chapter 39 of such title 10 is amended
10 by striking the item relating to section 691.

11 **SEC. 403. ANNUAL MANPOWER REQUIREMENTS REPORT.**

12 Section 115a(a) of title 10, United States Code, is
13 amended by striking out “not later than February 15 of
14 each fiscal year” and inserting in lieu thereof, “not later
15 than 90 days from the date on which the President’s budg-
16 et is presented to Congress”.

17 **SEC. 404. JOINT STAFF GENERAL OFFICER AND FLAG**
18 **STRUCTURE.**

19 (a) EXEMPTIONS FROM HEADSPACE FOR NIMA DI-
20 RECTOR AND JOINT STAFF DIRECTOR.—Section
21 525(b)(4) of title 10, United States Code, is amended—

22 (1) in subparagraph (A) by striking “subpara-
23 graph (B)” and inserting in lieu thereof “subpara-
24 graphs (B) and (C)”;

1 (2) in subparagraph (B) by striking “six” and
 2 inserting in lieu thereof “seven”;

3 (3) by adding to the end the following new sub-
 4 paragraph (C):

5 “(C) An officer while serving as the Direc-
 6 tor, National Imagery and Mapping Agency in
 7 the grade of lieutenant general or vice admiral
 8 is in addition to the number that would other-
 9 wise be permitted for his armed force for that
 10 grade under paragraph (1) or (2).”.

11 (b) MAKING PERMANENT “CHAIRMAN’S 12” EXEMP-
 12 TION FROM JOINT DUTY REQUIREMENTS.—Section
 13 526(b) of such title 10 is amended—

14 (1) by striking the designator “(1)” at the be-
 15 ginning of the first sentence of the section; and

16 (2) by striking paragraph (2).

17 **Subtitle B—Reserve Forces**

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

19 (a) IN GENERAL.—The Armed Forces are authorized
 20 strengths for Selected Reserve personnel of the reserve
 21 components as of September 30, 1999, as follows:

22 (1) The Army National Guard of the United
 23 States, 357,000.

24 (2) The Army Reserve, 208,000.

25 (3) The Naval Reserve, 90,843.

1 (4) The Marine Corps Reserve, 40,018.

2 (5) The Air National Guard of the United
3 States, 106,991.

4 (6) The Air Force Reserve, 74,242.

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

6 (b) WAIVER AUTHORITY.—The Secretary of Defense
7 may increase the end strength authorized by subsection
8 (a) by not more than 2 percent.

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

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

16 (2) the total number of individual members not
17 in units organized to serve as units of the Selected
18 Reserve of such component who are on active duty
19 (other than for training or for unsatisfactory partici-
20 pation in training) without their consent at the end
21 of the fiscal year. Whenever such units or such indi-
22 vidual members are released from active duty during
23 any fiscal year, the end strength prescribed for such
24 fiscal year for the Selected Reserve of such reserve
25 component shall be increased proportionately by the

1 total authorized strengths of such units and by the
2 total number of such individual members.

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

5 Within the end strengths prescribed in section
6 411(a), the reserve components of the Armed Forces are
7 authorized, as of September 30, 1999, the following num-
8 ber of Reserves to be serving on full-time active duty or,
9 in the case of members of the National Guard, full-time
10 National Guard duty for the purpose of organizing, ad-
11 ministering, recruiting, instructing, or training the reserve
12 components:

13 (1) The Army National Guard of the United
14 States, 21,763.

15 (2) The Army Reserve, 11,804.

16 (3) The Naval Reserve, 15,590.

17 (4) The Marine Corps Reserve, 2,362.

18 (5) The National Guard of the United States,
19 10,930.

20 (6) The Air Force Reserve, 991.

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

23 The Reserve Components of the Army and the Air
24 Force are authorized strengths for military technicians
25 (dual status) as of September 30, 1999, as follows:

1 (1) For the Army Reserve, 5,205.

2 (2) For the Army National Guard of the United
3 States, 22,179.

4 (3) For the Air Force Reserves, 9,761.

5 (4) For the Air National Guard of the United
6 States, 22,408.

7 **SEC. 414. INCREASE IN NUMBER OF MEMBERS IN CERTAIN**
8 **GRADES AUTHORIZED TO BE ON ACTIVE**
9 **DUTY IN SUPPORT OF THE RESERVES.**

10 (a) OFFICERS.—The table in section 12022(a) of title
11 10, United States Code, is amended to read as follows:

“Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Com- mander	3,219	1,071	703	140
Lieutenant Colonel or Com- mander	1,524	720	676	90
Colonel or Navy Captain	412	188	274	30”

12 (b) SENIOR ENLISTED MEMBERS.—The table in sec-
13 tion 12012(a) of title 10, United States Code, is amended
14 to read as follows:

“Grade	Army	Navy	Air Force	Marine Corps
E-9	603	202	388	20
E-8	2,585	429	965	94”

1 **SEC. 415. EXCLUDING CERTAIN RESERVE COMPONENT**
2 **MEMBERS ON ACTIVE DUTY FOR 181 DAYS OR**
3 **MORE FROM ACTIVE COMPONENT END EX-**
4 **CLUDING CERTAIN RESERVE COMPONENT**
5 **MEMBERS ON ACTIVE DUTY FOR 181 DAYS OR**
6 **MORE FROM ACTIVE COMPONENT END.**

7 Section 115(d), title 10, United States Code, is
8 amended by adding a new subsection (9) as follows:

9 “(9) Members of reserve components on active
10 duty to perform special work in support of peacetime
11 requirements of the military services and combatant
12 commands for 181 days or more. The total number
13 of personnel included in this category shall not ex-
14 ceed two-tenths of one percent of the end strengths
15 authorized pursuant to subsection (a)(1).”.

16 **Subtitle C—Reserve Mobilization**
17 **Income Insurance Fund**

18 **SEC. 421. RESERVE MOBILIZATION INCOME INSURANCE**
19 **FUND.**

20 Funds are hereby authorized to be appropriated for
21 the Reserve Mobilization Income Insurance Fund estab-
22 lished by section 12528 of title 10, United States Code,
23 in the amount of \$37,000,000.

1 **TITLE V—MILITARY PERSONNEL**
2 **POLICY**
3 **Subtitle A—Active Forces**

4 **SEC. 501. PROMOTION POLICY OBJECTIVES FOR JOINT OF-**
5 **FICERS.**

6 Section 662(a)(3) of title 10, United States Code, is
7 amended by striking “(other than officers covered in para-
8 graph (1) and (2))” and by inserting in lieu thereof “other
9 than to the Joint Staff”.

10 **SEC. 502. SELECTIVE EARLY RETIREMENT BOARDS OF RE-**
11 **SERVE GENERAL AND FLAG OFFICERS OF**
12 **THE NAVY AND MARINE CORPS: BOARD COM-**
13 **POSITION.**

14 Section 14705(b) of title 10, United States Code, is
15 amended by revising subsection (b) to read as follows:

16 “(b) **BOARDS.**—If the Secretary of the Navy deter-
17 mines that consideration for early retirement under this
18 section is necessary, the Secretary shall convene a board
19 to recommend an appropriate number of officers for early
20 retirement.

21 “(1) In the case of a board to consider the early
22 retirement of officers in the grade of rear admiral
23 (lower half) in the Naval Reserve or brigadier gen-
24 eral in the Marine Corps Reserve, the Secretary

1 shall convene a board under section 14101(b) of this
2 title.

3 “(2) In the case of a board to consider the early
4 retirement of officers in the grade of rear admiral in
5 the Naval Reserve or major general in the Marine
6 Corps Reserve, the Secretary shall convene a board
7 under section 14101(b) of this title except that the
8 Secretary may direct the composition of such a se-
9 lection board, notwithstanding section 14102(b),
10 provided each member of the selection board holds
11 a permanent grade higher than the grade of the offi-
12 cers under consideration by the board.”.

13 **SEC. 503. ACTIVE STATUS SERVICE REQUIREMENT FOR**
14 **PROMOTION CONSIDERATION FOR RESERVE**
15 **BRIGADIER GENERALS OF THE ARMY AND**
16 **AIR FORCE.**

17 Subsection 14301(a) of title 10, United States Code,
18 is amended by—

19 (1) striking “and” at the end of paragraph (1).

20 (2) striking the period at the end of paragraph

21 (2) and inserting “; and” in lieu thereof.

22 (3) adding the following new paragraph (3):

23 “(3) Notwithstanding the requirement in para-
24 graphs (1) and (2), the Secretary of the Army or
25 Secretary of the Air Force may permit a Reserve

1 component brigadier general to be considered for
2 promotion to major general by a promotion board
3 convened under section 14101(a) of this title if that
4 general officer has been on the inactive status list
5 for less than one year as of the date of the conven-
6 ing of the promotion board, and had continuously
7 served for at least one year on the reserve active sta-
8 tus list or the active duty list (or a combination of
9 both) immediately before transfer to the inactive sta-
10 tus list.”.

11 **SEC. 504. POSTHUMOUS COMMISSIONS AND WARRANTS.**

12 Section 1521(a)(3) of title 10, United States Code,
13 is amended—

14 (1) by inserting “whether before or after the
15 member’s death” after “approved by the Secretary
16 concerned”; and

17 (2) by inserting the following sentence at the
18 end:

19 Notwithstanding any other provision of law, if the
20 member dies prior to Secretarial approval, then the
21 date of the appointment will be as of the date of
22 death.”.

1 **SEC. 505. EXCLUSION OF REGULAR CHIEF WARRANT OFFI-**
2 **CERS, W-4, FROM INVOLUNTARY RETIRE-**
3 **MENT FOR NON-SELECTION FOR PRO-**
4 **MOTION.**

5 Section 580(a)(1) of title 10, United States Code, is
6 amended by inserting “other than a chief warrant officer,
7 W-4)” after “a regular chief warrant officer”.

8 **SEC. 506. CLARIFICATION OF SELECTION PROCEDURES**
9 **FOR THE JUDGE ADVOCATES GENERAL AND**
10 **THE ASSISTANT/DEPUTY JUDGE ADVOCATES**
11 **GENERAL OF THE MILITARY DEPARTMENTS.**

12 (a) ARMY.—Section 3037(d) of title 10, United
13 States Code, is amended by adding at the end the follow-
14 ing new sentence: “The Secretary of the Army shall speci-
15 fy the number of officers, not fewer than three nor more
16 than five for each position to be filled, to be rec-
17 ommended.”.

18 (b) NAVY.—(1) THE JUDGE ADVOCATE GENERAL.—
19 Section 5148(c) of such title 10 is amended by adding at
20 the end the following new sentence: “The Secretary of the
21 Navy shall specify the number of officers, not fewer than
22 three nor more than five for each position to be filled, to
23 be recommended.”;

24 (2) THE DEPUTY JUDGE ADVOCATE GENERAL.—
25 Section 5149(a)(2) of such title 10 is amended by adding
26 at the end the following new sentence: “The Secretary of

1 the Navy shall specify the number of officers, not fewer
2 than three nor more than five for each position to be filled,
3 to be recommended.”; and

4 (3) THE STAFF JUDGE ADVOCATE TO THE COM-
5 MANDANT OF THE MARINE CORPS.—Section 5046(b) of
6 such title 10 is amended by adding at the end the follow-
7 ing new sentence: “The Secretary of the Navy shall specify
8 the number of officers not fewer than three nor more than
9 five for each position to be filled, to be recommended.”.

10 (c) AIR FORCE.—Section 8037(e) of such title 10 is
11 amended by adding at the end the following new sentence:
12 “The Secretary of the Air Force shall specify the number
13 of officers, not fewer than three nor more than five for
14 each position to be filled, to be recommended.”.

15 **SEC. 507. TO ESTABLISH THE TERM OF OFFICE OF THE**
16 **CHIEF OF THE AIR FORCE NURSE CORPS AS**
17 **THREE YEARS.**

18 (a) CHIEF OF NURSE CORPS TOUR.—Section
19 8069(b) of title 10, United States Code, is amended by
20 striking the last sentence and inserting in lieu thereof the
21 following new sentences: “The Chief serves for a term of
22 office normally of three years and which term may not
23 be for more than four years. The Chief serves at the pleas-
24 ure of the Secretary and may not be reappointed to the
25 same position.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall take effect on October 1, 1997.

3 **SEC. 508. TIME IN GRADE REQUIREMENTS FOR RESERVE**
4 **GENERAL AND FLAG OFFICERS.**

5 Section 1370(d)(3) of title 10, United States Code,
6 is amended by adding at the end the following new sub-
7 paragraph (F):

8 “(F) An officer covered by subparagraph
9 (A) who is serving in an officer grade above
10 colonel or captain (in the case of the Navy) and
11 who is involuntarily transferred from an active
12 status by the Secretary of the Military Depart-
13 ment concerned may be retired at the grade
14 held at the time of that involuntary transfer
15 provided that officer has completed at least six
16 months of satisfactory service in that grade,
17 notwithstanding the requirement contained in
18 subparagraph (A) for the officer to have served
19 satisfactorily in an active status in that grade
20 for not less than three years.”.

21 **SEC. 509. SEPARATION OF REGULAR OFFICERS FOR SUB-**
22 **STANDARD PERFORMANCE OF DUTY OR CER-**
23 **TAIN OTHER REASONS.**

24 (a) ELIMINATION OF REQUIREMENT FOR A BOARD
25 OF REVIEW.—Section 1182(c) of title 10, United States

1 Code, is amended by striking out “it shall send the record
2 of proceedings to a board of review convened under section
3 1183 of this title” and inserting in lieu thereof “it shall
4 report such determination to the Secretary concerned”;

5 (b) REPEAL OF BOARD OF REVIEW FOR SUB-
6 STANDARD PERFORMANCE.—Section 1183 of such title is
7 repealed.

