

Union Calendar No. 301

105TH CONGRESS
2^D SESSION

H. R. 3616

[Report No. 105-532]

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.

MAY 12, 1998

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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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

MAY 12, 1998

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on April 1, 1998]

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,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “National Defense Au-*
 3 *thorization Act for Fiscal Year 1999”.*

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

6 (a) *DIVISIONS.*—*This Act is organized into three divi-*
 7 *sions as follows:*

8 (1) *Division A—Department of Defense Author-*
 9 *izations.*

10 (2) *Division B—Military Construction Author-*
 11 *izations.*

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

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

Sec. 1. Short title.

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

Sec. 3. Congressional defense committees defined.

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Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Reserve components.

Sec. 106. Defense Inspector General.

Sec. 107. Chemical Demilitarization Program.

Sec. 108. Defense health programs.

Sec. 109. Defense Export Loan Guarantee Program.

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Sec. 112. M1A2 System Enhancement Program Step 1 Program.

Subtitle C—Navy Programs

Sec. 121. Multiyear procurement authority for the Department of the Navy.

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Sec. 232. Limitation on funding for the Medium Extended Air Defense System.
Sec. 233. Limitation on funding for cooperative ballistic missile defense programs.
Sec. 234. Limitation on funding for counterproliferation support.
Sec. 235. Ballistic Missile Defense program elements.

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Sec. 303. Armed Forces Retirement Home.
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Sec. 308. Fisher House Trust Funds.

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Sec. 312. Defense-wide electronic mall system for supply purchases.
Sec. 313. Protection of funding provided for certain information technology and national security programs.
Sec. 314. Priority funding to ensure year 2000 compliance of mission critical information technology and national security systems.

Sec. 315. Evaluation of year 2000 compliance as part of training exercises programs.

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Sec. 322. Removal of underground storage tanks.

Subtitle D—Defense Infrastructure Support Improvement

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Sec. 332. Clarification of requirement to maintain Government-owned and Government-operated core logistics capability.

Sec. 333. Oversight of development and implementation of automated identification technology.

Sec. 334. Conditions on expansion of functions performed under prime vendor contracts.

Sec. 335. Clarification of definition of depot-level maintenance and repair.

Sec. 336. Clarification of commercial item exception to requirements regarding core logistics capabilities.

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Sec. 338. Contractor-operated civil engineering supply stores program.

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- Sec. 364. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.*
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- Sec. 555. Definition of financial institution for direct deposit of pay.*
- Sec. 556. Increase in maximum amount for College Fund program.*
- Sec. 557. Central Identification Laboratory, Hawaii.*
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- Sec. 560. Report on prisoners transferred from United States Disciplinary Barracks, Fort Leavenworth, Kansas, to Federal Bureau of Prisons.*
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- Sec. 562. Study of revising the term of service of members of the United States Court of Appeals for the Armed Forces.*
- Sec. 563. Status of cadets at the Merchant Marine Academy.*

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- Sec. 602. Basic allowance for housing outside the United States.*
- Sec. 603. Basic allowance for subsistence for Reserves.*

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- Sec. 613. One-year extension of authorities relating to payment of other bonuses and special pays.*
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- Sec. 616. Selective reenlistment bonus eligibility for Reserve members performing active Guard and Reserve duty.*
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- Sec. 641. Effective date of former spouse survivor benefit coverage.*

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- Sec. 652. Accounting of advance payments.*
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Sec. 702. Plan for provision of health care for military retirees and their dependents comparable to health care provided under TRICARE Prime.
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- Sec. 2702. Extension of authorizations of certain fiscal year 1996 projects.*
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- Sec. 2811. Restoration of Department of Defense lands used by another Federal agency.*
- Sec. 2812. Outdoor recreation development on military installations for disabled veterans, military dependents with disabilities, and other persons with disabilities.*
- Sec. 2813. Report on use of utility system conveyance authority.*

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- Sec. 2821. Payment of stipulated penalties assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 in connection with McClellan Air Force Base, California.*

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- Sec. 3123. Limits on construction projects.*
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for conceptual and construction design.
Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.
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Subtitle C—Program Authorizations, Restrictions, and Limitations

- Sec. 3131. Prohibition on Federal loan guarantees for defense environmental management privatization projects.*
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Sec. 3152. Requirement for plan to modify employment system used by Department of Energy in defense environmental management programs.
Sec. 3153. Report on stockpile stewardship criteria.

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- Sec. 3201. Authorization.*

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- Sec. 3301. Definitions.*
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TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Definitions.*
Sec. 3402. Authorization of appropriations.
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Sec. 3405. Disposal of Naval Petroleum Reserve Numbered 3.
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Sec. 3407. Administration.

TITLE XXXV—PANAMA CANAL COMMISSION

- Sec. 3501. Short title; references to Panama Canal Act of 1979.*
Sec. 3502. Authorization of expenditures.
Sec. 3503. Purchase of vehicles.
Sec. 3504. Expenditures only in accordance with treaties.
Sec. 3505. Donations to the Commission.
Sec. 3506. Sunset of United States overseas benefits just before transfer.
Sec. 3507. Central Examining Office.
Sec. 3508. Liability for vessel accidents.

Sec. 3509. *Panama Canal Board of Contract Appeals.*

Sec. 3510. *Technical amendments.*

TITLE XXXVI—MARITIME ADMINISTRATION

Sec. 3601. *Authorization of appropriations for fiscal year 1999.*

Sec. 3602. *Conveyance of NDRF vessel M/V BAYAMON.*

Sec. 3603. *Conveyance of NDRF vessels BENJAMIN ISHERWOOD and HENRY ECKFORD.*

Sec. 3604. *Clearinghouse for maritime information.*

Sec. 3605. *Conveyance of NDRF vessel ex-USS LORAIN COUNTY.*

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

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

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

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

9 ***DIVISION A—DEPARTMENT OF***
10 ***DEFENSE AUTHORIZATIONS***

11 ***TITLE I—PROCUREMENT***
12 ***Subtitle A—Authorization of***
13 ***Appropriations***

14 ***SEC. 101. ARMY.***

15 *Funds are hereby authorized to be appropriated for fis-*
16 *cal year 1999 for procurement for the Army as follows:*

17 *(1) For aircraft, \$1,420,759,000.*

18 *(2) For missiles, \$1,232,285,000.*

19 *(3) For weapons and tracked combat vehicles,*
20 *\$1,507,638,000.*

1 (4) *For ammunition, \$1,053,455,000.*

2 (5) *For other procurement, \$3,136,918,000.*

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

4 (a) *NAVY.—Funds are hereby authorized to be appro-*
5 *priated for fiscal year 1999 for procurement for the Navy*
6 *as follows:*

7 (1) *For aircraft, \$7,420,847,000.*

8 (2) *For weapons, including missiles and tor-*
9 *pedoes, \$1,192,195,000.*

10 (3) *For shipbuilding and conversion,*
11 *\$5,992,361,000.*

12 (4) *For other procurement, \$3,969,507,000.*

13 (b) *MARINE CORPS.—Funds are hereby authorized to*
14 *be appropriated for fiscal year 1999 for procurement for*
15 *the Marine Corps in the amount of \$691,868,000.*

16 (c) *NAVY AND MARINE CORPS AMMUNITION.—Funds*
17 *are hereby authorized to be appropriated for procurement*
18 *of ammunition for the Navy and the Marine Corps in the*
19 *amount of \$451,968,000.*

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

21 *Funds are hereby authorized to be appropriated for fis-*
22 *cal year 1999 for procurement for the Air Force as follows:*

23 (1) *For aircraft, \$8,219,077,000.*

24 (2) *For missiles, \$2,234,668,000.*

25 (3) *For ammunition, \$383,627,000.*

1 (4) *For other procurement, \$7,046,372,000.*

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

3 *Funds are hereby authorized to be appropriated for fis-*
4 *cal year 1999 for Defense-wide procurement in the amount*
5 *of \$1,962,866,000.*

6 **SEC. 105. RESERVE COMPONENTS.**

7 *Funds are hereby authorized to be appropriated for fis-*
8 *cal year 1999 for procurement of aircraft, vehicles, commu-*
9 *nications equipment, and other equipment for the reserve*
10 *components of the Armed Forces as follows:*

11 (1) *For the Army National Guard, \$50,000,000.*

12 (2) *For the Air National Guard, \$50,000,000.*

13 (3) *For the Army Reserve, \$50,000,000.*

14 (4) *For the Naval Reserve, \$50,000,000.*

15 (5) *For the Air Force Reserve, \$50,000,000.*

16 (6) *For the Marine Corps Reserve, \$50,000,000.*

17 **SEC. 106. DEFENSE INSPECTOR GENERAL.**

18 *Funds are hereby authorized to be appropriated for fis-*
19 *cal year 1999 for procurement for the Inspector General of*
20 *the Department of Defense in the amount of \$1,300,000.*

21 **SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

22 *There is hereby authorized to be appropriated for fiscal*
23 *year 1999 the amount of \$834,000,000 for—*

24 (1) *the destruction of lethal chemical agents and*
25 *munitions in accordance with section 1412 of the De-*

1 *partment of Defense Authorization Act, 1986 (50*
2 *U.S.C. 1521); and*

3 *(2) the destruction of chemical warfare materiel*
4 *of the United States that is not covered by section*
5 *1412 of such Act.*

6 **SEC. 108. DEFENSE HEALTH PROGRAMS.**

7 *Funds are hereby authorized to be appropriated for fis-*
8 *cal year 1999 for the Department of Defense for procure-*
9 *ment for carrying out health care programs, projects, and*
10 *activities of the Department of Defense in the total amount*
11 *of \$402,387,000.*

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

13 *Funds are hereby authorized to be appropriated for fis-*
14 *cal year 1999 for the Department of Defense for carrying*
15 *out the Defense Export Loan Guarantee Program under sec-*
16 *tion 2540 of title 10, United States Code, in the total*
17 *amount of \$1,250,000.*

18 ***Subtitle B—Army Programs***

19 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR**
20 ***Longbow Hellfire Missile Program.***

21 *Beginning with the fiscal year 1999 program year, the*
22 *Secretary of the Army may, in accordance with section*
23 *2306b of title 10, United States Code, enter into a*
24 *multiyear procurement contract for procurement of the*
25 *AGM-114 Longbow Hellfire missile.*

1 **SEC. 112. M1A2 SYSTEM ENHANCEMENT PROGRAM STEP 1**
2 **PROGRAM.**

3 *Of the funds authorized to be appropriated for the*
4 *Army in section 101 for weapons and tracked combat vehi-*
5 *cles, \$20,300,000 shall be available only for the Step 1 pro-*
6 *gram for the M1A2 System Enhancement Program.*

7 **Subtitle C—Navy Programs**

8 **SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR THE**
9 **DEPARTMENT OF THE NAVY.**

10 *(a) AUTHORITY FOR SPECIFIED NAVY AIRCRAFT PRO-*
11 *GRAMS.—Beginning with the fiscal year 1999 program*
12 *year, the Secretary of the Navy may, in accordance with*
13 *section 2306b of title 10, United States Code, enter into a*
14 *multiyear procurement contract for procurement for the fol-*
15 *lowing programs:*

16 *(1) The AV-8B aircraft program.*

17 *(2) The T-45TS aircraft program.*

18 *(3) The E-2C aircraft program.*

19 *(b) AUTHORITY FOR MARINE CORPS MEDIUM TAC-*
20 *TICAL VEHICLE REPLACEMENT.—Beginning with the fiscal*
21 *year 1999 program year, the Secretary of the Navy may,*
22 *in accordance with section 2306b of title 10, United States*
23 *Code, enter into a multiyear procurement contract to pro-*
24 *cure the Marine Corps Medium Tactical Vehicle Replace-*
25 *ment.*

1 ***Subtitle D—Other Matters***

2 ***SEC. 141. FUNDING, TRANSFER, AND MANAGEMENT OF THE***
3 ***ASSEMBLED CHEMICAL WEAPONS ASSESS-***
4 ***MENT PROGRAM.***

5 (a) *FUNDING.*—*Of the amount authorized to be appro-*
6 *priated in section 107, \$12,600,000 shall be available for*
7 *the Assembled Chemical Weapons Assessment Program (in*
8 *this section referred to as the “Program”).*

9 (b) *TRANSFER OF PROGRAM RESPONSIBILITY.*—(1)
10 *The Under Secretary of Defense for Acquisition and Tech-*
11 *nology and the Secretary of the Army shall jointly submit*
12 *to Congress, not later than December 1, 1998, a plan for*
13 *the transfer of oversight of the Program from the Under Sec-*
14 *retary to the Secretary.*

15 (2) *Oversight of the Program shall be transferred pur-*
16 *suant to the plan submitted under paragraph (1) not later*
17 *than 60 days after the date of the submission of the notice*
18 *required under section 152(f)(2) of the National Defense Au-*
19 *thorization Act for Fiscal Year 1996 (Public Law 104–106;*
20 *110 Stat. 214; 50 U.S.C. 1521(f)(2)).*

21 (c) *PLAN FOR PILOT PROGRAM.*—*If the Secretary of*
22 *Defense proceeds with a pilot program under section 152(f)*
23 *of the National Defense Authorization Act for Fiscal Year*
24 *1996 (Public Law 104–106; 110 Stat. 214; 50 U.S.C.*
25 *1521(f)), the Secretary shall prepare a plan for the pilot*

1 program and shall submit to Congress a report on such plan
2 (including information on the cost of, and schedule for, im-
3 plementing the pilot program).

4 (d) *MANAGEMENT OF PROGRAM.*—The Program shall
5 be managed independently of the baseline incineration pro-
6 gram until the pilot program is completed.

7 (e) *DEFINITION.*—In this section, the term “Assembled
8 Chemical Weapons Assessment Program” means the pro-
9 gram established in section 152(e) of the National Defense
10 Authorization Act for Fiscal Year 1996 (Public Law 104–
11 106; 110 Stat. 214; 50 U.S.C. 1521), and section 8065 of
12 the Department of Defense Appropriations Act, 1997 (as
13 contained in section 101 of Public Law 104–208; 110 Stat.
14 3009–101), for identifying and demonstrating alternatives
15 to the baseline incineration process for the demilitarization
16 of assembled chemical munitions.

17 **TITLE II—RESEARCH, DEVELOP-**
18 **MENT, TEST, AND EVALUA-**
19 **TION**

20 **Subtitle A—Authorization of**
21 **Appropriations**

22 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

23 Funds are hereby authorized to be appropriated for fis-
24 cal year 1999 for the use of the Department of Defense for
25 research, development, test, and evaluation as follows:

1 (1) *For the Army, \$4,791,997,000.*

2 (2) *For the Navy, \$8,377,059,000.*

3 (3) *For the Air Force, \$13,785,401,000.*

4 (4) *For Defense-wide activities, \$9,283,515,000,*
5 *of which—*

6 (A) *\$251,106,000 is authorized for the ac-*
7 *tivities of the Director, Test and Evaluation; and*

8 (B) *\$29,245,000 is authorized for the Direc-*
9 *tor of Operational Test and Evaluation.*

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

11 (a) *FISCAL YEAR 1999.—Of the amounts authorized*
12 *to be appropriated by section 201, \$3,078,251,000 shall be*
13 *available for basic research and applied research projects.*

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

19 ***Subtitle B—Program Requirements,***
20 ***Restrictions, and Limitations***

21 **SEC. 211. MANAGEMENT RESPONSIBILITY FOR NAVY MINE**
22 **COUNTERMEASURES PROGRAMS.**

23 *Section 216(a) of the National Defense Authorization*
24 *Act for Fiscal Years 1992 and 1993 (Public Law 102–190;*
25 *105 Stat. 1317, as amended) is amended by striking out*

1 “through 1999” and inserting in lieu thereof “through
2 2003”.

3 **SEC. 212. FUTURE AIRCRAFT CARRIER TRANSITION TECH-**
4 **NOLOGIES.**

5 *Of the funds authorized to be appropriated under sec-*
6 *tion 201(2) for Carrier System Development (program ele-*
7 *ment 0603512N), \$50,000,000 shall be available for re-*
8 *search, development, test, evaluation, and insertion into the*
9 *CVN-77 nuclear aircraft carrier program of technologies*
10 *designed to transition to, demonstrate enhanced capabilities*
11 *for, or mitigate cost and technical risks of, the CV(X) air-*
12 *craft carrier program.*

13 **SEC. 213. MANUFACTURING TECHNOLOGY PROGRAM.**

14 *(a) REQUIREMENTS RELATING TO COMPETITION.—*
15 *Section 2525(d)(1) of title 10, United States Code, is*
16 *amended—*

17 *(1) by inserting “(A)” after “(1)”;* and

18 *(2) by adding at the end the following new sub-*
19 *paragraph:*

20 *“(B) For each grant awarded and each contract, coop-*
21 *erative agreement, or other transaction entered into on a*
22 *cost-share basis under the program, the ratio of contract*
23 *recipient cost to Government cost shall be determined by*
24 *competitive procedures. For a project for which the Govern-*
25 *ment receives an offer from only one offeror, the contracting*

1 *officer shall negotiate the ratio of contract recipient cost to*
2 *Government cost that represents the best value to the Gov-*
3 *ernment.”.*

4 *(b) REQUIREMENTS RELATING TO COST SHARE WAIV-*
5 *ERS.—Section 2525(d)(2) of such title is amended—*

6 *(1) by redesignating subparagraphs (A), (B),*
7 *and (C) as clauses (i), (ii), and (iii), respectively;*

8 *(2) by inserting “(A)” after “(2)”;* and

9 *(3) by adding at the end the following new sub-*
10 *paragraphs:*

11 *“(B) For any grant awarded or contract, cooperative*
12 *agreement, or other transaction entered into on a basis*
13 *other than a cost-sharing basis because of a determination*
14 *made under subparagraph (A), the transaction file for the*
15 *project concerned must document the rationale for the deter-*
16 *mination.*

17 *“(C) The Secretary of Defense may delegate the author-*
18 *ity to make determinations under subparagraph (A) only*
19 *to the Under Secretary of Defense for Acquisition and Tech-*
20 *nology or a service acquisition executive, as appropriate.”.*

21 *(c) COST SHARE GOAL.—Section 2525(d) of such title*
22 *is amended—*

23 *(1) by striking out paragraph (4); and*

24 *(2) in paragraph (3)—*

1 (A) by striking out “At least” and inserting
2 in lieu thereof “As a goal, at least”;

3 (B) by striking out “shall” and inserting in
4 lieu thereof “should”; and

5 (C) by adding at the end the following:
6 “The Secretary of Defense, in coordination with
7 the Secretaries of the military departments and
8 upon recommendation of the Under Secretary of
9 Defense for Acquisition and Technology, shall es-
10 tablish annual objectives to meet such goal.”.