8 (c) CLERICAL AMENDMENT.—The table of sections
9 for chapter 60 of such title is amended by striking the
10 item relating to section 1183.

11 (d) CONFORMING AMENDMENT.—Section 1184 of
12 such title is amended by striking “board of review con-
13 vened under section 1183 of this title” and inserting in
14 lieu thereof “board of inquiry convened under section
15 1182 of this title”.

16 (e) ELIMINATION OF 30-DAY NOTICE REQUIRE-
17 MENT.—Section 1185(a)(1) of such title is amended by
18 striking “, at least 30 days before the hearing of his case
19 by a board of inquiry,”.

20 **SEC. 510. SPECIAL SELECTION BOARD CONSIDERATION**
21 **FOR CERTAIN OFFICERS, RETIRED OFFICERS,**
22 **OR FORMER OFFICERS OF THE ARMED**
23 **FORCES.**

24 (a) AMENDMENTS TO SECTION 628.—Section 628 of
25 title 10, United States Code, is amended—

1 (1) in paragraph (a)(1)—

2 (A) by striking out “officer who is eligible
3 for promotion” inserting in lieu thereof “officer,
4 retired officer, or former officer”; and

5 (B) by inserting “retired officer, or former
6 officer” after “determine whether such officer”;

7 (2) in paragraph (a)(2) by inserting “retired of-
8 ficer, or former officer” after “record of the officer”;

9 (3) in paragraph (a)(3) of such title is amended
10 by inserting “retired officer, or former officer” after
11 “officer” each place it appears.

12 (4) in paragraph (b)(1)—

13 (A) by striking out “officer who is eligible
14 for promotion” and inserting in lieu thereof
15 “officer, retired officer, or former officer”;

16 (B) by inserting “retired officer, or former
17 officer” after “determine whether such officer”;
18 and

19 (C) in subparagraph (A), by inserting “,
20 retired officer, or former officer” after “board
21 which considered the officer”.

22 (5) in paragraph (b)(2) by inserting “retired of-
23 ficer, or former officer” after “record of the officer.”

1 (6) in paragraph (b)(3) by inserting “retired of-
2 ficer, or former officer” after “officer” the first
3 place it appears;

4 (7) in paragraph (c)(1) by inserting “retired of-
5 ficer, or former officer” after “officer” the first
6 place it appears; and

7 (8) in paragraph (d)(1) inserting “retired offi-
8 cer, or former officer” after “officer” the first place
9 it appears.

10 (b) EFFECTIVE DATE.—These amendments shall
11 take effect as of October 1, 1996.

12 **Subtitle B—Reserve Forces**

13 **SEC. 511. ACTIVE GUARD AND RESERVE PERSONNEL IN** 14 **SUPPORT OF ACTIVE OR RESERVE COMPO-** 15 **NENT.**

16 Section 12310 of title 10, United States Code, is
17 amended by adding the following new subsection:

18 “(c) Notwithstanding the definition of active guard
19 and reserve duty in section 101(d)(6)(A) of this title, a
20 Secretary concerned, after consultation with the Chief of
21 the Reserve component concerned, may order a member
22 of a reserve component under his or her jurisdiction, as
23 described in subsection (a), to perform a function in sup-
24 port of either the active or Reserve components of the
25 armed forces, and Defense Agencies. No more than one

1 half of one percent of the authorized strength for reserves
2 on active duty under subsection (a) may be assigned to
3 duties other than those described in subsection (a).”.

4 **SEC. 512. CORRECTION OF AMENDMENT TO RESERVE OFFI-**
5 **CER MANAGEMENT ACT PROVISION.**

6 Section 1370(d)(3)(E) of title 10, United States
7 Code, is amended to read as follows:

8 “(E) To the extent authorized by the Sec-
9 retary of the military department concerned, a
10 person who, after having been found qualified
11 by a board under section 307 of title 32 for
12 Federal recognition in a higher grade and hav-
13 ing served in a position for which that grade is
14 the minimum authorized grade, may be credited
15 for the purposes of subparagraph (A) as having
16 served in that grade for the period during which
17 the person served in the position after having
18 been found qualified, but only if the person was
19 subsequently appointed as a reserve officer in
20 that grade. The period credited may not include
21 any period before the date on which the Senate
22 provides advice and consent for the appoint-
23 ment of that person in the recommended
24 grade.”.

1 **TITLE VI—COMPENSATION AND**
2 **OTHER PERSONNEL BENEFITS**
3 **Subtitle A—Military Pay**

4 **SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 1999.**

5 (a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—The
6 adjustment, to become effective in fiscal year 1999, re-
7 quired by section 1009 of title 37, United States Code,
8 in the rate of monthly basic pay authorized members of
9 the uniformed services by section 203(a) of such title shall
10 not be made.

11 (b) **INCREASE IN BASIC PAY.**—Effective on January
12 1, 1999, the rates of basic pay of members of the uni-
13 formed services are increased by 3.1 percent.

14 **Subtitle B—Bonuses and Special**
15 **and Incentive Pays**

16 **SEC. 611. EXTENSION OF AUTHORITY RELATING TO PAY-**
17 **MENT OF OTHER BONUSES AND SPECIAL**
18 **PAYS.**

19 (a) **AVIATION OFFICER RETENTION BONUS.**—Sec-
20 tion 301b(a) of title 37, United States Code, is amended
21 by striking out “September 30, 1999” and inserting in
22 lieu thereof “September 30, 2001”.

23 (b) **REENLISTMENT BONUS FOR ACTIVE MEM-**
24 **BERS.**—Section 308(g) of title 37, United States Code, is

1 amended by striking out “September 30, 1999” and in-
2 serting in lieu thereof “September 30, 2001”.

3 (c) ENLISTMENT BONUSES FOR CRITICAL SKILLS.—
4 Sections 308a(c) and 308f(c) of title 37, United States
5 Code, are each amended by striking out “September 30,
6 1999” and inserting in lieu thereof “September 30,
7 2001”.

8 (d) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-
9 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
10 312(e) of title 37, United States Code, is amended by
11 striking out “September 30, 1999” and inserting in lieu
12 thereof “September 30, 2001”.

13 (e) NUCLEAR CAREER ACCESSION BONUS.—Section
14 312b(c) of title 37, United States Code, is amended by
15 striking out “September 30, 1999” and inserting in lieu
16 thereof “September 30, 2001”.

17 (f) NUCLEAR CAREER ANNUAL INCENTIVE
18 BONUS.—Section 312c(d) of title 37, United States Code,
19 is amended by striking out “October 1, 1999” and insert-
20 ing in lieu thereof “October 1, 2001”.

21 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUSES**
22 **AND SPECIAL PAY AUTHORITIES FOR RE-**
23 **SERVE FORCES.**

24 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN
25 CRITICALLY SHORT WARTIME SPECIALTIES.—Section

1 302g(f) of title 37, United States Code, is amended by
2 striking “September 30, 1999” and inserting in lieu there-
3 of “September 30, 2000”.

4 (b) SELECTED RESERVE REENLISTMENT BONUS.—
5 Section 308b(f) of title 37, United States Code, is amend-
6 ed by striking “September 30, 1999” and inserting in lieu
7 thereof “September 30, 2000”.

8 (c) SELECTED RESERVE ENLISTMENT BONUS.—Sec-
9 tion 308c(e) of title 37, United States Code, is amended
10 by striking “September 30, 1999” and inserting in lieu
11 thereof “September 30, 2000”.

12 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-
13 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section
14 308d(c) of title 37, United States Code, is amended by
15 striking “September 30, 2000”.

16 (e) SELECTIVE RESERVE AFFILIATION BONUS.—
17 308e(e) of title 37, United States Code, is amended by
18 striking “September 30, 1999” and inserting in lieu there-
19 of “September 30, 2000”.

20 (f) READY RESERVE ENLISTMENT AND REENLIST-
21 MENT BONUS.—Section 308h(g) of title 37, United States
22 Code, is amended by striking “September 30, 1999” and
23 inserting in lieu thereof “September 30, 2000”.

24 (g) PRIOR SERVICE REENLISTMENT BONUS.—Sec-
25 tion 308i(i) of title 37, United States Code, is amended

1 by striking “September 30, 1999” and inserting in lieu
2 thereof “September 30, 2000”.

3 (h) REPAYMENT OF EDUCATION LOANS FOR CER-
4 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-
5 LECTED RESERVE.—Section 16302(d) of title 10 United
6 States Code, is amended by striking “October 1, 1999”
7 and inserting in lieu thereof “October 1, 2000”.

8 **SEC. 613. EXTENSION OF SPECIAL PAY FOR NURSE ANES-**
9 **THETISTS.**

10 Section 302e(a)(1) of title 37, United States Code,
11 is amended by striking out “September 30, 1999” and in-
12 serting in lieu thereof “September 30, 2001”.

13 **SEC. 614. REENLISTMENT BONUS ELIGIBILITY FOR MEM-**
14 **BERS OF THE RESERVE COMPONENTS WHO**
15 **PERFORM ACTIVE GUARD AND RESERVE**
16 **DUTY.**

17 Section 308(a)(1)(D) of title 37, United States Code,
18 is amended to read as follows:

19 “(D) reenlists or voluntarily extends his
20 enlistment in a regular component or a reserve
21 component (if performing Active Guard and Re-
22 serve duty as defined in section 101(d)(6) of
23 title 10) of the service concerned, for a period
24 of at least three years;”.

1 **SEC. 615. INCREASED MAXIMUM BONUS FOR ENLISTMENT**
2 **IN THE ARMY.**

3 Section 308f(a) of title 37, United States Code, is
4 amended by striking out “\$4,000” and inserting in lieu
5 thereof “\$6,000”.

6 **Subtitle C—Other Matters**

7 **SEC. 621. REST AND RECUPERATION TRANSPORTATION.**

8 (a) TRANSPORTATION ALLOWANCE FOR REST AND
9 RECUPERATION TRAVEL.—Section 411c of title 37,
10 United States Code, is amended by adding at the end the
11 following new subsection:

12 “(c)(1) The Secretary of Defense (or the Secretary
13 of Transportation with respect to members of the Coast
14 Guard when it is not acting as a service in the Department
15 of the Navy) may authorize transportation under subpara-
16 graph (a) for members of the armed forces serving at a
17 duty station outside the United States—

18 “(A) in a contingency operation, or

19 “(B) when the Secretary determines that it
20 would be in the best interests of the members and
21 the United States because of unusual conditions ex-
22 isting at that station.

23 “(2) The Secretary may authorize transportation
24 under this subsection only as part of a program of rest
25 and recuperation authorized in advance by the Secretary

1 specifically for the contingency operation or duty station
2 concerned.

3 “(3) The transportation authorized by this sub-
4 section.

5 “(A) is limited to one round-trip during any pe-
6 riod of continuous service described in paragraph (1)
7 of at least 6, but less than 24, months; and

8 “(B) is in addition to transportation members
9 may subsequently become eligible for under this sec-
10 tion, provided members may not be authorized
11 transportation under this subsection for travel begin-
12 ning more than 24 months after the service de-
13 scribed in paragraph (1) begins or after such service
14 ends, whichever is earlier.”.

15 (b) CONFORMING AMENDMENT.—Section 411c of
16 title 37, United States Code, is further amended in sub-
17 section (b) by striking “The transportation authorized by
18 this section” and inserting in lieu thereof “Except as pro-
19 vided in subsection (c), the transportation authorized by
20 this section”.

21 **SEC. 622. DELETION OF CANAL ZONE FROM DEFINITION OF**
22 **“POSSESSIONS”.**

23 Section 101(2) of title 37, United States Code, is
24 amended by striking “the Canal Zone”.

1 **SEC. 623. STORAGE OF STUDENT DEPENDENT'S UNACCOM-**
2 **PANIED BAGGAGE.**

3 Section 430(b) of title 37, United States Code, is
4 amended—

5 (1) by inserting “The unaccompanied baggage
6 may be stored in lieu of shipment if advantageous to
7 the Government.” after “The allowance authorized
8 by this section may be transported in kind or reim-
9 bursement therefor, as prescribed by the Secretaries
10 concerned.”; and

11 (2) by striking “However” from the beginning
12 of the next sentence.

13 **SEC. 624. UNITED STATES AIR FORCE INSTITUTE OF TECH-**
14 **NOLOGY.**

15 Section 9314(b)(2)(B) of title 10, United States
16 Code, is amended by striking “section 5306(e)” and in-
17 serting in lieu thereof “section 5373”.

18 **SEC. 625. ANNUAL LEAVE; ACCUMULATION.**

19 Section 6304(d)(3)(A) of title 5, United States Code,
20 is amended—

21 (1) by inserting “the closure of an installation
22 in the Republic of Panama in accordance with the
23 Panama Canal Treaty of 1977,” after “2687 note)
24 during any period,”; and

25 (2) by striking “December 31, 1997” and in-
26 serting in lieu thereof “December 31, 2003”.

1 **SEC. 626. EFFECTIVE DATES OF SURVIVOR BENEFIT COV-**
2 **ERAGE.**

3 Section 1448(b)(3)(C) of title 10, United States
4 Code, is amended by inserting “, or in the case of an elec-
5 tion made by a person described in section 1450(f)(3)(B),
6 the effective date shall be that described for a deemed elec-
7 tion under section 1450(f)(3)(D)” after “the Secretary
8 concerned”.

9 **SEC. 627. LEAVE WITHOUT PAY FOR SUSPENDED CADETS**
10 **AND MIDSHIPMEN.**

11 Section 702 of title 10, United States Code, is
12 amended by adding at the end the following new sub-
13 section:

14 “(c) The Superintendents of the United States Mili-
15 tary Academy, the United States Naval Academy, the
16 United States Air Force Academy, and the United States
17 Coast Guard Academy may order a cadet or midshipman
18 enrolled at the Academy under the jurisdiction of the Su-
19 perintendent placed on involuntary leave without pay if,
20 under regulations prescribed by the Secretary concerned,
21 the cadet or midshipman has been suspended from the
22 Academy pending separation from the Academy or return
23 to the Academy to repeat an academic semester or year,
24 or for other good cause. A cadet or midshipman who is
25 placed on involuntary leave under this subsection pending
26 separation shall not be entitled to back pay for any period

1 of the suspension because the cadet or midshipman re-
2 turns to the Academy.”.

3 **SEC. 628. REMOVAL OF TEN PERCENT RESTRICTION ON SE-**
4 **LECTIVE REENLISTMENT BONUSES.**

5 Section 308(b) of title 37, United States Code, is
6 amended—

7 (1) by striking “(1)” at the beginning of the
8 section; and

9 (2) by striking paragraph (2).

10 **SEC. 629. AUTHORIZATION TO PROVIDE AN EDUCATIONAL**
11 **ALLOWANCE IN OVERSEAS AREAS.**

12 Section 1402 of the Defense Dependents’ Education
13 Act of 1978 (20 U.S.C. 921), is amended by adding at
14 the end the following subsection:

15 “In those overseas areas where the Secretary of De-
16 fense has not established schools pursuant to this chapter,
17 the Secretary of Defense and the Secretary of Transpor-
18 tation, with regard to the Coast Guard, are authorized to
19 provide an educational allowance to the sponsors of de-
20 pendants. The Secretary of Defense and the Secretary of
21 Transportation, with regard to members of the Coast
22 Guard, shall issue regulations to implement this sub-
23 section that generally are consistent with Department of
24 State regulations concerning such allowances.”.

1 **SEC. 630. DENTAL INSURANCE PROGRAMS IMPROVEMENTS.**

2 (a) UPDATE OF PREMIUM AMOUNTS FOR DEPEND-
3 ENTS DENTAL PLAN.—Section 1076a(b)(2) of title 10,
4 United States Code, is amended by inserting after “\$20
5 per month” the following: “(in 1993 dollars, adjusted in
6 subsequent years)”.

7 (b) INTEGRATION OF DEPENDENTS DENTAL PRO-
8 GRAM WITH MANAGED CARE CONTRACTS.—Section
9 1076a of such title is amended by adding at the end there-
10 of the following new subsection:

11 “(j) INTEGRATION OF DEPENDENTS DENTAL PLAN
12 WITH MANAGED HEALTH CARE CONTRACTS.—A basic
13 dental benefit plan established under the authority of sub-
14 section (a) may be integrated into the TRICARE Pro-
15 gram. With respect to dental care authorized to be pro-
16 vided in a facility of the uniformed services under section
17 1076(a) and 1077(c) of this title, the Secretary may, to
18 the extent authorized by section 1097(e) of this title for
19 the TRICARE Program, establish reasonable preferences
20 for such dental care for dependents enrolled under sub-
21 section (a).”.

22 **SEC. 631. PROVISION FOR RECOVERY, CARE, AND DISPOSI-**
23 **TION OF THE REMAINS OF ALL MEDICALLY**
24 **RETIRED MEMBERS.**

25 (a) IN GENERAL.—Section 1481(a)(1) of title 10,
26 United States Code, is amended to read as follows:

1 “(1) Any regular of an armed force, or member
2 of an armed force without regard to component, who
3 dies—

4 (A) while on active duty; or

5 (B) while hospitalized after having been re-
6 tired by reason of medical disability for an in-
7 jury, illness or disease incurred while on active
8 duty and the hospitalization has been continu-
9 ous since the date of retirement from active
10 duty.”.

11 (b) **EFFECTIVE DATE.**—This provision becomes ef-
12 fective as of the date of the enactment of this Act to pro-
13 vide the authority for the recovery, care, and disposition
14 of remains to any member of the armed forces on active
15 duty as of the date of this Act or thereafter and to any
16 member hospitalized upon or after the date of the enact-
17 ment of this Act who otherwise is eligible for such recov-
18 ery, care, and disposition of remains under section
19 1481(a)(1)(B) of such title 10, as added by this section.

1 **SEC. 632. MODIFICATION TO VOLUNTARY SEPARATION IN-**
2 **CENTIVE TO ENSURE CONTINUED ELIGI-**
3 **BILITY FOR MEMBERS WHO INVOLUNTARILY**
4 **LOSE MEMBERSHIP IN A RESERVE COMPO-**
5 **NENT.**

6 Section 1175(a) of title 10, United States Code, is
7 amended by inserting before the period at the end “, or
8 for the period described in subsection 1175(e)(1) of this
9 section if the member becomes ineligible for retention in
10 an active or inactive status in a Reserve component be-
11 cause of age, years of service, failure to select for pro-
12 motion, or medical disqualification, provided such ineli-
13 gibility does not result from deliberate action on the part
14 of the member with the intent to avoid retention in an
15 active or inactive status in a Reserve component.”.

16 **SEC. 633. AMENDMENT OF ELIGIBILITY REQUIREMENTS**
17 **FOR ATTENDANCE AT DEPARTMENT OF DE-**
18 **FENSE DOMESTIC DEPENDENT ELEMENTARY**
19 **AND SECONDARY SCHOOLS; WAIVER OF FIVE-**
20 **YEAR LIMIT; REMOTE OR UNACCOMPANIED**
21 **ASSIGNMENTS.**

22 Section 2164(c) of title 10, United States Code, is
23 amended—

24 (1) in paragraph (2) by striking out subpara-
25 graph (B) and inserting in lieu thereof the following
26 new subparagraph (2)(B):

1 “(2)(B) A dependent referred to in subpara-
2 graph (A) may be enrolled in the program for more
3 than five consecutive school years at the discretion
4 of the Secretary where the dependent is qualified,
5 space is available in the program, and where the
6 Secretary will be reimbursed for services provided.
7 Any such extension may be made for only one school
8 year at a time.”; and

9 (2) by adding at the end the following new
10 paragraph (4):

11 “(4) A dependent of a member of the armed
12 forces, where the member of the armed forces is as-
13 signed to a remote or unaccompanied assignment,
14 and the dependent is residing, on or off a military
15 installation, in a territory, commonwealth, or posses-
16 sion of the United States, as authorized by perma-
17 nent change of station orders, may be enrolled in an
18 educational program provided by the Secretary.”.

19 **SEC. 634. RETIREMENT FOR LENGTH OF SERVICE.**

20 (a) ARMY.—Section 3911(b) of title 10, United
21 States Code, is amended by striking out “nine-year pe-
22 riod” and inserting in lieu thereof “thirteen-year period”;

23 (b) NAVY AND MARINE CORPS.—Section 6323(a)(2)
24 of title 10, United States Code, is amended by striking

1 out “nine-year period” and inserting in lieu thereof “thir-
2 teen-year period”; and

3 (c) AIR FORCE.—Section 8911(b) of title 10, United
4 States Code, is amended by striking out “nine-year pe-
5 riod” and inserting in lieu thereof “thirteen-year period”.

6 **SEC. 635. NAVY LIMITED DUTY OFFICERS; RETIREMENT**
7 **FOR YEARS OF SERVICE.**

8 (a) EXTENSION OF EXEMPTION FOR NAVY COM-
9 MANDERS.—Section 633 of title 10, United States Code,
10 is amended by striking out “October 1, 1999” and insert-
11 ing in lieu thereof “October 1, 2003”;

12 (b) EXTENSION OF EXEMPTION FOR REGULAR NAVY
13 CAPTAINS.—Section 634 of title 10, United States Code,
14 is amended by striking out “October 1, 1999” and insert-
15 ing in lieu thereof “October 1, 2003”;

16 (c) EXTENSION OF EXEMPTION FROM MANDATORY
17 RETIREMENT FOR FAILURE OF PROMOTION IN NAVAL
18 SERVICE.—Section 6383(a)(5) of title 10, United States
19 Code, is amended by striking out “October 1, 1999” and
20 inserting in lieu thereof “October 1, 2003”; and

21 (d) CONFORMING AMENDMENT REGARDING LIMITA-
22 TION OF PERIOD A DEFERRED OFFICER MAY REMAIN ON
23 ACTIVE DUTY.—Section 6383(k) of title 10, United
24 States Code, is amended by striking out “October 1,
25 1999” and inserting in lieu thereof “October 1, 2003”.

1 **TITLE VII—ACQUISITION POLICY**
2 **AND MANAGEMENT**

3 **SEC. 701. REPEAL OF LIMITATION ON AUTHORITY TO DELE-**
4 **GATE APPROVAL OF NONCOMPETITIVE PRO-**
5 **CEDURES.**

6 (a) **ARMED SERVICES ACQUISITIONS.**—Section
7 2304(f) of title 10, United States Code, is amended—

8 (1) in clause (1)(B)(ii), by striking “(or the
9 head of the procuring activity’s delegate pursuant to
10 paragraph (6)(A))” and inserting in lieu thereof “(or
11 his delegate at a level no lower than the competition
12 advocate for the procuring activity)”;

13 (2) in clause (1)(B)(iii), by striking “designated
14 pursuant to paragraph (6)(C)” and inserting in lieu
15 thereof “at a level no lower than Defense agency
16 senior procurement executive”; and

17 (3) by striking paragraph (6).

18 (b) **CIVILIAN AGENCY ACQUISITIONS.**—Section
19 303(f)(1)(B)(ii) of the Federal Property and Administra-
20 tive Services Act of 1949 (41 U.S.C. 253(f)(1)(B)(ii)) is
21 amended by striking “or a delegate who, if a member of
22 the armed forces, is a general or flag officer or, if a civil-
23 ian, is serving in a position in the Senior Executive Service
24 (or in a comparable or higher position under another
25 schedule); or” inserting in lieu thereof “or his delegate at

1 a level no lower than the competition advocate for the pro-
2 curing activity; or”.

3 **SEC. 702. MODIFICATION TO COST OR PRICING DATA:**
4 **TRUTH IN NEGOTIATIONS.**

5 (a) **ARMED SERVICES PROCUREMENTS.**—Section
6 2306a(a) of title 10, United States Code, is amended—

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

8 (2) by redesignating paragraphs (6) and (7) as
9 (5) and (6), respectively.

10 (b) **PUBLIC AGENCY PROCUREMENTS.**—Section
11 304A of the Federal Property and Administrative Services
12 Act of 1949 (41 U.S.C. 254b(a)) is amended—

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

14 (2) by redesignating paragraphs (6) and (7) as
15 (5) and (6), respectively.

16 **SEC. 703. PROCUREMENT TECHNICAL ASSISTANCE PRO-**
17 **GRAM DISTRIBUTION CONFORMING AMEND-**
18 **MENT.**

19 Section 2413(c) of title 10, United States Code, is
20 amended by striking “region” and inserting in lieu thereof
21 “district”.

22 **SEC. 704. PROCUREMENT TECHNICAL ASSISTANCE PRO-**
23 **GRAM LIMITATION.**

24 (a) **IN GENERAL.**—Section 2415 of title 10, United
25 States Code is repealed.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for chapter 142 of such title is amended by striking the
3 item relating to section 2415.

4 **SEC. 705. REPEAL OF REQUIREMENTS RELATING TO**
5 **UNDEFINITIZED CONTRACTUAL ACTIONS.**

6 Section 908 of the Defense Acquisition Improvement
7 Act of 1986 (Public Law 99–500; 100 Stat. 1783–139
8 and 140) is amended by striking subsection (b) and redesh-
9 ignating subsections (c) and (d) as (b) and (c), respec-
10 tively.

11 **SEC. 706. CONTRACT DISPUTES ACT AMENDMENT RELAT-**
12 **ING TO PAYMENT OF INTEREST ON CONTRAC-**
13 **TOR CLAIMS.**

14 (a) SPECIFICITY OF DATE FOR INTEREST.—Section
15 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611)
16 is amended to read as follows:

17 “The Government shall pay interest on a contractor’s
18 claim on the amount found to be due and unpaid from
19 (a) the date the contracting officer receives the claim pur-
20 suant to sections 6(a) and 6(c)(1) of this Act or (b) the
21 date the contractor paid its incurred costs, whichever is
22 later, until the date of payment. The interest provided for
23 in this section shall be paid at the rate established by the
24 Secretary of the Treasury pursuant to Public Law 92–
25 41 (85 Stat 97) for the Renegotiation Board.”.

1 (b) IMPLEMENTATION.—The Federal Acquisition
2 Regulatory Council shall issue amendments to the Federal
3 Acquisition Regulation to implement the changes made by
4 this section not later than 180 days after the enactment
5 of this Act.

6 **SEC. 707. CRITICAL ACQUISITION POSITIONS.**

7 Section 1734(a) of title 10, United States Code, is
8 amended in paragraphs (1) and (2) by striking “critical
9 acquisition position” each place it appears and inserting
10 in lieu thereof “program manager or deputy program
11 manager position for a significant nonmajor defense acqui-
12 sition program, program executive officer position, general
13 or flag officer position or civilian position equivalent there-
14 to, or senior contracting official position”.