11 (d) *ADDITIONAL INFORMATION TO BE INCLUDED IN*
12 *FIVE-YEAR PLAN.*—Section 2525(e)(1) of such title is
13 *amended—*

14 (1) by striking “and” at the end of subpara-
15 graph (A);

16 (2) by striking the period at the end of subpara-
17 graph (B) and inserting “; and”; and

18 (3) by inserting at the end the following new
19 subparagraph:

20 “(C) the extent of cost sharing in the manufac-
21 turing technology program by companies in the pri-
22 vate sector, weapons system program offices and other
23 defense program offices, Federal agencies other than
24 the Department of Defense, nonprofit institutions and
25 universities, and other sources.”.

1 **Subtitle C—Ballistic Missile**
2 **Defense**

3 **SEC. 231. NATIONAL MISSILE DEFENSE POLICY.**

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

5 (1) *Threats posed by ballistic missiles and weap-*
6 *ons of mass destruction to the national territory of*
7 *the United States continue to grow as the trend in*
8 *ballistic missile proliferation and development is to-*
9 *ward longer range and increasingly sophisticated*
10 *missiles.*

11 (2) *Russian and Chinese sources continue to pro-*
12 *liferate missile and other advanced technologies.*

13 (3) *North Korea is developing the Taepo-Dong 2*
14 *missile, which would have a range sufficient to strike*
15 *Alaska and Hawaii, and other countries hostile to the*
16 *United States, including Iran, Libya, and Iraq, have*
17 *demonstrated an interest in acquiring or developing*
18 *ballistic missiles capable of reaching the United*
19 *States.*

20 (4) *Russia's increased reliance on nuclear forces*
21 *to compensate for the decline of its conventional forces*
22 *and uncertainty regarding command and control of*
23 *those nuclear forces increase the possibility of an acci-*
24 *dental or unauthorized launch of Russian ballistic*
25 *missiles.*

1 (5) *The United States could be deterred from ef-*
2 *fectively promoting or protecting its national interests*
3 *around the world if any State or territory of the*
4 *United States is vulnerable to long-range ballistic*
5 *missiles deployed by nations hostile to the United*
6 *States.*

7 (b) *SENSE OF CONGRESS CONCERNING NATIONAL MIS-*
8 *SILE DEFENSE POLICY.—It is the sense of Congress that—*

9 (1) *any national missile defense system deployed*
10 *by the United States must provide effective defense*
11 *against limited, accidental, or unauthorized ballistic*
12 *missile attack for all 50 States; and*

13 (2) *the territories of the United States should be*
14 *afforded effective protection against ballistic missile*
15 *attack.*

16 **SEC. 232. LIMITATION ON FUNDING FOR THE MEDIUM EX-**
17 **TENDED AIR DEFENSE SYSTEM.**

18 *None of the funds appropriated for fiscal year 1999*
19 *for the Ballistic Missile Defense Organization may be obli-*
20 *gated for the Medium Extended Air Defense System*
21 *(MEADS) until the Secretary of Defense certifies to Con-*
22 *gress that the future-years defense plan includes sufficient*
23 *programmed funding for that system to complete the design*
24 *and development phase. If the Secretary does not submit*
25 *such a certification by January 1, 1999, then (effective as*

1 of that date) the funds appropriated for fiscal year 1999
2 for the Ballistic Missile Defense Organization that are allo-
3 cated for the MEADS program shall be available to support
4 modification of the Patriot Advanced Capability-3, Con-
5 figuration 3, so as to support the requirement for mobile
6 theater missile defense to be met by the MEADS system.

7 **SEC. 233. LIMITATION ON FUNDING FOR COOPERATIVE**
8 **BALLISTIC MISSILE DEFENSE PROGRAMS.**

9 Of the funds appropriated for fiscal year 1999 for the
10 Russian-American Observational Satellite (RAMOS) pro-
11 gram, \$5,000,000 may not be obligated until the Secretary
12 of Defense certifies to Congress that the Department of De-
13 fense has received detailed information concerning the na-
14 ture, extent, and military implications of the transfer of
15 ballistic missile technology from Russian sources to Iran.

16 **SEC. 234. LIMITATION ON FUNDING FOR**
17 **COUNTERPROLIFERATION SUPPORT.**

18 None of the funds appropriated for fiscal year 1999
19 for counterproliferation support in Program Element
20 63160BR may be obligated until the Secretary of Defense
21 submits to Congress the report required by section 234 of
22 the National Defense Authorization Act for Fiscal Year
23 1998 (Public Law 105-85; 111 Stat. 1664; 50 U.S.C. 2367)
24 to be submitted not later than January 30, 1998.

1 **SEC. 235. BALLISTIC MISSILE DEFENSE PROGRAM ELE-**
2 **MENTS.**

3 (a) *BMD PROGRAM ELEMENTS.*—(1) Chapter 9 of title
4 10, United States Code, is amended by inserting after sec-
5 tion 222 the following new section:

6 **“§223. Ballistic missile defense programs**

7 “(a) *PROGRAM ELEMENTS SPECIFIED.*—In the budget
8 justification materials submitted to Congress in support of
9 the Department of Defense budget for any fiscal year (as
10 submitted with the budget of the President under section
11 1105(a) of title 31), the amount requested for activities of
12 the Ballistic Missile Defense Organization shall be set forth
13 in accordance with the following program elements:

14 “(1) *The Patriot system.*

15 “(2) *The Navy Area system.*

16 “(3) *The Theater High-Altitude Area Defense*
17 *system.*

18 “(4) *The Navy Theater Wide system.*

19 “(5) *The Medium Extended Air Defense System.*

20 “(6) *Joint Theater Missile Defense.*

21 “(7) *National Missile Defense.*

22 “(8) *Support Technologies.*

23 “(9) *Family of Systems Engineering and Inte-*
24 *gration.*

25 “(10) *Ballistic Missile Defense Technical Oper-*
26 *ations.*

1 “(11) *Threat and Countermeasures.*

2 “(12) *International Cooperative Programs.*

3 “(b) *TREATMENT OF MAJOR DEFENSE ACQUISITION*
4 *PROGRAMS.—Amounts requested for Theater Missile De-*
5 *fense and National Missile Defense major defense acquisi-*
6 *tion programs shall be specified in individual, dedicated*
7 *program elements, and amounts appropriated for those pro-*
8 *grams shall be available only for Ballistic Missile Defense*
9 *activities.*

10 “(c) *MANAGEMENT AND SUPPORT.—The amount re-*
11 *quested for each program element specified in subsection (a)*
12 *shall include requests for the amounts necessary for the*
13 *management and support of the programs, projects, and ac-*
14 *tivities contained in that program element.”.*

15 (2) *The table of sections at the beginning of such chap-*
16 *ter is amended by inserting after the item relating to section*
17 *222 the following new item:*

 “223. *Ballistic missile defense programs.*”.

18 (b) *REPEAL OF SUPERSEDED PROVISION.—Section*
19 *251 of the National Defense Authorization Act for Fiscal*
20 *Year 1996 (Public Law 104–106; 10 U.S.C. 221 note) is*
21 *repealed.*

1 **TITLE III—OPERATION AND**
2 **MAINTENANCE**
3 **Subtitle A—Authorization of**
4 **Appropriations**

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

6 *Funds are hereby authorized to be appropriated for fis-*
7 *cal year 1999 for the use of the Armed Forces and other*
8 *activities and agencies of the Department of Defense for ex-*
9 *penses, not otherwise provided for, for operation and main-*
10 *tenance, in amounts as follows:*

11 (1) *For the Army, \$16,339,700,000.*

12 (2) *For the Navy, \$21,839,328,000.*

13 (3) *For the Marine Corps, \$2,539,703,000.*

14 (4) *For the Air Force, \$18,816,108,000.*

15 (5) *For Defense-wide activities, \$10,354,216,000.*

16 (6) *For the Army Reserve, \$1,197,622,000.*

17 (7) *For the Naval Reserve, \$948,639,000.*

18 (8) *For the Marine Corps Reserve, \$116,993,000.*

19 (9) *For the Air Force Reserve, \$1,747,696,000.*

20 (10) *For the Army National Guard,*
21 *\$2,464,815,000.*

22 (11) *For the Air National Guard,*
23 *\$3,096,933,000.*

24 (12) *For the Defense Inspector General,*
25 *\$130,764,000.*

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

3 (14) *For Environmental Restoration, Army,*
4 *\$377,640,000.*

5 (15) *For Environmental Restoration, Navy,*
6 *\$281,600,000.*

7 (16) *For Environmental Restoration, Air Force,*
8 *\$379,100,000.*

9 (17) *For Environmental Restoration, Defense-*
10 *wide, \$26,091,000.*

11 (18) *For Environmental Restoration, Formerly*
12 *Used Defense Sites, \$195,000,000.*

13 (19) *For Overseas Humanitarian, Disaster, and*
14 *Civic Aid programs, \$47,311,000.*

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

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

20 (22) *For Defense Health Program,*
21 *\$9,663,035,000.*

22 (23) *Former Soviet Union Threat Reduction*
23 *programs, \$417,400,000.*

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

1 **SEC. 302. WORKING CAPITAL FUNDS.**

2 *Funds are hereby authorized to be appropriated for fis-*
3 *cal year 1999 for the use of the Armed Forces and other*
4 *activities and agencies of the Department of Defense for*
5 *providing capital for working capital and revolving funds*
6 *in amounts as follows:*

7 (1) *For the Defense Working Capital Funds,*
8 *\$1,076,571,000.*

9 (2) *For the National Defense Sealift Fund,*
10 *\$669,566,000.*

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

12 *There is hereby authorized to be appropriated for fiscal*
13 *year 1999 from the Armed Forces Retirement Home Trust*
14 *Fund the sum of \$70,745,000 for the operation of the Armed*
15 *Forces Retirement Home, including the United States Sol-*
16 *diers' and Airmen's Home and the Naval Home.*

17 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE**
18 **TRANSACTION FUND.**

19 (a) *TRANSFER AUTHORITY.—To the extent provided in*
20 *appropriations Acts, not more than \$150,000,000 is author-*
21 *ized to be transferred from the National Defense Stockpile*
22 *Transaction Fund to operation and maintenance accounts*
23 *for fiscal year 1999 in amounts as follows:*

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

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

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

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

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

6 (2) *may not be expended for an item that has*
7 *been denied authorization of appropriations by Con-*
8 *gress.*

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

12 **SEC. 305. REFURBISHMENT OF M1-A1 TANKS.**

13 *Of the amount authorized to be appropriated pursuant*
14 *to section 301(1) for operation and maintenance for the*
15 *Army, \$31,000,000 shall be available only for the refurbish-*
16 *ment of up to 70 M1-A1 tanks under the AIM-XXI pro-*
17 *gram.*

18 **SEC. 306. OPERATION OF PREPOSITIONED FLEET, NA-**
19 **TIONAL TRAINING CENTER, FORT IRWIN,**
20 **CALIFORNIA.**

21 *Of the amount authorized to be appropriated pursuant*
22 *to section 301(1) for operation and maintenance for the*
23 *Army, \$60,200,000 shall be available only to pay costs asso-*
24 *ciated with the operation of the prepositioned fleet of equip-*

1 *ment during training rotations at the National Training*
2 *Center, Fort Irwin, California.*

3 **SEC. 307. RELOCATION OF USS WISCONSIN.**

4 *Of the amount authorized to be appropriated pursuant*
5 *to section 301(2) for operation and maintenance for the*
6 *Navy, \$6,000,000 may be available for the purpose of relo-*
7 *cating the USS WISCONSIN, which is currently in a re-*
8 *serve status at the Norfolk Naval Shipyard, Virginia, to a*
9 *suitable location in order to increase available berthing*
10 *space at the shipyard.*

11 **SEC. 308. FISHER HOUSE TRUST FUNDS.**

12 *Funds are hereby authorized to be appropriated for fis-*
13 *cal year 1999, out of funds in Fisher House Trust Funds*
14 *not otherwise appropriated, for the operation of Fisher*
15 *houses described in section 2221(d) of title 10, United States*
16 *Code, as follows:*

17 *(1) From the Fisher House Trust Fund, Depart-*
18 *ment of the Army, \$250,000 for Fisher houses that are*
19 *located in proximity to medical treatment facilities of*
20 *the Army.*

21 *(2) From the Fisher House Trust Fund, Depart-*
22 *ment of the Navy, \$150,000 for Fisher houses that are*
23 *located in proximity to medical treatment facilities of*
24 *the Navy.*

1 (3) *From the Fisher House Trust Fund, Department*
2 *of the Air Force, \$150,000 for Fisher houses that*
3 *are located in proximity to medical treatment facilities*
4 *of the Air Force.*

5 ***Subtitle B—Information Technology***
6 ***Issues***

7 ***SEC. 311. ADDITIONAL INFORMATION TECHNOLOGY RE-***
8 ***SPONSIBILITIES OF CHIEF INFORMATION OF-***
9 ***FICERS.***

10 (a) *IN GENERAL.—(1) Chapter 131 of title 10, United*
11 *States Code, is amended by adding at the end the following*
12 *new section:*

13 ***“§2223. Information technology: additional respon-***
14 ***sibilities of Chief Information Officers***

15 “*(a) ADDITIONAL RESPONSIBILITIES.—In addition to*
16 *the responsibilities provided for in chapter 35 of title 44*
17 *and in section 5125 of the Clinger-Cohen Act of 1996 (40*
18 *U.S.C. 1425)—*

19 “*(1) the Chief Information Officer of the Depart-*
20 *ment of Defense, with respect to the elements of the*
21 *Department of Defense other than the military de-*
22 *partments, shall—*

23 “*(A) review and provide recommendations*
24 *to the Secretary of Defense on Department of De-*

1 *fense budget requests for information technology*
2 *and national security systems;*

3 “(B) *ensure the interoperability of informa-*
4 *tion technology and national security systems*
5 *throughout the Department of Defense; and*

6 “(C) *ensure that information technology*
7 *and national security systems standards that*
8 *will apply throughout the Department of Defense*
9 *are prescribed; and*

10 “(2) *the Chief Information Officer of each mili-*
11 *tary department, with respect to the military depart-*
12 *ment concerned, shall—*

13 “(A) *review budget requests for all informa-*
14 *tion technology and national security systems;*

15 “(B) *ensure that information technology*
16 *and national security systems are in compliance*
17 *with standards of the Government and the De-*
18 *partment of Defense;*

19 “(C) *ensure that information technology*
20 *and national security systems are interoperable*
21 *with other relevant information technology and*
22 *national security systems of the Government and*
23 *the Department of Defense;*

24 “(D) *provide for the elimination of dupli-*
25 *cate information technology and national secu-*

1 *rity systems within and between the military de-*
2 *partments and Defense Agencies; and*

3 *“(E) coordinate with the Joint Staff with*
4 *respect to information technology and national*
5 *security systems.*

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

7 *“(1) The term ‘Chief Information Officer’ means*
8 *the senior official designated by the Secretary of De-*
9 *fense or a Secretary of a military department pursu-*
10 *ant to section 3506 of title 44.*

11 *“(2) The term ‘information technology’ has the*
12 *meaning given that term by section 5002 of the*
13 *Clinger-Cohen Act of 1996 (40 U.S.C. 1401).*

14 *“(3) The term ‘national security system’ has the*
15 *meaning given that term by section 5142 of the*
16 *Clinger-Cohen Act of 1996 (40 U.S.C. 1452).”.*

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

“2223. Information technology: additional responsibilities of Chief Information
 Officers.”.

19 *(b) EFFECTIVE DATE.—Section 2223 of title 10,*
20 *United States Code, as added by subsection (a), shall take*
21 *effect on October 1, 1998.*

1 **SEC. 312. DEFENSE-WIDE ELECTRONIC MALL SYSTEM FOR**
2 **SUPPLY PURCHASES.**

3 (a) *ELECTRONIC MALL SYSTEM.*—*In this section, the*
4 *term “electronic mall system” means an electronic system*
5 *for displaying, ordering, and purchasing supplies and ma-*
6 *teriel available from sources within the Department of De-*
7 *fense and from the private sector.*

8 (b) *DEVELOPMENT AND MANAGEMENT.*—*Using exist-*
9 *ing systems and technology available in the Department of*
10 *Defense, the Defense Logistics Agency shall develop a single,*
11 *defense-wide electronic mall system. The Defense Logistics*
12 *Agency shall be responsible for the management of the re-*
13 *sulting electronic mall system. The Secretary of each mili-*
14 *tary department and the head of each Defense Agency shall*
15 *provide to the Defense Logistics Agency the necessary and*
16 *requested data to support the development and operation*
17 *of the electronic mall system.*

18 (c) *IMPLEMENTATION DATE.*—*The electronic mall sys-*
19 *tem shall be operational and available throughout the De-*
20 *partment of Defense not later than June 1, 1999. After that*
21 *date, a military department or Defense Agency (other than*
22 *the Defense Logistics Agency) may not develop or operate*
23 *an electronic mall system.*

1 **SEC. 313. PROTECTION OF FUNDING PROVIDED FOR**
2 **CERTAIN INFORMATION TECHNOLOGY AND**
3 **NATIONAL SECURITY PROGRAMS.**

4 (a) *USE FOR SPECIFIED PURPOSES.*—Of the amounts
5 authorized to be appropriated to the Department of Defense
6 for fiscal years 1999, 2000, and 2001 for information tech-
7 nology and national security programs of the Department
8 of Defense, not less than the amount specified in subsection
9 (b) shall be available for each such fiscal year for the pur-
10 poses of the information technology and national security
11 programs described in such subsection, unless an alternative
12 use of the funds is specifically approved by a law enacted
13 after the date of the enactment of the law originally author-
14 izing the funds.