15 **SEC. 708. ACQUISITION CORPS ELIGIBILITY.**

16 Section 1732(c) of title 10, United States Code, is
17 amended by adding at the end the following new subpara-
18 graph:

19 “(3) The requirements of subsection (b)(1)(A)
20 shall not preclude an employee who previously served
21 as a GS–13 or above, and was downgraded to a GS–
22 12 or below because of a reduction in force person-
23 nel action, a base closure action or other reason
24 other than for cause, from being eligible for mem-
25 bership in the Corps.”.

1 **SEC. 709. OFPP TEST PROGRAM FOR EXECUTIVE AGENCIES.**

2 (a) IN GENERAL.—Section 5061 of the Federal Ac-
3 quisition Streamlining Act (41 U.S.C. 413 note) is amend-
4 ed—

5 (1) in subsection (a) by striking “, and not
6 more than 1 such test shall be conducted under such
7 authority in an agency”.

8 (2) in subsection (c)(3)(B) by—

9 (A) striking “one” and inserting in lieu
10 thereof “two”; and

11 (B) adding before the period “, provided,
12 however, that at least one of the tests with con-
13 tracts exceeding \$5,000,000 is conducted within
14 the Department of Defense”;

15 (3) in subsection (g) by striking “270” and in-
16 serting in lieu thereof “120”; and

17 (4) in subsection (j) by striking “January 1,
18 2001” and inserting in lieu thereof “January 1,
19 2003”.

20 (b) APPLICABILITY.—Any test plan pending before
21 Congress or for which public comment is being sought pur-
22 suant to subsection (g) at the time of enactment of this
23 Act shall remain open for Congressional review or public
24 comment until the earlier of—

25 (1) 120 days after enactment of this Act; or

1 (2) expiration of the time period that was pro-
2 vided by subsection (g) prior to enactment of this
3 Act.

4 **SEC. 710. MENTOR-PROTÉGÉ PROGRAM.**

5 (a) Section 831 of the National Defense Authoriza-
6 tion Act for Fiscal Years 1991 (10 U.S.C. 2302 note) is
7 amended—

8 (1) by striking “pilot” in the heading for the
9 section;

10 (2) in subsection (a), by striking “pilot” both
11 times it appears (in the descriptive preamble and in
12 the section content);

13 (3) in the first sentence of subsection (k), by
14 striking “pilot”;

15 (4) in subsection (g)(2)(A) by inserting “and
16 other incidental mentor or protégé costs, subject to
17 Department of Defense regulations,” after “of sub-
18 section (f)”;

19 (5) by striking subsection (j) and inserting in
20 lieu thereof the following new subsection (j):

21 “(j) WOMEN OWNED SMALL BUSINESS PILOT INI-
22 TIATIVE.—The Department of Defense may conduct an
23 initiative with no more than three contracting activities,
24 that would authorize the Department to participate in the
25 mentoring of women-owned small business protégés. The

1 contracting activity may receive reimbursement or, with
2 the Small Business Administration’s concurrence, credit
3 toward its women-owned small business prime contract
4 goal for costs incurred.”; and

5 (6) in subsection (m)(2), the definition for “dis-
6 advantaged small business concern”, by inserting “,
7 a small business concern owned and controlled by
8 women, a historically Black college and university,
9 or a minority institution,” after “a small business
10 concern owned and controlled by socially and eco-
11 nomically disadvantaged individuals”.

12 **SEC. 711. HOLDING GAO PROTEST PROCEEDINGS IN ABEY-**
13 **ANCE.**

14 Section 3554(b) of title 31, United States Code, is
15 amended by adding at the end the following new para-
16 graph (4):

17 “(4) On petition of the government, with con-
18 sent of the protestor, the Comptroller General shall
19 stay the Comptroller General’s review of the protest
20 when the agency has agreed to suspend contract
21 award or performance through the completion of any
22 agency protest procedure and any subsequent pro-
23 test timely filed before the Comptroller General.
24 Such stay may remain in effect up to 35 days for
25 completion of the agency protest procedure. Upon

1 request of the Government or protestor, the Comp-
2 troller General shall vacate the stay. The time period
3 set forth in subsection (a)(1) for issuance of a final
4 decision by the Comptroller General shall be ex-
5 tended by the number of days by which the protest
6 has been stayed under this paragraph.”.

7 **SEC. 712. REVISION TO RESTRICTIONS ON PROCUREMENTS**
8 **FROM FOREIGN SOURCES.**

9 Section 9005 of the National Defense Appropriations
10 Act for Fiscal Year 1993 (Public Law 102–396; 106 Stat.
11 1876) is amended to read as follows:

12 “During the current fiscal year and hereafter, no part
13 of any appropriation contained in this Act, except for sim-
14 plified acquisitions covered by section 2304(g) of title 10,
15 United States Code, shall be available for the procurement
16 of any article or item of clothing, tents, tarpaulins, covers,
17 cotton and other natural fiber products, woven silk or
18 woven silk blends, spun silk yarn for cartridge cloth, syn-
19 thetic fabric or coated synthetic fabric, canvas products,
20 or wool (whether in the form of fiber or yarn or contained
21 in fabrics, materials, or manufactured articles), or any
22 item of individual equipment manufactured from or con-
23 taining such fibers, yarns, fabrics, or materials, or spe-
24 cialty metals including stainless steel flatware, or hand or
25 measuring tools, not grown, reprocessed, reused, or pro-

1 duced in the United States or its possessions, except to
2 the extent that the Secretary of the Department concerned
3 shall determine that satisfactory quality and sufficient
4 quantity of any articles or items of individual equipment,
5 tents, tarpaulins, covers, or clothing or any form of cotton
6 or other natural fiber products, woven silk and woven silk
7 blends, spun silk yarn for cartridge cloth, synthetic fabric
8 or coated synthetic fabric, canvas products, wool, or spe-
9 cialty metals including stainless steel flatware, grown, re-
10 processed, reused, or produced in the United States or its
11 possessions cannot be procured as and when needed at
12 United States market prices and except procurements out-
13 side the United States in support of combat operations,
14 procurements by vessels in foreign waters, and emergency
15 procurements by establishments located outside the
16 United States for the personnel attached thereto: Pro-
17 vided, That nothing herein shall preclude the procurement
18 of specialty metals or chemical warfare protective clothing
19 produced outside the United States or its possessions
20 when such procurement is necessary to comply with agree-
21 ments with foreign governments requiring the United
22 States to purchase supplies from foreign sources for the
23 purposes of offsetting sales made by the United States
24 Government or United States firms under approved pro-
25 grams serving defense requirements or where such pro-

1 curement is necessary in furtherance of agreements with
2 foreign governments in which both governments agree to
3 remove barriers to purchases of supplies produced in the
4 other country or services performed by sources of the
5 other country, so long as such agreements with foreign
6 governments comply, where applicable, with the require-
7 ments of section 36 of the Arms Export Control Act and
8 with section 2457 of title 10, United States Code.”.

9 **TITLE VIII—DEPARTMENT OF**
10 **DEFENSE MANAGEMENT**
11 **Subtitle A—General Management**

12 **SEC. 801. AUTHORITY TO PAY CERTAIN EXPENSES RELAT-**
13 **ING TO HUMANITARIAN AND CIVIC ASSIST-**
14 **ANCE FOR CLEARANCE OF LANDMINES.**

15 Section 401(c) of title 10, United States Code, is
16 amended—

17 (1) in paragraph (3), by striking “\$5,000,000”
18 and inserting in lieu thereof \$10,000,000”; and

19 (2) by adding at the end the following new
20 paragraph (5):

21 “(5) Not more than ten percent of funds avail-
22 able for the activities described in subsection (e)(5)
23 may be used to pay for the pay and allowances of
24 Reserve Component personnel performing duty in

1 connection with training and activities related to the
2 clearing of landmines for humanitarian purposes.”.

3 **SEC. 802. COLLECTION OF DISHONORED CHECKS ISSUED**
4 **TO THE DEFENSE COMMISSARY AGENCY.**

5 Section 2486 of title 10, United States Code, is
6 amended by adding the following new subsection at the
7 end:

8 “(f) DISHONORED CHECK COLLECTION.—(1) The
9 Secretary of Defense, consistent with commercial super-
10 market practices, may impose a surcharge for dishonored
11 checks. Such surcharge is authorized notwithstanding any
12 other law relating to the collection of funds due the Gov-
13 ernment. Any surcharge collected as a result of this sec-
14 tion shall be deposited to the commissary trust revolving
15 fund. Appropriated funds may be used to pay any costs
16 incurred in the collection of dishonored checks but only
17 to the extent that such accounts are reimbursed for the
18 payment of such costs from the commissary trust revolv-
19 ing fund.

20 “(2) Authorized patrons receiving compensation from
21 the United States are deemed to have consented to the
22 recoupment of dishonored checks of their authorized fam-
23 ily members from their pay or entitlements. Dishonored
24 checks may be collected through—

1 “(A) deductions from military pay or entitle-
2 ments;

3 “(B) deductions from other obligations from the
4 United States due the maker or sponsor of the
5 maker of the check; or

6 “(C) when such collection or voluntary redemp-
7 tion is unsuitable, the Agency may utilize a commer-
8 cial organization to collect amounts due as a con-
9 sequence of the dishonored check.”.

10 **SEC. 803. REVISION OF INSPECTION REQUIREMENTS RE-**
11 **LATING TO THE ARMED FORCES RETIRE-**
12 **MENT HOME.**

13 Section 418 of the Armed Forces Retirement Home
14 Act of 1991 (24 U.S.C. 418) is amended to read as fol-
15 lows:

16 **“§ 418. Inspection of retirement home**

17 “The Inspectors General of the Military Departments
18 shall—

19 “(1) conduct, at three-year intervals on an al-
20 ternating basis, an inspection of the Retirement
21 Home to include the records of the Home; and

22 “(2) submit to the Retirement Home Board,
23 the Secretary of Defense, and Chairpersons of the
24 National Security Committee of the House of Rep-
25 resentatives and the Armed Services Committee of

1 the Senate a report describing the results of the in-
2 spection with its recommendations, if any.”.

3 **SEC. 804. PROTECTION OF OPERATIONAL FILES OF THE NA-**
4 **TIONAL IMAGERY AND MAPPING AGENCY.**

5 Title I of the National Security Act of 1947 (50
6 U.S.C. 402 et seq.) is amended by inserting after section
7 105A (50 U.S.C. 403–5a) the following new section:

8 “PROTECTION OF OPERATIONAL FILES OF THE NATIONAL
9 IMAGERY AND MAPPING AGENCY

10 “SEC. 105B. (a). EXEMPTION OF CERTAIN OPER-
11 ATIONAL FILES FROM SEARCH, REVIEW, PUBLICATION,
12 OR DISCLOSURE.—(1) Operational files of the National
13 Imagery and Mapping Agency may be exempted by the
14 Director of the National Imagery and Mapping Agency
15 from the provisions of section 552 of Title 5, United
16 States Code (Freedom of Information Act), which require
17 publication or disclosure, or search or review, in connec-
18 tion therewith.

19 “(2) For the purposes of this section, the term ‘oper-
20 ational files’ means files of the National Imagery and
21 Mapping Agency (NIMA) concerning the activities of
22 NIMA that were previously performed by the National
23 Photographic Interpretation Center of the Central Intel-
24 ligence Agency (NPIC), and which document the means
25 by which foreign intelligence or counterintelligence is col-
26 lected through scientific and technical systems, except that

1 files which are the sole repository of disseminated intel-
2 ligence are not operational files.

3 “(3) Notwithstanding subsection (1) of this section,
4 exempted operational files shall continue to be subject to
5 search and review for information concerning—

6 “(A) United States citizens or aliens lawfully
7 admitted for permanent residence who have re-
8 quested information on themselves pursuant to the
9 provisions of Section 552 of Title 5, United States
10 Code (Freedom of Information Act), or section 552a
11 of Title 5, United States Code (Privacy Act of
12 1974);

13 “(B) Any special activity the existence of which
14 is not exempt from disclosure under the provisions
15 of section 552 of Title 5, United States Code; or

16 “(C) The specific subject matter of an inves-
17 tigation by the Intelligence Oversight Board, the De-
18 partment of Justice, the Office of General Counsel
19 of the National Imagery and Mapping Agency, or
20 the Office of the Director of the National Imagery
21 and Mapping Agency for any impropriety, or viola-
22 tion of law, Executive Order, or Presidential direc-
23 tive, in the conduct of an intelligence activity.

24 “(4)(A) Files that are not exempted under subsection
25 (a)(1) of this section which contain information derived

1 or disseminated from exempted operational files shall be
2 subject to search and review.

3 “(B) The inclusion of information from exempted
4 operational files in files that are not exempted under para-
5 graph (1) shall not affect the exemption under subsection
6 (1) of this section of the originating operational files from
7 search, review publication, or disclosure.

8 “(C) Records from exempted operational files which
9 have been disseminated to and referenced in files that are
10 not exempted under paragraph (1) and which have been
11 returned to exempted operational files for sole retention
12 shall be subject to search and review.

13 “(5) The provisions of subsection (a)(1) may not be
14 superseded except by a provision of law which is enacted
15 after the date of enactment of this Act, and which specifi-
16 cally cites and repeals or modifies its provisions.