15 (b) *COVERED PROGRAMS AND AMOUNTS.*—The infor-
16 mation technology and national security programs referred
17 to in subsection (a), and the amounts to be available for
18 each program, are the following:

19 (1) *The Force XXI program of the Army,*
20 *\$360,000,000.*

21 (2) *The Information Technology for the 21st*
22 *Century programs of the Navy, \$472,000,000.*

23 (3) *The Communications Infrastructure pro-*
24 *grams of the Air Force, \$228,500,000.*

25 (4) *The Telecom and Computing Infrastructure*
26 *programs of the Marine Corps, \$93,000,000.*

1 (c) *DEFINITIONS.*—*In this section:*

2 (1) *The term “information technology” has the*
3 *meaning given that term in section 5002 of the*
4 *Clinger-Cohen Act of 1996 (40 U.S.C. 1401).*

5 (2) *The term “national security system” has the*
6 *meaning given that term in section 5142 of the*
7 *Clinger-Cohen Act of 1996 (40 U.S.C. 1452).*

8 **SEC. 314. PRIORITY FUNDING TO ENSURE YEAR 2000 COM-**
9 **PLIANCE OF MISSION CRITICAL INFORMA-**
10 **TION TECHNOLOGY AND NATIONAL SECURITY**
11 **SYSTEMS.**

12 (a) *FUNDS FOR COMPLETION OF YEAR 2000 CONVER-*
13 *SION.*—(1) *Of the amounts authorized to be appropriated*
14 *pursuant to this Act for information technology and na-*
15 *tional security systems of the Department of Defense des-*
16 *ignated as mission critical, not more than 25 percent may*
17 *be used to fund activities unrelated to ensuring that the*
18 *awareness, assessment, and renovation phases of year 2000*
19 *conversion for such information technology and national se-*
20 *curity systems are completed.*

21 (2) *Of the amounts authorized to be appropriated pur-*
22 *suant to this Act for information technology and national*
23 *security systems of the Department of Defense (other than*
24 *information technology and national security systems cov-*
25 *ered by paragraph (1)), not less than \$1,000,000,000 shall*

1 *be available only for transfer to support activities to ensure*
2 *that the awareness, assessment, renovation, and validation*
3 *phases of year 2000 conversion for information technology*
4 *and national security systems covered by paragraph (1) are*
5 *completed.*

6 **(b) EXCEPTIONS.**—(1) *This section does not apply to*
7 *or affect funding for information technology and national*
8 *security programs identified in section 313(b).*

9 (2) *The Secretary of Defense may authorize expendi-*
10 *tures in excess of the 25 percent limitation specified in sub-*
11 *section (a)(1) if the Secretary determines that additional*
12 *expenditures are required to prevent the failure of the infor-*
13 *mation technology or national security system and provides*
14 *prior notice to Congress of the reasons for the additional*
15 *expenditures.*

16 **(c) TERMINATION.**—(1) *On the date on which the Sec-*
17 *retary of Defense determines that the year 2000 renovation*
18 *phase has been completed for a particular information tech-*
19 *nology or national security system covered by paragraph*
20 *(1) of subsection (a), such paragraph shall cease to apply*
21 *to that information technology or national security system.*

22 (2) *Paragraph (2) of such subsection shall cease to*
23 *apply on the date on which the Secretary of Defense deter-*
24 *mines that all of the information technology and national*
25 *security systems covered by paragraph (1) of such sub-*

1 *section are fully funded through the validation phase of*
2 *year 2000 conversion, have an established contingency plan,*
3 *and have completed a point of origin to point of execution*
4 *evaluation.*

5 *(d) COMPTROLLER GENERAL REVIEW.—Not later than*
6 *January 30, 1999, the Comptroller General shall submit to*
7 *Congress a briefing containing the following:*

8 *(1) Separate lists of each information technology*
9 *and national security system of the Department of*
10 *Defense covered by subsection (a)(1) for which the*
11 *renovation phase of year 2000 conversion is not com-*
12 *pleted by December 30, 1998.*

13 *(2) A evaluation of the effect of subsection (a) on*
14 *the year 2000 conversion success rate.*

15 *(3) A list of each information technology and na-*
16 *tional security system covered by subsection (a)(1)*
17 *that will not achieve year 2000 compliance by Sep-*
18 *tember 30, 1999.*

19 *(4) An explanation of how the military depart-*
20 *ments, the Joint Chiefs of Staff, and Defense Agencies*
21 *are applying the definition of mission critical.*

22 *(5) Recommendations regarding the manner in*
23 *which funding could best be allocated to achieve year*
24 *2000 compliance for the greatest number of informa-*

1 *tion technology and national security systems covered*
2 *by subsection (a)(1).*

3 *(e) DEFINITIONS.—In this section:*

4 *(1) The term “information technology” has the*
5 *meaning given that term in section 5002 of the*
6 *Clinger-Cohen Act of 1996 (40 U.S.C. 1401).*

7 *(2) The term “national security system” has the*
8 *meaning given that term in section 5142 of the*
9 *Clinger-Cohen Act of 1996 (40 U.S.C. 1452).*

10 *(3) The term “mission critical” means an infor-*
11 *mation technology or national security system of the*
12 *Department of Defense identified as mission critical*
13 *in the table prepared by the Joint Chiefs of Staff enti-*
14 *tled “Mission Critical Systems (All Services/Agen-*
15 *cies)”, dated March 20, 1998, or in the table printed*
16 *by the Defense Integrated Support Tool entitled “Year*
17 *2000 Information on Mission Critical Systems”,*
18 *dated March 19, 1998.*

19 *(4) The terms “awareness”, “assessment”, “ren-*
20 *ovation”, and “validation” have the meanings given*
21 *the terms in the Department of Defense “Year 2000*
22 *Management Plan”, version 1.0, released in April*
23 *1997.*

1 **SEC. 315. EVALUATION OF YEAR 2000 COMPLIANCE AS PART**
2 **OF TRAINING EXERCISES PROGRAMS.**

3 (a) *REPORT ON EVALUATION PLAN.*—Not later than
4 December 15, 1998, the Secretary of Defense shall submit
5 to Congress a report containing a plan to include a simu-
6 lated year 2000 as part of the military exercises described
7 in subsection (b) in order to evaluate, in an operational
8 environment, the extent to which information technology
9 and national security systems involved in the exercises will
10 successfully operate, including the ability of the systems to
11 access and transmit information from point of origin to
12 point of termination, during the actual year 2000.

13 (b) *COVERED MILITARY EXERCISES.*—A military exer-
14 cise referred to in subsection (a) is a military exercise con-
15 ducted by the Department of Defense, during the period be-
16 ginning on January 1, 1999, and ending on September 30,
17 1999—

18 (1) *under the training exercises program known*
19 *as the “CJCS Exercise Program”;*

20 (2) *at the Naval Strike and Air Warfare Center,*
21 *the Army National Training Center, or the Air Force*
22 *Air Warfare Center; or*

23 (3) *as part of Naval Carrier Group fleet training*
24 *or Marine Corps Expeditionary Unit training.*

25 (c) *ELEMENTS OF REPORT.*—The report under sub-
26 section (a) shall include the following:

1 (1) *A list of all military exercises described in*
2 *subsection (b) to be conducted during the period speci-*
3 *fied in such subsection.*

4 (2) *A description of the manner in which the*
5 *year 2000 will be simulated for information tech-*
6 *nology and national security systems involved in each*
7 *military exercise.*

8 (3) *The duration of the year 2000 simulation in*
9 *each military exercise.*

10 (4) *The methodology to be used in turning over*
11 *the information technology and national security sys-*
12 *tems to the year 2000 in order to best identify those*
13 *systems that fail to operate reliably during the mili-*
14 *tary exercise.*

15 (5) *A list of the information technology and na-*
16 *tional security systems excluded from the plan under*
17 *subsection (d)(1), including how the military exercise*
18 *will utilize an excluded system's year 2000 contin-*
19 *gency plan.*

20 (6) *A list of the exercises and information tech-*
21 *nology and national security systems excluded from*
22 *the plan under subsection (d)(2), and a description of*
23 *the effect that continued year 2000 noncompliance of*
24 *the systems would have on military readiness.*