17 “(6) Whenever any person who has requested agency
18 records under section 552 of title 5, United States Code
19 (Freedom of Information Act), alleges that the National
20 Imagery and Mapping Agency has withheld records im-
21 properly because of failure to comply with any provision
22 of this section, judicial review shall be available under the
23 terms set forth in section 552(a)(4)(B) of title 5, United
24 States Code, except that—

1 “(A) in any case in which information specifi-
2 cally authorized under criteria established by an Ex-
3 ecutive Order to be kept secret in the interests of
4 national defense or foreign relations is filed with, or
5 produced for, the court by the National Imagery and
6 Mapping Agency, such information shall be exam-
7 ined ex parte, in camera by the court;

8 “(B) the court shall, to the fullest extent prac-
9 ticable, determine the issues of fact based on sworn
10 written submissions of the parties;

11 “(C) when a complainant alleges that requested
12 records were improperly withheld because of im-
13 proper exception of operational files, the National
14 Imagery and Mapping Agency shall meet its burden
15 under section 552(a)(4)(B) of title 5, United States
16 Code, by demonstrating to the court by sworn writ-
17 ten submission that exempted operational files likely
18 to contain responsible records currently perform the
19 functions set forth in subsection (a)(2) of this sec-
20 tion;

21 “(D)(i) when a complainant alleges that re-
22 quested records were improperly withheld because of
23 improper exception of operational files, the National
24 Imagery and Mapping Agency shall meet its burden
25 under section 552(a)(4)(B) of Title 5, United States

1 Code, by demonstrating to the court by sworn writ-
2 ten submission that exempted operational files likely
3 to contain responsible records currently perform the
4 functions set forth in subsection (a)(2) of this sec-
5 tion; and

6 “(ii) the court may not order the National Im-
7 agery and Mapping Agency to review the content of
8 any exempted operational file or files in order to
9 make the demonstration required under subpara-
10 graph (1) of this paragraph, unless the complainant
11 disputes the National Imagery and Mapping Agen-
12 cy’s showing with a sworn written submission based
13 on personal knowledge or otherwise admissible evi-
14 dence;

15 “(E) in proceedings under subparagraphs (C)
16 and (D) of paragraph (a)(6), the parties shall not
17 obtain discovery pursuant to rules 26 and 36;

18 “(F) if the court finds under this subsection
19 that the National Imagery and Mapping Agency has
20 improperly withheld requested records because of
21 failure to comply with any provisions of this section,
22 the court shall order the National Imagery and Map-
23 ping Agency to search and review the appropriate
24 exempted operational file or files for the requested
25 records and make such records, or portions thereof,

1 available in accordance with the provisions of section
2 552 of title 5, United States Code (Freedom of In-
3 formation Act), and such order shall be the exclusive
4 remedy for failure to comply with the section;

5 “(G) if at any time following the filing of a
6 complaint pursuant to this subsection the National
7 Imagery and Mapping Agency agrees to search the
8 appropriate exempted operational file or files for the
9 requested records, the court shall dismiss the claim
10 based upon such complaint;

11 “(H) any information filed with, or produced
12 for the court pursuant to subparagraphs (A) and
13 (D) shall be coordinated with the Director of Central
14 Intelligence prior to submission to the court.

15 “(b) DECENNIAL REVIEW OF EXEMPTED OPER-
16 ATIONAL FILES.—(1) Not less than once every ten years,
17 the Director of the National Imagery and Mapping Agency
18 and the Director of Central Intelligence shall review the
19 exemptions in force under (a)(1) of this section to deter-
20 mine whether such exemptions may be removed from the
21 category or exempted files or any portion thereof. The Di-
22 rector of Central Intelligence may disapprove any deter-
23 mination to remove such exemptions.

24 “(2) The review required by subsection (b)(1) of this
25 section shall include consideration of the historical values

1 of other public interest in the subject matter of the par-
2 ticular category of files or portions thereof and the poten-
3 tial for declassifying a significant part of the information
4 contained therein.

5 “(3) A complaint which alleges that the National Im-
6 agery and Mapping Agency has improperly withheld
7 records because of failure to comply with this subsection
8 may seek judicial review in the district court of the United
9 States of the district in which any of the parties reside,
10 or in the District of Columbia. In such a proceeding, the
11 court’s review shall be limited to determining;

12 “(A) whether the National Imagery and Map-
13 ping Agency has conducted the review required by
14 subsection (b)(1) within 10 years after the enact-
15 ment of this section or within ten years after the
16 last review; and

17 “(B) whether the National Imagery and Map-
18 ping Agency, in fact, considered the criteria set forth
19 in subsection (b)(2) of this section in conducting the
20 required review.”.

21 **SEC. 805. PROTECTION OF COMMERCIAL SOURCES.**

22 Section 455(b)(1) of title 10, United States Code, is
23 amended by—

24 (1) in subparagraph (B) by striking “or”;

1 (2) in subparagraph (C) by striking the period
2 at the end inserting in lieu thereof “; or”;

3 (3) by adding at the end the following new sub-
4 paragraph (D):

5 “(D) that contains information that the
6 Secretary of Defense has determined in writing,
7 if disclosed, would interfere or unfairly compete
8 with an emerging or existing commercial indus-
9 try or market operation.”; and

10 (4) by adding at the end the following new
11 paragraph (4):

12 “(4) Nothing in this section shall affect, limit,
13 or supersede the authorities or responsibilities of the
14 Director of the Central Intelligence Agency with re-
15 spect to imagery and imagery intelligence pursuant
16 to the National Security Act of 1947, as amended
17 (50 U.S.C. 402 et seq.), Executive Order 12951, or
18 any successor Executive order and applicable Presi-
19 dential directives. The withholding of imagery and
20 imagery intelligence will be in accordance with the
21 policies and directives of the Director of Central In-
22 telligence.”.

1 **SEC. 806. REPEAL OF EXPORT CONTROLS ON HIGH PER-**
2 **FORMANCE COMPUTERS.**

3 Subtitle B of Title XII of Division A (Sections 1211–
4 1215) of the National Defense Authorization Act for Fis-
5 cal Year 1998 (Public Law 105–85, 111 Stat. 1932) is
6 repealed.

7 **SEC. 807. REPEAL OF REQUIREMENT TO TRANSFER TAC-**
8 **TICAL AIRLIFT MISSION TO RESERVE COMPO-**
9 **NENTS.**

10 Section 1438 of the National Defense Authorization
11 Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat.
12 1689), as amended by section 1023 of the National De-
13 fense Authorization Act for Fiscal Years 1992 and 1993
14 (Public Law 102–190; 105 Stat. 1460), is repealed.

15 **SEC. 808. CODIFICATION OF PROVISIONS PERTAINING TO**
16 **GEORGE C. MARSHALL EUROPEAN CENTER**
17 **FOR SECURITY STUDIES; WAIVER OF**
18 **CHARGES FOR CERTAIN PARTICIPANTS OF**
19 **THE ASIA PACIFIC CENTER.**

20 (a) IN GENERAL.—(1) Chapter 134 of title 10,
21 United States Code is amended by adding at the end the
22 following new section:

1 **“§ 2256. George C. Marshall European Center for Se-**
2 **curity Studies and Asia Pacific Center for**
3 **Security Studies**

4 “(a) USE OF CONTRIBUTIONS.—Funds received by
5 the United States Government from the Federal Republic
6 of Germany as its fair share of the costs of the George
7 C. Marshall European Center for Security Studies shall
8 be credited to appropriations available to the Department
9 of Defense for the George C. Marshall European Center
10 for Security Studies. Funds so credited shall be merged
11 with the appropriations to which credited and shall be
12 available for the Center for the same purposes and the
13 same period as the appropriations with which merged.

14 “(b) WAIVER OF CHARGES.—(1) The Secretary of
15 Defense may waive reimbursement of the costs of con-
16 ferences, seminars, courses of instruction, or similar edu-
17 cational activities of the George C. Marshall European
18 Center for Security Studies for military officers and civil-
19 ian officials of cooperation partner states of the North At-
20 lantic Cooperation Council or the Partnership for Peace
21 if the Secretary determines that attendance by such per-
22 sonnel without reimbursement is in the national security
23 interest of the United States.

24 “(2) The Secretary of Defense may waive reimburse-
25 ment of the costs of conferences, seminars, courses of in-
26 struction, or similar educational activities of the Asia Pa-

1 cific Center for Security Studies for military officers and
 2 civilian officials of foreign nations of the Asia Pacific Re-
 3 gion if the Secretary determines that attendance by such
 4 personnel, without reimbursement, is in the national secu-
 5 rity interest of the United States.

6 “(3) Costs for which reimbursement is waived pursu-
 7 ant to paragraphs (1) and (2) shall be paid from appro-
 8 priations available for each Center.”.

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:

“2256. George C. Marshall European Center for Security Studies and Asia Pa-
 cific Center for Security Studies.”.

12 (b) REPEAL OF SUPERSEDED PROVISION RELATING
 13 TO GEORGE C. MARSHALL CENTER.—Section 1306 of the
 14 National Defense Authorization Act for Fiscal Year 1995
 15 (Public Law 103–337; 108 Stat. 2892) is repealed.

16 **Subtitle B—Department of Defense**
 17 **Personnel Management**

18 **SEC. 811. DEMONSTRATION PROJECT RELATING TO CER-**
 19 **TAIN PERSONNEL MANAGEMENT POLICIES**
 20 **AND PROCEDURES OF THE DEFENSE COM-**
 21 **MISSARY AGENCY.**

22 (a) COMMENCEMENT.—The Secretary of Defense is
 23 encouraged and authorized to take such steps as may be
 24 necessary to provide for the commencement of a dem-

1 onstration project, the purpose of which would be to deter-
2 mine the feasibility or desirability of one or more proposals
3 for improving the personnel management policies or proce-
4 dures that apply with respect to the Defense Commissary
5 Agency.

6 (b) TERMS AND CONDITIONS.—(1) IN GENERAL.—
7 Except as otherwise provided in this subsection, any dem-
8 onstration project described in subsection (a) shall be sub-
9 ject to section 4703 of title 5, United States Code, and
10 all other provisions of such title that apply with respect
11 to any demonstration project under such section.

12 (2) EXCEPTIONS.—Subject to paragraph (3), in ap-
13 plying section 4703 of title 5, United States Code, with
14 respect to a demonstration project described in subsection
15 (a)—

16 (A) subsection (b)(3) shall be disregarded;

17 (B) “180 days” in subsection (b)(4) of such
18 section shall be deemed to read “30 days”;

19 (C) “90 days” in subsection (b)(6) of such sec-
20 tion shall be deemed to read “30 days”;

21 (D) subsection (c)(1) shall be deemed to read
22 as follows:

23 “(1) subchapter V of chapter 63 or subpart G
24 of part II of this title”;

25 (E) subsection (d) shall be disregarded; and

1 (F) subsection (f) shall be disregarded and, in
2 lieu thereof, subsection (c) of this section shall
3 apply.

4 (3) CONDITION.—Paragraph (2) shall not apply with
5 respect to a demonstration project unless it—

6 (A) involves only the workforce of the Defense
7 Commissary Agency (or any part thereof); and

8 (B) commences during the 3-year period begin-
9 ning on the date of the enactment of this Act.

10 (c) PARTNERSHIP WITH UNIONS.—

11 (1) Except as provided in paragraph (2) em-
12 ployees within a unit to which a labor organization
13 is accorded exclusive recognition under chapter 71 of
14 title 5, United States Code, shall not be subject to
15 any of the flexibilities contained in a demonstration
16 project authorized under this section unless the ex-
17 clusive representative and the Defense Commissary
18 Agency have entered into a written agreement which
19 specifically provides for the exercise of that flexibil-
20 ity.

21 (2) Notwithstanding paragraph (1)—

22 (A) if the exercise of any flexibility pro-
23 vided by the demonstration project would affect
24 employees who are in more than one bargaining
25 unit affiliated with the same national labor or-

1 ganization and who are covered by more than
2 one collective bargaining agreement, such flexi-
3 bility may be exercised if there is a written
4 agreement permitting such exercise between the
5 Defense Commissary Agency and the national
6 labor organization; and

7 (B) if the exercise of any flexibility pro-
8 vided by the demonstration project would affect
9 employees who are in more than one bargaining
10 unit and whose exclusive representatives are af-
11 filiated with more than one national labor orga-
12 nization, such flexibility may be exercised if
13 there is a written agreement permitting such
14 exercise between the Defense Commissary
15 Agency and all of such national labor organiza-
16 tions.

17 (3) The written agreements referred to in para-
18 graphs (1) and (2) may not be imposed by the Fed-
19 eral Services Impasses Panel under section 7119 of
20 title 5, United States Code.

21 **SEC. 812. EMPLOYMENT PREFERENCE PROGRAM FOR MILI-**
22 **TARY SPOUSES.**

23 Section 1792 of title 10, United States Code, is
24 amended—

25 (1) by striking out subsection (d); and

1 (2) by redesignating subsection (e) as sub-
2 section (d).