1 (d) *EXCLUSIONS.*—(1) *Subsection (a) shall not apply*
2 *to an information technology or national security system*
3 *if the Secretary of Defense determines that the system will*
4 *be incapable of performing reliably during the year 2000*
5 *simulation portion of the military exercise. In the case of*
6 *each excluded system, the system may not be used during*
7 *the period of the year 2000 simulation. Instead, the ex-*
8 *cluded system shall be replaced by the year 2000 contin-*
9 *gency plan for the system.*

10 (2) *If the mission of a military exercise will be seri-*
11 *ously hampered by the number of information technology*
12 *and national security systems covered by paragraph (1),*
13 *the Secretary of Defense may exclude the entire exercise*
14 *from the requirements of subsection (a).*

15 (3) *Subsection (a) shall not apply to an information*
16 *technology or national security system with cryptological*
17 *applications.*

18 (4) *If the decision to exclude a military exercise or in-*
19 *formation technology or national security system is made*
20 *under paragraph (1) or (2) after the date of the submission*
21 *of the report required by subsection (a), the Secretary of*
22 *Defense shall notify Congress of the exclusion not later than*
23 *two weeks before commencing the military exercise. The no-*
24 *tification shall include the information required under*
25 *paragraph (5) or (6) of subsection (c), depending on wheth-*

1 *er the exclusion covers the entire exercise or particular in-*
 2 *formation technology and national security systems.*

3 *(e) COMPTROLLER GENERAL REVIEW.—Not later than*
 4 *January 30, 1999, the Comptroller General shall review the*
 5 *report and plan submitted under subsection (a) and submit*
 6 *to Congress a briefing evaluating the methodology to be used*
 7 *under the plan to simulate the year 2000, describing the*
 8 *potential information that will be collected as a result of*
 9 *implementation of the plan, and describing the impact that*
 10 *the plan will have on military readiness.*

11 *(f) DEFINITIONS.—In this section:*

12 *(1) The term “information technology” has the*
 13 *meaning given that term in section 5002 of the*
 14 *Clinger-Cohen Act of 1996 (40 U.S.C. 1401).*

15 *(2) The term “national security system” has the*
 16 *meaning given that term in section 5142 of the*
 17 *Clinger-Cohen Act of 1996 (40 U.S.C. 1452).*

18 ***Subtitle C—Environmental*** 19 ***Provisions***

20 ***SEC. 321. AUTHORIZATION TO PAY NEGOTIATED SETTLE-***
 21 ***MENT FOR ENVIRONMENTAL CLEANUP AT***
 22 ***FORMER DEPARTMENT OF DEFENSE SITES IN***
 23 ***CANADA.***

24 *(a) AUTHORIZATION.—To the extent provided in ap-*
 25 *propriations Acts, the Secretary of Defense may pay an*

1 *amount to the Government of Canada of not more than*
2 *\$100,000,000 (in fiscal year 1996 constant dollars), for pur-*
3 *poses of implementing the October 1996 negotiated settle-*
4 *ment between the United States and Canada relating to en-*
5 *vironmental cleanup at various sites in Canada that were*
6 *formerly used by the Department of Defense.*

7 **(b) METHOD OF PAYMENT.**—*The amount authorized*
8 *by subsection (a) shall be paid in 10 annual payments, with*
9 *the first payment made from amounts appropriated for fis-*
10 *cal year 1998.*

11 **(c) FISCAL YEAR 1998 PAYMENT.**—*The payment*
12 *under this section for fiscal year 1998 shall be made from*
13 *amounts appropriated pursuant to section 301(5) of the Na-*
14 *tional Defense Authorization Act for Fiscal Year 1998 (Pub-*
15 *lic Law 105–85; 111 Stat. 1669).*

16 **(d) FISCAL YEAR 1999 PAYMENT.**—*The payment*
17 *under this section for fiscal year 1999 shall be made from*
18 *amounts appropriated pursuant to section 301(5).*

19 **(e) LIMITATION.**—*The authorization provided in this*
20 *section shall not be construed as setting a precedent for pay-*
21 *ment under a treaty of an environmental claim made by*
22 *another nation, unless the Senate has given its consent to*
23 *the ratification of the treaty.*

1 **SEC. 322. REMOVAL OF UNDERGROUND STORAGE TANKS.**

2 *Of the amount authorized to be appropriated pursuant*
 3 *to section 301(18) (relating to environmental restoration of*
 4 *formerly used defense sites), the Secretary of the Army may*
 5 *use not more than \$150,000 for the removal of underground*
 6 *storage tanks at the Authorities Allied Industrial Park,*
 7 *Macon, Georgia.*

8 **Subtitle D—Defense Infrastructure**
 9 **Support Improvement**

10 **SEC. 331. REPORTING AND STUDY REQUIREMENTS BEFORE**
 11 **CHANGE OF COMMERCIAL AND INDUSTRIAL**
 12 **TYPE FUNCTIONS TO CONTRACTOR PER-**
 13 **FORMANCE.**

14 *(a) IN GENERAL.—Section 2461 of title 10, United*
 15 *States Code, is amended—*

16 *(1) by redesignating subsection (c) as subsection*
 17 *(h) and transferring such subsection to appear after*
 18 *subsection (g); and*

19 *(2) by striking out subsections (a) and (b) and*
 20 *inserting in lieu thereof the following new subsections:*

21 *“(a) REPORTING AND STUDY REQUIREMENTS AS PRE-*
 22 *CONDITION TO CHANGE IN PERFORMANCE.—A commercial*
 23 *or industrial type function of the Department of Defense*
 24 *that, as of October 1, 1980, was being performed by Depart-*
 25 *ment of Defense civilian employees may not be changed to*
 26 *performance by a private contractor or changed to procure-*

1 *ment through a private contractor until the Secretary of*
2 *Defense fully complies with the reporting and study require-*
3 *ments specified in subsections (b) and (c).*

4 “(b) *NOTIFICATION AND ELEMENTS OF STUDY.—(1)*
5 *Before commencing to study a commercial or industrial*
6 *type function described in subsection (a) for possible change*
7 *to performance by a private contractor or possible change*
8 *to procurement through a private contractor, the Secretary*
9 *of Defense shall submit to Congress a report containing the*
10 *following:*

11 “(A) *The function to be studied for possible*
12 *change.*

13 “(B) *The location at which the function is per-*
14 *formed by Department of Defense civilian employees.*

15 “(C) *The number of civilian employee positions*
16 *potentially affected.*

17 “(D) *The anticipated length and cost of the*
18 *study.*

19 “(E) *A certification that the performance of the*
20 *commercial or industrial type function by civilian*
21 *employees of the Department of Defense is not pre-*
22 *cluded due to any constraint or limitation in terms*
23 *of man years, end strengths, full-time equivalent posi-*
24 *tions, or maximum number of employees.*

1 “(2) *The responsibility of the Secretary of Defense to*
2 *submit the report required under paragraph (1) may be del-*
3 *egated only to senior acquisition executives or higher offi-*
4 *cials for the military departments and the Defense Agencies.*

5 “(3) *The study of a commercial or industrial type*
6 *function for possible change in performance shall include*
7 *the following:*

8 “(A) *A comparison of the cost of performance of*
9 *the function by Department of Defense civilian em-*
10 *ployees and by private contractor to demonstrate*
11 *whether change to performance by a private contrac-*
12 *tor or change to procurement through a private con-*
13 *tractor will result in savings to the Government over*
14 *the life of the contract, including in the comparison—*

15 “(i) *the amount estimated by the Secretary*
16 *of Defense (based on bids received) to be the*
17 *amount of a contract for performance of the*
18 *function by a private contractor;*

19 “(ii) *the cost to the Government of Depart-*
20 *ment of Defense civilian employees performing*
21 *the function; and*

22 “(iii) *the costs and expenditures which the*
23 *Government would incur (in addition to the*
24 *amount of the contract) because of the award of*
25 *such a contract.*

1 “(B) *An examination of the potential economic*
2 *effect of performance of the function by a private con-*
3 *tractor—*

4 “(i) *on employees who would be affected by*
5 *such a change in performance; and*

6 “(ii) *on the local community and the Gov-*
7 *ernment, if more than 75 employees perform the*
8 *function.*

9 “(C) *An examination of the effect of performance*
10 *of the function by a private contractor on the mili-*
11 *tary mission of the function.*

12 “(4) *If the commercial or industrial type function at*
13 *issue involves a working-capital fund in the Department*
14 *of Defense and the study concerns the possible procurement*
15 *by a requisitioning agency of services or supplies from a*
16 *private contractor instead of the working-capital fund, in*
17 *lieu of the comparison required by paragraph (3), the study*
18 *shall include a comparison of the sources of the services or*
19 *supplies to determine which source is more cost-effective for*
20 *the requisitioning agency.*

21 “(5) *An individual or entity at a facility where a com-*
22 *mercial or industrial type function is studied for possible*
23 *change in performance may raise an objection to the study*
24 *on the grounds that the report required under paragraph*
25 *(1) as a precondition for the study does not contain the*

1 *certification required by subparagraph (E) of such para-*
2 *graph. The objection may be raised at any time during the*
3 *course of the study, shall be in writing, and shall be submit-*
4 *ted to the Secretary of Defense. If the Secretary determines*
5 *that the certification was omitted, the commercial or indus-*
6 *trial type function covered by the study may not be the sub-*
7 *ject of request for proposal or award of a contract until*
8 *a certification is made that fully complies with paragraph*
9 *(1)(E) and the other requirements of this section are satis-*
10 *fied.*

11 “(c) *NOTIFICATION OF DECISION.—(1) If, as a result*
12 *of the completion of a study under subsection (b)(3), a deci-*
13 *sion is made to change the commercial or industrial type*
14 *function that was the subject of the study to performance*
15 *by a private contractor or to procurement through a private*
16 *contractor, the Secretary of Defense shall submit to Congress*
17 *a report describing that decision. The report shall—*

18 “(A) *indicate that the study under subsection*
19 *(b)(3) has been completed;*

20 “(B) *certify that the Government calculation for*
21 *the cost of performance of the function by Department*
22 *of Defense civilian employees is based on an estimate*
23 *of the most efficient and cost effective organization for*
24 *performance of the function by Department of Defense*
25 *civilian employees;*

1 “(C) certify that the comparison required by sub-
2 section (b)(3)(A) (or alternatively by subsection
3 (b)(4)) as part of the study demonstrates that the per-
4 formance of the function by a private contractor or
5 procurement of the function through a private con-
6 tractor will result in savings to the Government over
7 the life of the contract;

8 “(D) certify that the entire comparison is avail-
9 able for examination; and

10 “(E) contain a timetable for completing change
11 of the function to contractor performance.

12 “(2) The actual change of the function to contractor
13 performance may not begin until after the submission of
14 the report required by this subsection.”.

15 (b) *CONFORMING AMENDMENTS.*—(1) Subsections
16 (e)(2) and (f)(1) of such section are amended by striking
17 out “converted” and inserting in lieu thereof “changed”.

18 (2) Subsection (f)(2) of such section is amended by
19 striking out “conversion” and inserting in lieu thereof
20 “change”.

21 (c) *EFFECTIVE DATE.*—The amendments made by this
22 section shall take effect on the date of the enactment of this
23 Act but shall not apply with respect to conversion of a func-
24 tion of the Department of Defense to performance by a pri-
25 vate contractor concerning which the Secretary of Defense

1 *provided to Congress, before the date of the enactment of*
2 *this Act, a notification under paragraph (1) of section*
3 *2461(a) of title 10, United States Code, as in effect on the*
4 *day before the date of the enactment of this Act.*

5 **SEC. 332. CLARIFICATION OF REQUIREMENT TO MAINTAIN**
6 **GOVERNMENT-OWNED AND GOVERNMENT-OP-**
7 **ERATED CORE LOGISTICS CAPABILITY.**

8 *Section 2464 of title 10, United States Code, is amend-*
9 *ed by adding at the end the following new subsection:*

10 *“(c) RULE OF CONSTRUCTION.—The requirement*
11 *under subsection (a) that the Department of Defense main-*
12 *tain a core logistics capability that is Government-owned*
13 *and Government-operated is not satisfied when a core logis-*
14 *tics workload is converted to contractor performance even*
15 *though the actual performance of the workload will be car-*
16 *ried out in a Government-owned, Government-operated fa-*
17 *cility of the Department of Defense as a subcontractor of*
18 *the private contractor. Nothing in section 2474 of this title*
19 *or section 337 of the National Defense Authorization Act*
20 *for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2717)*
21 *authorizes the use of subcontracts as a means to provide*
22 *workloads to Government-owned, Government-operated fa-*
23 *cilities of the Department of Defense in order to satisfy*
24 *paragraph (4) of subsection (a).”.*

1 **SEC. 333. OVERSIGHT OF DEVELOPMENT AND IMPLEMENTA-**
2 **TION OF AUTOMATED IDENTIFICATION TECH-**
3 **NOLOGY.**

4 (a) *SMARTCARD PROGRAM DEFINED.*—*In this section,*
5 *the term “smartcard program” means an automated identi-*
6 *fication technology program, including any pilot program,*
7 *employing one or more of the following technologies:*

8 (1) *Magnetic stripe.*

9 (2) *Bar codes, both linear and two-dimensional*
10 *(including matrix symbologies).*

11 (3) *Smartcard.*

12 (4) *Optical memory.*

13 (5) *Personal computer memory card inter-*
14 *national association carriers.*

15 (6) *Other established or emerging automated*
16 *identification technologies, including biometrics and*
17 *radio frequency identification.*

18 (b) *OVERSIGHT RESPONSIBILITY.*—(1) *The Smartcard*
19 *Technology Office established in the Defense Human Re-*
20 *sources Field Activity of the Department of Defense shall*
21 *be responsible for—*

22 (A) *overseeing the development and implementa-*
23 *tion of all smartcard programs in the Department;*
24 *and*

1 (B) coordinating smartcard programs with the
2 Joint Staff, the Secretaries of the military depart-
3 ments, and the directors of the Defense Agencies.

4 (2) After the date of the enactment of this Act, funds
5 appropriated for the Department of Defense may not be ob-
6 ligated for a smartcard program unless the program is re-
7 viewed and approved by the Smartcard Technology Office.
8 The review and approval before that date of a smartcard
9 program by the Office is sufficient to satisfy the require-
10 ments of this paragraph.

11 (c) *TYPES OF OVERSIGHT.*—As part of its oversight
12 responsibilities, the Smartcard Technology Office shall es-
13 tablish standards designed—

14 (1) to ensure the compatibility and interoper-
15 ability of smartcard programs in the Department of
16 Defense; and

17 (2) to identify and terminate redundant,
18 unfeasible, or uneconomical smartcard programs.

19 **SEC. 334. CONDITIONS ON EXPANSION OF FUNCTIONS PER-**
20 **FORMED UNDER PRIME VENDOR CONTRACTS.**

21 (a) *PRIME VENDOR CONTRACT DEFINED.*—For pur-
22 poses of this section, the term “prime vendor contract”
23 means an innovative contract that gives a defense contrac-
24 tor the responsibility to manage, store, and distribute in-
25 ventory, manage and provide services, or manage and per-

1 *form research, on behalf of the Department of Defense on*
2 *a frequent, regular basis, for users within the Department*
3 *on request. The term includes contracts commonly referred*
4 *to as prime vendor support contracts, flexible sustainment*
5 *contracts, and direct vendor delivery contracts.*

6 (b) *CONDITIONS ON EXPANDED USE.—If the Secretary*
7 *of Defense or the Secretary of a military department pro-*
8 *poses to enter into a prime vendor contract for a hardware*
9 *system, including the performance or management of depot-*
10 *level maintenance and repair (as defined in section 2460*
11 *of title 10, United States Code) or logistics management*
12 *responsibilities, the Secretary may not enter into the prime*
13 *vendor contract until the end of the 60-day period begin-*
14 *ning on the date on which the Secretary submits to Congress*
15 *a report, specific to that proposal, that—*

16 (1) *describes the competitive procedures to be*
17 *used to award the prime vendor contract;*

18 (2) *evaluates the effect of the prime vendor con-*
19 *tract on working-capital funds in the Department of*
20 *Defense; and*

21 (3) *contains a cost/benefit analysis that dem-*
22 *onstrates that use of the prime vendor contract will*
23 *result in savings to the Government over the life of the*
24 *contract.*

1 (c) *COMPTROLLER GENERAL REVIEW.*—During the
2 waiting period provided in subsection (b) for a proposed
3 prime vendor contract, the Comptroller General shall review
4 the report submitted under subsection (b) with respect to
5 that contract and submit to Congress a report regarding—

6 (1) *whether the cost savings to the Government*
7 *identified in the report submitted under subsection (b)*
8 *are achievable; and*

9 (2) *whether use of a prime vendor contract will*
10 *comply with the requirements of chapter 146 of title*
11 *10, United States Code, applicable to depot-level*
12 *maintenance and repair.*

13 (d) *RELATIONSHIP TO OTHER LAWS.*—Nothing in this
14 section shall be construed to exempt a prime vendor contract
15 from the requirements of section 2461 of title 10, United
16 States Code, or any other provision of chapter 146 of such
17 title.

18 **SEC. 335. CLARIFICATION OF DEFINITION OF DEPOT-LEVEL**

19 **MAINTENANCE AND REPAIR.**

20 Section 2460(a) of title 10, United States Code, is
21 amended by inserting before the period at the end of the
22 first sentence the following: “or the location at which the
23 maintenance or repair is performed”.