3 **SEC. 813. PRESERVATION OF CIVIL SERVICE RIGHTS FOR**
4 **EMPLOYEES OF THE FORMER DEFENSE MAP-**
5 **PING AGENCY.**

6 Notwithstanding section 1612 of title 10, United
7 States Code, the provisions of subchapters II and IV (sec-
8 tions 7511 through 7514 and sections 7531 through 7533,
9 respectively) of chapter 75 of title 5, United States Code,
10 continue to apply, for as long as the employee continues
11 to serve as a Department of Defense employee in the Na-
12 tional Imagery and Mapping Agency without a break in
13 service, to each of those former Defense Mapping Agency
14 employees who occupied positions established under title
15 5, United States Code, and who on October 1, 1996, be-
16 came employees of the National Imagery and Mapping
17 Agency under paragraph 1601(a)(1) of title 10, United
18 States Code pursuant to Title XI of the National Defense
19 Authorization Act for Fiscal Year 1997 (Public Law 104-
20 201; 110 Stat. 2675, et seq.) and for whom the provisions
21 of chapter 75 of title 5, United States Code, applied before
22 October 1, 1996. Such an employee, at any time, may elect
23 to waive the provisions of this section, in which case such
24 waiver shall be permanent as to that employee.

1 **SEC. 814. CLARIFICATION OF DEFENSE CIVILIAN PERSON-**
2 **NEL SYSTEM POSITIONS.**

3 (a) **AUTHORITY FOR SENIOR DOD INTELLIGENCE**
4 **POSITIONS.**—Section 1601(a)(1) of title 10, United States
5 Code, is amended to read as follows:

6 “(1) establish, as positions in the excepted serv-
7 ice, such defense intelligence positions in the Depart-
8 ment of Defense as the Secretary of Defense deter-
9 mines necessary to carry out the intelligence func-
10 tions of the Department including—

11 “(A) Intelligence Senior Level positions
12 designated under section 1607 of this title; and

13 “(B) positions in the Defense Intelligence
14 Senior Executive Service;”.

15 (b) **CONFORMING DEFINITION FOR DEFENSE INTEL-**
16 **LIGENCE POSITION.**—Subsection 1614 of such title 10 is
17 amended to read as follows:

18 “(1) The term ‘defense intelligence position’
19 means a civilian position as an intelligence officer or
20 intelligence employee of the Department of De-
21 fense.”.

1 **SEC. 815. MODIFICATION TO MANAGEMENT TRAINING PRO-**
2 **GRAM IN JAPANESE LANGUAGE AND CUL-**
3 **TURE.**

4 Section 2198 of title 10, United States Code, is
5 amended in subsections (a) and (b) by striking “shall” and
6 inserting in lieu thereof “may”.

7 **SEC. 816. EXPERIMENTAL PERSONNEL AUTHORITY—DE-**
8 **FENSE ADVANCED RESEARCH PROJECTS**
9 **AGENCY.**

10 (a) **AUTHORITY.**—In order to facilitate the conduct
11 of research and development through the Defense Ad-
12 vanced Research Projects Agency, the Secretary of De-
13 fense is authorized to—

14 (1) appoint, notwithstanding any other provi-
15 sion of title 5, United States Code, for appointment
16 or classification, up to 20 scientific and engineering
17 personnel, and fix their compensation, notwithstand-
18 ing any other provision of law, at a rate not exceed-
19 ing the maximum rate for a Senior Level salary;

20 (2) provide by regulation for a system of addi-
21 tional payments for the positions in (a)(1) which is
22 described in (d)(2).

23 (b) **TERM AND REPORTS.**—The authority of this sec-
24 tion to make appointments shall terminate five years from
25 the date of enactment. The Secretary of Defense shall re-
26 port annually for the five years after the date of enactment

1 of this Act to the Committee of Armed Services of the
2 United States Senate and the Committee on National Se-
3 curity of the House of Representatives on the use of au-
4 thorities under this section.

5 (c) DEFINITIONS.—As used in this section—

6 (1) “Agency” means the Defense Advanced Re-
7 search Projects Agency.

8 (2) “Senior Level salary” means a pay rate set
9 in accordance with section 5376, title 5, United
10 States Code.

11 (d) PROCEDURES.—In exercising the authorities
12 under this section the following procedures apply:

13 (1) Excepted service appointments pursuant to
14 subsection (a)(1) of this section are limited to four
15 years, except that upon a determination by the Sec-
16 retary of Defense or his designee that such action is
17 necessary to promote the efficiency of the agency,
18 such appointment may be extended for up to two ad-
19 ditional years;

20 (2) Regulations governing additional payments
21 made pursuant to subsection (a)(2) shall limit such
22 payments to \$25,000 per year, or 25 percent of sal-
23 ary, per person per year, as long as total compensa-
24 tion does not exceed the limit established by section
25 5307 of title 5. Such payments will be made for the

1 purpose of creating a compensation package allowing
2 for the recruitment and retention of highly qualified
3 personnel.

4 **TITLE IX—GENERAL**
5 **PROVISIONS**
6 **Subtitle A—Financial Matters**

7 **SEC. 901. REPEAL OF REQUIREMENT FOR SEPARATE BUDG-**
8 **ET REQUEST FOR PROCUREMENT OF RE-**
9 **SERVE EQUIPMENT.**

10 Section 114(e) of title 10, United States Code, is re-
11 pealed.

12 **SEC. 902. REPEAL OF REQUIREMENT FOR TWO-YEAR BUDG-**
13 **ET CYCLE FOR THE DEPARTMENT OF DE-**
14 **FENSE.**

15 Section 1405 of the Department of Defense Author-
16 ization Act, 1986 (31 U.S.C. 1105 note) is repealed.

17 **SEC. 903. CHEMICAL STOCKPILE EMERGENCY PREPARED-**
18 **NESS PROGRAM.**

19 (a) ESTABLISHMENT OF PROGRAM.—Section 1412(c)
20 of the Department of Defense Authorization Act, 1986
21 (Public Law 99–145) (50 U.S.C. 1521), is amended by
22 adding at the end the following:

23 “(4)(A) The Director of the Federal Emergency
24 Management Agency shall administer a program to
25 provide off-post emergency preparedness required to

1 protect the public around installations where lethal
2 chemical agents and munitions are stored in the con-
3 tinental United States from risks that may be identi-
4 fied by the Secretary;

5 “(B) The Director shall assist States in devel-
6 oping offsite emergency response capabilities nec-
7 essary for operation and maintenance of the facili-
8 ties identified in subsection (c)(1)(B);

9 “(C) The Director may make grants to State
10 and local governments for the purposes of this sub-
11 section.

12 “(D) The Director may establish an incentive
13 program to encourage State and local governments
14 to achieve early, efficient, and cost-effective attain-
15 ment of the level of emergency preparedness re-
16 quired under this subsection. Under the program,
17 the Director may permit any State or a State’s sub-
18 grantee to retain a portion of a grant made under
19 paragraph (C) that represents cost savings realized
20 by the State or subgrantee because of early comple-
21 tion of program objectives. Amounts retained by any
22 State or subgrantee shall not exceed \$100,000 in
23 any fiscal year and shall be available for any pur-
24 pose determined by the State or subgrantee.

1 “(E) The Director shall report annually to Con-
2 gress on the activities carried out under this sub-
3 section.

4 (b) PROGRAM FUNDING.—Section 1412(f) (50
5 U.S.C. 1521(f)) of such Act is amended—

6 (1) by striking “IDENTIFICATION OF FUNDS.—
7 Funds” and inserting in lieu thereof
8 “IDENTIFICATION OF FUNDS.—(1) Funds”;

9 (2) by inserting “(other than funds for carrying
10 out the program established in subsection (c)(4))”
11 after “Funds for carrying out this section”;

12 (3) by striking the second sentence; and

13 (4) by adding at the end the following:

14 “(2) Funds appropriated for carrying out the
15 program established in subsection (c)(4) shall be set
16 out in a separate defense-related activities program
17 account for the Federal Emergency Management
18 Agency for any fiscal year under the national de-
19 fense function (function 050) of the Budget of the
20 United States.”.

1 **SEC. 904. AUTHORITY TO MOVE FUNDS FOR COMBATING**
2 **TERRORISM SUPPORT TO MILITARY OPER-**
3 **ATIONS.**

4 (a) IN GENERAL.—Chapter 6 of title 10, United
5 States Code, is amended by inserting after section 166a
6 the following new section:

7 **“§ 166b. Combatant commands: funding for combat-**
8 **ing terrorism support**

9 “From funds made available in any fiscal year to the
10 Chairman of the Joint Chiefs of Staff for combating ter-
11 rorism under the ‘Operation and Maintenance, Defense-
12 Wide’ account and the ‘Procurement, Defense-Wide’ ac-
13 count, the Secretary of Defense may transfer funds be-
14 tween such accounts in such amounts as may be necessary
15 to meet unanticipated, critical requirements for combating
16 terrorism or for force protection.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 for such chapter 6 is amended by inserting after the item
19 relating to section 166a, the following new item:

“166b. Combatant commands: funding for combating terrorism support.”.

20 **SEC. 905. TRANSFER OF FUNDS: PROCEDURE AND LIMITA-**
21 **TIONS.**

22 Section 2214 of title 10, United States Code, is
23 amended—

24 (1) by redesignating subsections (b), (c), and
25 (d) as subsections (c), (d), and (e), respectively; and

1 (2) by inserting after subsection (a) the follow-
 2 ing new subsection (b):

3 “(b) LIMITED TRANSFER AUTHORITY WITHIN AC-
 4 QUISITION PROGRAMS.—The Secretary of Defense, with
 5 the approval of the Office of Management and Budget,
 6 may transfer funds between investment appropriations of
 7 the Department of Defense (the various procurement ap-
 8 propriations and the various research, development, and
 9 test and evaluation programs of the Department of De-
 10 fense) within acquisition category I and II programs or
 11 clearly defined groups of associated acquisition programs
 12 not to exceed \$500,000,000 per year and \$20,000,000 per
 13 acquisition program. The Secretary of Defense may dele-
 14 gate this authority no lower than the milestone decision
 15 authority as designated by the Under Secretary of Defense
 16 (Comptroller).”.

17 **SEC. 906. BALLISTIC MISSILE DEFENSE PROGRAM ELE-**
 18 **MENTS.**

19 (a) ELEMENTS SPECIFIED.—In the Budget justifica-
 20 tion materials submitted to Congress in support of the De-
 21 partment of Defense budget for any fiscal year after fiscal
 22 year 1999 (as submitted with the budget of the President
 23 under section 1105(a) of title 31, United States Code),
 24 the amount requested for activities of the Ballistic Missile

1 Defense Organization shall be set forth in accordance with
2 the following Program Elements:

3 (1) The Patriot system.

4 (2) The Navy Area system.

5 (3) The Theater High-Altitude Area Defense
6 system.

7 (4) The Navy Theater Wide system.

8 (5) The Medium Extended Air Defense System.

9 (6) Joint Theater Missile Defense.

10 (7) National Missile Defense.

11 (8) Support Technologies.

12 (9) Family of Systems Engineering and Inte-
13 gration.

14 (10) Ballistic Missile Defense Technical Oper-
15 ations.

16 (11) Threat and Countermeasures.

17 (12) International Cooperative Programs.

18 (b) TREATMENT OF BALLISTIC MISSILE DEFENSE
19 MAJOR DEFENSE ACQUISITION PROGRAMS.—Amounts re-
20 quested for Theater and National Missile Defense Major
21 Defense Acquisition Programs shall be specified in individ-
22 ual dedicated program elements, and amounts appro-
23 priated for such programs shall be available only for Bal-
24 listic Missile Defense activities.

1 (c) MANAGEMENT AND SUPPORT.—Program Ele-
2 ments shall include requests for the amounts necessary for
3 the management and support of the programs, projects,
4 and activities contained in that program element.

5 **SEC. 907. TRANSFER OF FUNDS RELATED TO THE EXECU-**
6 **TION OF MILITARY FAMILY HOUSING PRIVAT-**
7 **IZATION PROJECTS.**

8 (a) TRANSFER AUTHORITY.—In such amounts as
9 provided in advance in appropriation Acts, the Secretary
10 of Defense may transfer amounts for military housing
11 from amounts appropriated therefor to the Department in
12 Operations and Maintenance accounts, to Military Person-
13 nel accounts.

14 (b) NOTICE REQUIREMENT.—A transfer of appro-
15 priated amounts under subsection (a) may be made only
16 after the end of the 30-day period beginning on the date
17 the Secretary of Defense submits written notice of, and
18 justification for, the transfer to the appropriate commit-
19 tees of Congress.

20 **SEC. 908. CLARIFICATION OF THE PROPER CHARGES TO**
21 **MILITARY CONSTRUCTION DESIGN FUNDS.**

22 Section 2807 of title 10, United States Code, is
23 amended—

24 (1) in subsection (a) by striking “in connection
25 with military construction projects not otherwise au-

1 thorized by law.” and inserting in lieu thereof “, re-
2 gardless of the intended acquisition approach, in
3 connection with any military construction or military
4 family housing project otherwise, or not otherwise,
5 authorized by law.”; and

6 (2) in subsection (d) by striking “study, plan-
7 ning, design, architectural and engineering services”
8 and inserting in lieu thereof: “architectural and en-
9 gineering services and construction design”.

10 **SEC. 909. PAYMENT OF FOREIGN LICENSING FEES FROM**
11 **THE PROCEEDS RECEIVED FROM THE SALE**
12 **OF MAPS, CHARTS, AND NAVIGATIONAL**
13 **BOOKS.**

14 Section 451 of title 10, United States Code, is
15 amended—

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

18 (2) by striking the period at the end of para-
19 graph (2) and inserting in lieu thereof “; and”; and

20 (3) by adding at the end the following new
21 paragraph (3):

22 “(3) pay licensing or other fees to foreign coun-
23 tries or international organizations for the acquisi-
24 tion or use of data or products to be paid for from
25 the proceeds of the public sales of such data or prod-

1 ucts. All amounts in excess of the licensing or other
2 fees shall be deposited by the Secretary in the
3 Treasury as miscellaneous receipts.”.

4 **SEC. 910. FEES AT MILITARY HISTORY INSTITUTES.**

5 (a) ARMY.—Chapter 437 of title 10, United States
6 Code, is amended by adding at the end the following new
7 section:

8 **“§ 4595. United States Army Military History Insti-**
9 **tute: retention of fees**

10 “(a) AUTHORITY.—The Secretary of the Army may
11 charge and retain fees received for providing historical in-
12 formation from the United States Army Military History
13 Institute to public requesters.

14 “(b) RETENTION OF FEES.—Monies received by the
15 United States Army Military History Institute under sub-
16 section (a) shall be retained by the Secretary and shall
17 be available to offset the cost of providing historical infor-
18 mation.

19 “(c) EXCLUSION.—This section shall not apply to
20 records made available to the public under section 552 of
21 title 5, United States Code.

22 “(d) DEFINITIONS.—In this section:

23 “(1) The term ‘United States Army Military In-
24 stitute’ means the Army’s primary archive for his-
25 torical records and materials.

1 “(2) The term ‘public requesters’ means all per-
2 sons who request historical information from the In-
3 stitute other than persons who request information
4 in their official capacity as a member of the armed
5 forces or an officer or employee of the United
6 States, as defined in sections 2104 and 2105 of title
7 5, United States Code.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of such chapter 437 is amended by add-
10 ing at the end the following new item:

 “4595. United States Army Military History Institute: retention of fees.”.

11 (c) NAVY.—Chapter 649 of such title 10 is amended
12 by adding at the end the following new section:

13 **“§ 7582. United States Navy and Marine Corps Mili-**
14 **tary History Institutes: retention of fees**

15 “(a) AUTHORITY.—The Secretary of the Navy may
16 charge and retain fees received for providing historical in-
17 formation from the United States Naval Historical Center
18 and the Marine Corps Historical Center to public request-
19 ers.

20 “(b) RETENTION OF FEES.—Monies received by the
21 Secretary under subsection (a) shall be retained by the
22 Secretary and shall be available to offset the cost of pro-
23 viding historical information.

1 “(c) EXCLUSION.—This section shall not apply to
2 records made available to the public under section 552 of
3 title 5, United States Code.

4 “(d) DEFINITIONS.—In this section:

5 “(1) The term ‘United States Naval Historical
6 Center’ means the Navy’s primary archive for histor-
7 ical records and materials.

8 “(2) The term ‘Marine Corps Historical Center’
9 means the Marine Corps’ primary archive for histor-
10 ical records and materials.

11 “(3) The term ‘public requesters’ means all per-
12 sons who request historical information from the
13 Navy other than persons who request information in
14 their official capacity as a member of the armed
15 forces or an officer of the armed forces or an officer
16 or employee of the United States, as defined in sec-
17 tions 2104 and 2105 of title 5, United States
18 Code.”.

19 “(d) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such Chapter 649 is amended by add-
21 ing at the end the following new item:

“7582. United States Navy and Marine Corps Military History Institute: reten-
tion of fees.”.

22 “(e) AIR FORCE.—Chapter 937 of title 10, United
23 States Code, is amended by adding at the end the follow-
24 ing new section:

1 **§ 9594. United States Air Force Military History Insti-**
2 **tute: retention of fees**

3 “(a) **AUTHORITY.**—The Secretary of the Air Force
4 may charge and retain fees received for providing histori-
5 cal information from the United States Air Force Military
6 History Institute to public requesters.

7 “(b) **RETENTION OF FEES.**—Monies received by the
8 United States Air Force Military History Institute under
9 subsection (a) shall be retained by the Secretary and shall
10 be available to offset the cost of providing historical infor-
11 mation.

12 “(c) **EXCLUSION.**—This section shall not apply to
13 records made available to the public under section 552 of
14 title 5, United States Code.

15 “(d) **DEFINITIONS.**—In this section:

16 “(1) The term ‘United States Air Force Mili-
17 tary Institute’ means the Air Force’s primary ar-
18 chive for historical records and materials.

19 “(2) The term ‘public requesters’ means all per-
20 sons who request historical information from the In-
21 stitute other than persons who request information
22 in their official capacity as a member of the armed
23 forces or an officer or employee of the United
24 States, as defined in sections 2104 and 2105 of title
25 5, United States Code.”.

1 (f) CLERICAL AMENDMENT.—The table of sections at
2 the beginning of such chapter 937 is amended by adding
3 at the end the following new item:

“9594. United States Air Force Military History Institute: retention of fees.”.

4 **Subtitle B—Miscellaneous Report**
5 **Requirements and Repeals**

6 **SEC. 911. REPEAL OF OBSOLETE REPORTING REQUIRE-**
7 **MENT.**

8 Section 1002(d) of the Department of Defense Au-
9 thorization Act, 1985 (Public Law 98–525; 98 Stat.
10 2576), concerning an annual report to Congress regarding
11 the NATO conventional defense assessment of allied per-
12 formance in selected improvement areas, is hereby re-
13 pealed.

14 **SEC. 912. REPEAL OF REPORT ON NATO CONVENTIONAL**
15 **DEFENSE CAPABILITIES**

16 Section 1002(d) of the Department of Defense Au-
17 thorization Act, 1985 (Public Law 98–525; 98 Stat. 2575;
18 22 U.S.C. 1928 note) is amended—

19 (1) by striking subsection (d), and

20 (2) by redesignating subsections (e) and (f) as
21 subsections (d) and (e), respectively.

1 **SEC. 913. REPEAL OF OUTDATED REPORTS ON ALLIED**
2 **BURDENSARING.**

3 Section 1003 of the Department of Defense Author-
4 ization Act, 1985 (Public Law 98–525; 98 Stat. 2577) is
5 amended by striking subsection (c) and subsection (d).

6 **SEC. 914. REPEAL OF REPORTING REQUIREMENTS RELAT-**
7 **ING TO TRAINING OF SPECIAL OPERATIONS**
8 **FORCES WITH FRIENDLY FOREIGN FORCES.**

9 Section 2011 of title 10, United States Code, is
10 amended by striking subsection (e).

11 **SEC. 915. REPEAL OF ANNUAL REPORT ON THE DEFENSE**
12 **BUSINESS OPERATIONS FUND.**

13 Section 2216a(h) of title 10, United States Code, is
14 amended—

15 (1) by striking subsection (h), and

16 (2) by redesignating subsection (i) as subsection
17 (h).

18 **SEC. 916. REPEAL OF ANNUAL REPORT ON USE OF AU-**
19 **THORITY BY THE DEFENSE CONTRACT AUDIT**
20 **AGENCY TO SUBPOENA RECORDS OF DE-**
21 **FENSE CONTRACTORS.**

22 Section 2313(b) of title 10, United States Code, is
23 amended by striking paragraph (4).

1 **SEC. 917. REPEAL OF REPORT ON USE OF FUNDS RECEIVED**
2 **FROM THE LEASE OF NON-EXCESS PROP-**
3 **ERTY.**

4 Section 2667(d) of title 10, United States Code, is
5 amended—

6 (1) by striking paragraph (3); and

7 (2) by redesignating paragraphs (4) and (5) as
8 paragraphs (3) and (4), respectively.

9 **SEC. 918. REPEAL OF STUDIES AND REPORTS ON DEM-**
10 **ONSTRATION PROJECTS FOR DELIVERY OF**
11 **HEALTH CARE.**

12 Section 1092(a) of title 10, United States Code, is
13 amended by striking “every six months” and inserting in
14 lieu thereof “every year”.

15 **SEC. 920. REPEAL OF COMMISSION REPORT ON ALTER-**
16 **NATIVE UTILIZATION OF MILITARY FACILI-**
17 **TIES.**

18 Section 2819 of the National Defense Authorization
19 Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat.
20 2119; 10 U.S.C. 2391 note) is repealed.

21 **SEC. 921. REPEAL OF REPORT ON PROPOSED CONTRACT**
22 **FOR SALE OF GREGG CIRCLE AREA, FORT**
23 **JACKSON, SOUTH CAROLINA.**

24 Section 840 of the Military Construction Authoriza-
25 tion Act, 1986 (Public Law 99–167; 99 Stat. 997) is
26 amended—

1 (1) by striking subsection (d); and

2 (2) by redesignating subsections (e), (f), (g),
3 and (h) as subsections (d), (e), (f), and (g), respec-
4 tively.

5 **SEC. 922. EXCEPTIONS FROM REPORTING REQUIREMENTS**
6 **FOR EMERGENCY REAL PROPERTY TRANS-**
7 **ACTIONS.**

8 (a) IN GENERAL.—Section 2662 of title 10, United
9 States Code, is amended by adding at the end the follow-
10 ing new subsections:

11 “(g) EXCEPTION FOR DECLARATION OF WAR OR
12 EMERGENCY, PROCLAMATION TO DISPERSE, OR CONTIN-
13 GENCY OPERATION.—Subsections (a) and (e) shall not
14 apply to any real property transaction made in connection
15 with—

16 “(1) a declaration of war;

17 “(2) a declaration of a national emergency by
18 the President pursuant to the National Emergencies
19 Act (Public Law 94–412; 50 U.S.C. 1601 et seq.);

20 “(3) a declaration of an emergency or a major
21 disaster pursuant to the Robert T. Stafford Disaster
22 Relief and Emergency Assistance Act of 1974 (Pub-
23 lic Law 93–228, as amended by Public Law 100–
24 707; 42 U.S.C. 5121 et seq.);

1 “(4) the use of the militia or the armed forces,
2 or both, after a proclamation to disperse under sec-
3 tion 334 of this title; or

4 “(5) a contingency operation.

5 “(h) EXCEPTION.—The Secretary concerned may
6 enter into any real property transaction listed in sub-
7 section (a) without submitting a report required under
8 such subsection when the Secretary determines that an
9 event specified in subsection (g) is imminent and it is nec-
10 essary to prepare for the event prior to the event occur-
11 ring.

12 “(i) REPORT ON EXCEPTION.—The Secretary con-
13 cerned shall submit a report to the congressional commit-
14 tees named in subsection (a) not later than 30 days after
15 entering into a transaction that, but for subsection (g) or
16 (h), would require a report under subsection (a) or (e).”.

17 “(b) CONFORMING AMENDMENT.—Subsection (a) of
18 such section is amended by striking “(a) The Secretary”
19 and inserting in lieu thereof “(a) TRANSACTIONAL RE-
20 PORTING REQUIREMENTS.—Except as provided in sub-
21 sections (g) and (h), the Secretary”.

22 “(c) CLERICAL AMENDMENTS.—(1) Subsection (b) of
23 such section is amended by striking “(b) The Secretary
24 of” and inserting in lieu thereof “(b) ANNUAL REPORT.—
25 The Secretary of”.

1 (2) Subsection (e) of such section is amended by
2 striking “(c) This section applies” and inserting in lieu
3 thereof “(c) APPLICABILITY.—This section applies”.

4 (3) Subsection (d) of such section is amended by
5 striking “(d) A statement” and inserting in lieu thereof
6 “(d) EFFECT OF STATEMENT OF COMPLIANCE.—A state-
7 ment”.

8 (4) Subsection (e) of such section is amended by
9 striking “(e) No element” and inserting in lieu thereof
10 “(e) OCCUPANCY OF GSA LEASED SPACE.—No element”.

11 (5) Subsection (f) of such section is amended by
12 striking “(f) Whenever” and inserting in lieu thereof “(f)
13 REPORT ON TRANSACTION INVOLVING AN INTELLIGENCE
14 COMPONENT.—Whenever”.

15 **SEC. 923. REPEAL OF NOTIFICATION REQUIREMENTS RE-**
16 **LATING TO INSPECTOR GENERAL INVESTIGA-**
17 **TIONS.**

18 Section 1034 of title 10, United States Code, is
19 amended—

20 (1) by striking subsection (e)(3),

21 (2) by redesignating subsection (e)(4) as sub-
22 section (e)(3),

23 (3) by striking subsection (h), and

24 (4) by redesignating subsections (i) and (j) as
25 subsections (h) and (i), respectively.

1 **SEC. 924. REPEAL OF REPORTING OF CERTAIN ELEMENTS**
2 **OF OVERSEAS BASING COSTS.**

3 Section 8125 of the Department of Defense Appro-
4 priations Act, 1989 (Public Law 100–463; 102 Stat.
5 2270–42) (10 U.S.C. 113 note) is amended—

6 (1) by striking subsection (g); and

7 (2) in subsection (h), by striking “subsections
8 (f) and (g)” and inserting in lieu thereof “subsection
9 (f)”.

10 **SEC. 925. INFLATION ADJUSTMENT TO NOTIFICATION RE-**
11 **QUIREMENT FOR ARCHITECTURAL AND EN-**
12 **GINEERING SERVICES AND CONSTRUCTION**
13 **DESIGN CONTRACT.**

14 Section 2807 (b) of title 10, United States Code, is
15 amended by striking “\$300,000” and inserting in lieu
16 thereof “\$500,000”.

17 **Subtitle C—Matters Relating to**
18 **Terrorism**

19 **SEC. 931. AUTHORITY TO PURCHASE NONTACTICAL AR-**
20 **MORED PASSENGER VEHICLES UNDER EMER-**
21 **GENCY SITUATIONS FOR COMBATING TER-**
22 **RORISM AND MILITARY FORCE PROTECTION**
23 **SUPPORT.**

24 Section 2253(a) of title 10, United States Code, is
25 amended—

1 (1) by inserting “, the Chairman, Joint Chiefs
2 of Staff,” after “The Secretary of Defense”

3 (2) by striking “and” at the end of paragraph
4 (1);

5 (3) by striking the period at the end of para-
6 graph (2) and inserting in lieu thereof “; and”; and

7 (4) by adding at the end the following new
8 paragraph (3):

9 “(3) purchase nontactical armored passenger
10 vehicles under emergency situations for combating
11 terrorism and military force protection support not-
12 withstanding section 1343 of title 31, United States
13 Code.”.

14 **SEC. 932. MAINTENANCE AND OPERATION OF EQUIPMENT**
15 **FOR COUNTERTERRORISM.**

16 Section 374 of title 10, United States Code, is
17 amended—

18 (1) in subsection (b)(1)(A), by striking “or”;

19 (2) in subsection (b)(1)(B), by striking the pe-
20 riod at the end, inserting in lieu thereof a semicolon
21 and the following new subparagraphs:

22 “(C) a foreign or domestic counter-
23 terrorism operation; or

1 “(D) a rendition of a suspected terrorist
2 from a foreign country to the United States to
3 stand trial.”;

4 (3) in subsection (b)(2)(F)(i)—

5 (A) by inserting “along with any other ci-
6 vilian or military personnel who are supporting,
7 or conducting, a joint operation with civilian
8 law enforcement personnel;” after “the trans-
9 portation of civilian law enforcement person-
10 nel”; and

11 (B) by striking “and”;

12 (4) in subsection (b)(2)(F)(ii)—

13 (A) by inserting “and supporting” after
14 “the operation of a base of operations for civil-
15 ian law enforcement”;

16 (B) by striking the period at the end and
17 inserting in lieu thereof “; and”; and

18 (C) by inserting at the end the following
19 new clause:

20 “(iii) the transportation of suspected
21 terrorists from foreign countries to the
22 United States for trial (so long as the re-
23 questing agency provides all security for
24 such transportation and maintains custody

1 over the suspect through the duration of
2 the transportation.”;

3 (5) in subsection (b)(4)(A), by striking “an”
4 and inserting in lieu thereof “a Federal”; and

5 (6) in subsection (b)(4)(A), by inserting “(v)
6 Any law, foreign or domestic, prohibiting terrorist
7 activities.” after “(iv) The Maritime Drug Law En-
8 forcement Act (46 U.S.C. App. 1901 et seq.)”.

9 **Subtitle D—Matters Relating to** 10 **Counter Drug Operations**

11 **SEC. 941. DEPARTMENT OF DEFENSE SUPPORT FOR** 12 **COUNTER-DRUG ACTIVITIES.**

13 Section 1004 of the National Defense Authorization
14 Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amend-
15 ed—

16 (1) in subsection (a) by striking “through
17 1999” and inserting in lieu thereof “through 2004”;

18 (2) in paragraph (b)(4) by inserting “Depart-
19 ment of Defense or any Federal, State, local, or for-
20 eign law enforcement agency” after “facilitating”;

21 (3) by redesignating subsection “(g)” as sub-
22 section “(h)”;

23 (4) by inserting after subsection “(f)” the fol-
24 lowing new subsection “(g)”.

1 “(g) OUTREACH PROGRAMS.—(1) The Secretary of
2 Defense may conduct domestic outreach programs to re-
3 duce the demand for illegal drugs among youths. The pro-
4 grams may include outreach activities conducted sepa-
5 rately or jointly by the active and reserve components of
6 the armed forces.

7 “(2) Funds available to the Department of Defense
8 for drug interdiction and counter-drug activities may be
9 used in carrying out the outreach programs described in
10 paragraph (1).”.

11 **SEC. 942. EXPANSION AND EXTENSION OF AUTHORITY TO**
12 **PROVIDE ADDITIONAL SUPPORT FOR**
13 **COUNTER-DRUG ACTIVITIES OF SELECTED**
14 **CARIBBEAN COUNTRIES.**

15 (a) IN GENERAL.—Section 1031 of the National De-
16 fense Authorization Act for Fiscal Year 1997 (Public Law
17 104–201; 110 Stat. 2637), as amended, is further amend-
18 ed—

19 (1) in the catchline by striking “Mexico” and
20 inserting in lieu thereof “selected Caribbean coun-
21 tries.”;

22 (2) in subsection (a)—

23 (A) by striking “during fiscal year 1997”
24 and inserting in lieu thereof “during fiscal
25 years 1999 through 2004”;

1 (B) by striking “Government of Mexico” in
2 each place it appears in the subsection and in-
3 serting in lieu thereof in each instance “selected
4 Caribbean countries”;

5 (C) by inserting at the end of the sub-
6 section the following new sentence: “For the
7 purposes of this section, the term ‘selected Car-
8ibbean countries’ includes the Commonwealth of
9 the Bahamas, the Dominican Republic, Haiti,
10 Jamaica, Trinidad and Tobago, Grenada, Saint
11 Vincent and the Grenadines, Barbados, Saint
12 Lucia, Dominica, Antigua and Barbuda, and
13 Saint Christopher and Nevis.”;

14 (3) in paragraph (b)(2)—

15 (A) by striking “nonlethal”;

16 (B) by redesignating subparagraph (F) as
17 subparagraph (G) and in the subparagraph (G),
18 as so redesignated, by striking “subparagraphs
19 (A), (B), (C), (D), and (E)” and inserting in
20 lieu thereof “subparagraphs (A), (B), (C), (D),
21 (E) and (F)”;

22 (C) by inserting after paragraph (E) the
23 following new paragraph (F):

1 “(F) Boats suitable for Caribbean counter-
2 drug operations along with associated systems,
3 services, and communications suites.”;

4 (4) in paragraph (b)(4) by striking “Mexico”
5 and inserting in lieu thereof “selected Caribbean
6 countries.”;

7 (5) in subsection (b) by adding at the end the
8 following new paragraph (5):

9 “(5) For selected Caribbean countries, oper-
10 ation and maintenance support to utilize the support
11 provided in subsection (b) for the counter-drug ac-
12 tivities of the receiving Government”.

13 (6) in subsection (d) by striking “\$8,000,000”
14 and inserting in lieu thereof “\$8,500,000”;

15 (7) in subsection (d) by striking the last two
16 sentences;

17 (8) in paragraph (e)(2) by striking “Govern-
18 ment of Mexico” each place it appears in the para-
19 graph and inserting in lieu thereof, in each instance,
20 “receiving Government”.

21 (9) in subparagraph (e)(2)(B) by inserting “the
22 functional equivalent of” after “undergone”.

23 (b) CLERICAL AMENDMENT.—The item relating to
24 section 1031 as depicted in subtitle C of title X of the
25 table of contents for such Act (Public Law 104–201; 110

1 Stat. 2430) is amended by striking “Mexico” and insert-
2 ing in lieu thereof “selected Caribbean countries.”

3 **Subtitle E—Other Matters**

4 **SEC. 951. DEFINITION OF FINANCIAL INSTITUTIONS FOR** 5 **DIRECT DEPOSIT OF PAY.**

6 (a) **MILITARY EMPLOYEES REIMBURSEMENT FOR**
7 **ERRORS.**—Section 1053(d)(1) of title 10, United States
8 Code, is amended to read as follows:

9 “(d)(1) The term ‘financial institution’ means a
10 bank, savings and loan association or similar institution,
11 or a credit union chartered by the United States or a
12 State.”

13 (b) **CIVILIAN EMPLOYEES REIMBURSEMENT FOR**
14 **ERROR.**—Section 1594(d)(1) of title 10, United States
15 Code, is amended to read as follows:

16 “(d)(1) The term ‘financial institution’ means a
17 bank, savings and loan association or similar institution,
18 or a credit union chartered by the United States or a
19 State.”

20 **SEC. 952. RELEASE OF DRUG TEST RESULTS OF CIVIL** 21 **SERVICE MARINERS OF THE MILITARY SEA-** 22 **LIFT COMMAND.**

23 Section 503(e) of the Supplemental Appropriations
24 Act, 1987 (5 U.S.C. 7301 note) is amended by adding at
25 the end the following new paragraph:

1 “(5) Notwithstanding paragraphs (1) through
2 (4) of this subsection, to the extent similar submis-
3 sions are required from commercial vessel operators,
4 drug testing results of Civil Service Mariners of the
5 Military Sea Lift Command may be released to the
6 United States Coast Guard.”.

7 **SEC. 953. DISPOSITION OF COLLECTIONS RECOVERED**
8 **FROM CLAIMS AGAINST THIRD PARTIES FOR**
9 **LOSS OR DAMAGE TO PERSONAL PROP-**
10 **ERTIES OR STORED AT GOVERNMENT EX-**
11 **PENSE.**

12 (a) IN GENERAL.—Chapter 163 of title 10, United
13 States Code, is amended by adding at the end the follow-
14 ing new section:

15 **“§ 2739. Disposition of amounts recovered from**
16 **claims against third parties for loss or**
17 **damage to personal property shipped or**
18 **stored at government expense**

19 “All amounts that the military claims services col-
20 lected from third parties under the authority of sections
21 3711, 3716, 3717 and 3721 of title 31, United States
22 Code, as a result of claims the services have paid to the
23 owners of personal property for loss or damage to their
24 property while it was being shipped or stored at govern-
25 ment expense, shall be credited to the appropriation from

1 which claims may be paid for the year such amounts are
2 received.”; and

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for such chapter is amended by adding at the end the fol-
5 lowing new item:

“2739. Disposition of amounts recovered from claims against third parties for
loss or damage to personal property shipped or stored at gov-
ernment expense.”.

6 **SEC. 954. TRANSPORTATION OF POLYCHLORINATED**
7 **BIPHENYLS.**

8 (a) IN GENERAL.—Chapter 141 of title 10, United
9 States Code, is amended by adding at the end the follow-
10 ing new section:

11 **“§ 2410o. Transportation of polychlorinated**
12 **biphenyls**

13 “Notwithstanding any other provision of law or regu-
14 lation, polychlorinated biphenyls which are located outside
15 of the customs territory of the United States and which
16 are in the possession and control of the United States may
17 be imported for disposal in the customs territory of the
18 United States. Disposal, treatment, or storage of such pol-
19 ychlorinated biphenyls within the customs territory of the
20 United States shall be governed by the Toxic Substances
21 Control Act.”.

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

“2410o. Transportation of Polychlorinated Biphenyls.”.

4 **SEC. 955. RENTAL OF ARMY FAMILY HOUSING IN ITALY**
5 **AND KOREA.**

6 Section 2828(e)(2) of title 10, United States Code,
7 is amended to read as follows:

8 “(2) In addition to the 450 units of family
9 housing referred to in paragraph (1) for which the
10 maximum lease amount is \$25,000 per unit per
11 year—

12 “(A) the Secretary of the Navy may lease
13 not more than 2,000 units of family housing in
14 Italy subject to that maximum lease amount;
15 and

16 “(B) the Secretary of the Army may lease
17 not more than 500 units of family housing in
18 Italy and not more than 800 units of family
19 housing in Korea subject to that maximum
20 lease amount.”.

21 **SEC. 956. PILOT PROGRAM ON SEPARATE NOTICE BY FED-**
22 **ERAL AGENCY PRIOR TO GARNISHMENT FOR**
23 **CHILD SUPPORT AND ALIMONY.**

24 (a) IN GENERAL.—The Secretary of Defense may
25 conduct a pilot program in which the Secretary’s agent

1 for purposes of providing notice and taking action to en-
2 force obligations for child support and alimony under sec-
3 tion 459 of the Social Security Act (42 U.S.C. 659) would
4 be exempt from providing “a copy of the notice or service”
5 as required by subparagraph 459(c)(2)(A) of such Act.

6 (b) REQUIREMENTS.—The notice to the individual
7 shall comply with all provisions of law except for the provi-
8 sion of a copy of the notice or service noted in subsection
9 (a), shall be in writing, and shall describe the pertinent
10 court order, notice to withhold, or other order or process
11 received by the Secretary’s agent to enforce child support
12 and alimony obligations. Such information also shall in-
13 clude the identity of the court or judicial forum ordering
14 the support obligation, the case number, the amount of
15 the obligation, and the name of the beneficiary. The notice
16 also shall contain an address and telephone number where
17 a copy of the notice or service may be obtained upon the
18 request of an individual.

19 (c) REPORT.—The Secretary shall submit a report to
20 the Speaker of the House of Representatives and the
21 President of the Senate describing the program. Such re-
22 port shall be provided by April 1, 2001 and shall include
23 the number of notices provided during the period of the
24 pilot program; the number of individuals who requested
25 copies of the actual notice or service; and any complaints

1 the Secretary or his agent may receive by not providing
2 the actual notice or service.

3 (d) PERIOD OF PILOT PROGRAM.—The pilot program
4 shall begin within 90 days of the enactment of this Act
5 and shall remain in effect through September 30, 2000.

6 **SEC. 957. LONG-TERM CHARTER OF THREE VESSELS IN**
7 **SUPPORT OF SUBMARINE RESCUE, ESCORT,**
8 **AND TOWING.**

9 The Secretary of the Navy may to enter into a long-
10 term charter or into long-term charters, in accordance
11 with section 2401 of title 10, United States Code, for
12 three vessels (CAROLYN CHOUEST, United States offi-
13 cial number D102057; KELLIE CHOUEST, United
14 States official number D1038519; DOLORES
15 CHOUEST, United States official number D600288) to
16 support the rescue, escort, and towing of submarines.

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