1 **SEC. 336. CLARIFICATION OF COMMERCIAL ITEM EXCEP-**
2 **TION TO REQUIREMENTS REGARDING CORE**
3 **LOGISTICS CAPABILITIES.**

4 *Section 2464(a)(5) of title 10, United States Code, is*
5 *amended—*

6 *(1) by inserting “(A)” after “(5)”;*

7 *(2) by adding at the end of subparagraph (A),*
8 *as so designated, the following: “The determination of*
9 *whether a modification is minor shall be based on a*
10 *comparison of only the critical systems of the version*
11 *sold in the commercial marketplace and the version*
12 *purchased by the Government, and a modification*
13 *may not be considered to be minor unless at least 90*
14 *percent of the total content by component value re-*
15 *mains identical.”; and*

16 *(3) by adding at the end the following new sub-*
17 *paragraph:*

18 *“(B) In this paragraph, the term ‘substantial quan-*
19 *tities’ means, with respect to determining whether an item*
20 *is a commercial item, that purchases and leases of the item*
21 *to the general public constitute the majority of all trans-*
22 *actions involving the item at the time the exception under*
23 *paragraph (3) is proposed to be exercised.”.*

1 **SEC. 337. DEVELOPMENT OF PLAN FOR ESTABLISHMENT OF**
2 **CORE LOGISTICS CAPABILITIES FOR MAINTENANCE AND REPAIR OF C-17 AIRCRAFT.**
3

4 *(a) FINDINGS.—Congress finds the following:*

5 *(1) The C-17 aircraft, which is replacing the C-*
6 *141 aircraft, will serve as the cornerstone of heavy*
7 *airlift capability of the Armed Forces.*

8 *(2) The C-17 aircraft achieved initial oper-*
9 *ational capability in January 1995 and will complete*
10 *the significant fourth year of its operational capabil-*
11 *ity in January 1999.*

12 *(3) As provided in section 2464(a)(3) of title 10,*
13 *United States Code, the C-17 aircraft is a weapon*
14 *system that is “necessary to enable the armed forces*
15 *to fulfill the strategic and contingency plans prepared*
16 *by the Chairman of the Joint Chiefs of Staff”.*

17 *(4) The depot-level maintenance and repair of*
18 *such a weapon system must be performed at Govern-*
19 *ment-owned, Government-operated facilities of the De-*
20 *partment of Defense in order to maintain the core lo-*
21 *gistics capabilities of the Department of Defense, as*
22 *required under such section 2464.*

23 *(5) The sole-source contract entered into in Jan-*
24 *uary 1998 regarding the depot-level maintenance and*
25 *repair of C-17 aircraft and related tasks, known as*
26 *the Interim Contract for the C-17 Flexible*

1 *Sustainment Program, does not meet the requirements*
2 *of law.*

3 *(b) PLAN REQUIRED.—Not later than March 1, 1999,*
4 *the Secretary of the Air Force shall submit to Congress a*
5 *plan for the establishment of the core logistics capabilities*
6 *for the C-17 aircraft consistent with the requirements of*
7 *section 2464 of title 10, United States Code.*

8 *(c) EFFECT ON EXISTING CONTRACT.—After March 1,*
9 *1999, the Secretary of the Air Force may not extend the*
10 *Interim Contract for the C-17 Flexible Sustainment Pro-*
11 *gram until after the end of the 60-day period beginning*
12 *on the date the plan required by subsection (b) is received*
13 *by Congress.*

14 *(d) COMPTROLLER GENERAL REVIEW.—During the*
15 *period specified in subsection (c), the Comptroller General*
16 *shall review the plan required under subsection (b) and sub-*
17 *mit to Congress a report evaluating the merits of the plan.*

18 **SEC. 338. CONTRACTOR-OPERATED CIVIL ENGINEERING**

19 **SUPPLY STORES PROGRAM.**

20 *(a) DEFINITIONS.—In this section:*

21 *(1) The term “contractor-operated civil engineer-*
22 *ing supply store” means a Government-owned facility*
23 *that, as of the date of the enactment of this Act, is*
24 *operated by a contractor under the contractor-oper-*
25 *ated civil engineering supply store (COCESS) pro-*

1 *gram of the Department of the Air Force for the pur-*
2 *pose of—*

3 *(A) maintaining inventories of civil engi-*
4 *neering supplies on behalf of a military depart-*
5 *ment; and*

6 *(B) furnishing such supplies to the depart-*
7 *ment as needed.*

8 *(2) The term “civil engineering supplies” means*
9 *parts and supplies needed for the repair and mainte-*
10 *nance of military installations.*

11 *(b) FINDINGS.—Congress finds the following:*

12 *(1) In 1970, the Strategic Air Command of the*
13 *Air Force began to use contractor-operated civil engi-*
14 *neering supply stores to improve the efficiency and ef-*
15 *fectiveness of materials management and relieve the*
16 *Air Force from having to maintain large inventories*
17 *of civil engineering supplies.*

18 *(2) Contractor-operated civil engineering supply*
19 *stores are designed to support the civil engineering*
20 *and public works efforts of the Armed Forces through*
21 *the provision of quality civil engineering supplies at*
22 *competitive prices and within a reasonable period of*
23 *time.*

24 *(3) Through the use of a contractor-operated civil*
25 *engineering supply store, a guaranteed inventory level*

1 *of civil engineering supplies is maintained at a mili-*
2 *tary installation, which ensures that urgently needed*
3 *civil engineering supplies are available on site.*

4 (4) *The contractor operating the contractor-oper-*
5 *ated civil engineering supply store is an independent*
6 *business organization whose customer is a military*
7 *department and the Armed Forces and who is subject*
8 *to all the rules of private business and the regulations*
9 *of the Government.*

10 (5) *The use of contractor-operated civil engineer-*
11 *ing supply stores ensures the best price and best buy*
12 *for the Government.*

13 (6) *Ninety-five percent of the cost savings real-*
14 *ized through the use of contractor-operated civil engi-*
15 *neering supply stores is due to savings in the cost of*
16 *actually procuring supplies.*

17 (7) *In the past 30 years, private contractors have*
18 *never lost a cost comparison conducted pursuant to*
19 *the criteria set forth in Office of Management and*
20 *Budget Circular A-76 for the provision of civil engi-*
21 *neering supplies to the Government.*

22 (c) *CONDITIONS ON MULTI-FUNCTION CONTRACTS.—*
23 *A civil engineering supplies function that is performed, as*
24 *of the date of the enactment of this Act, by a contractor-*
25 *operated civil engineering supply store may not be com-*

1 *bined with another supply function or any service function,*
2 *including any base operating support function, for purposes*
3 *of competition or contracting, until—*

4 *(1) the Secretary of Defense submits to Congress*
5 *a report—*

6 *(A) notifying Congress of the proposed com-*
7 *bined competition or contract; and*

8 *(B) explaining why a combined competition*
9 *or contract is the best method by which to*
10 *achieve cost savings and efficiencies to the Gov-*
11 *ernment; and*

12 *(2) the Comptroller General reviews the report*
13 *and submits to Congress a briefing regarding whether*
14 *the cost savings and efficiencies identified in the re-*
15 *port are achievable.*

16 *(d) RELATIONSHIP TO OTHER LAWS.—If a civil engi-*
17 *neering supplies function covered by subsection (c) is pro-*
18 *posed for combination with a supply or service function*
19 *that is subject to the study and reporting requirements of*
20 *section 2461 of title 10, United States Code, the Secretary*
21 *of Defense may include the report required under subsection*
22 *(c) as part of the report under such section.*

1 **SEC. 339. REPORT ON SAVINGS AND EFFECT OF PERSON-**
2 **NEL REDUCTIONS IN ARMY MATERIEL COM-**
3 **MAND.**

4 (a) *REPORT REQUIRED.*—Not later than March 31,
5 1999, the Comptroller General shall submit to the congress-
6 sional defense committees a report concerning—

7 (1) *the effect that the proposed personnel reduc-*
8 *tions in the Army Materiel Command will have on*
9 *workload and readiness if implemented; and*

10 (2) *the likelihood that the cost savings projected*
11 *to occur from such reductions will actually be*
12 *achieved.*

13 (b) *DELAY IN IMPLEMENTATION OF REDUCTIONS*
14 *PENDING REPORT.*—During the period specified in sub-
15 section (c), the Secretary of Defense and the Secretary of
16 the Army may not commence personnel reductions based
17 on the guidelines contained in the May 1997 report of the
18 Quadrennial Defense Review (including the National De-
19 fense Panel) prepared pursuant to subtitle B of title IX of
20 the National Defense Authorization Act for Fiscal Year
21 1997 (Public Law 104-201; 10 U.S.C. 111 note) at any
22 Army Material Command facility that provides depot-level
23 maintenance and repair or at any Army Arsenal.

24 (c) *DURATION OF DELAY.*—Subsection (b) applies only
25 during the period beginning on the date of the enactment
26 of this Act and ending on the earlier of the following:

1 (1) *March 31, 1999.*

2 (2) *The date on which the report required by*
3 *subsection (a) is submitted.*

4 ***Subtitle E—Commissaries and Non-***
5 ***appropriated Fund Instrumen-***
6 ***talities***

7 ***SEC. 341. CONTINUATION OF MANAGEMENT AND FUNDING***
8 ***OF DEFENSE COMMISSARY AGENCY***
9 ***THROUGH THE OFFICE OF THE SECRETARY***
10 ***OF DEFENSE.***

11 *Section 192 of title 10, United States Code, is amended*
12 *by adding at the end the following new subsection:*

13 “(d) *SPECIAL RULE FOR DEFENSE COMMISSARY*
14 *AGENCY.—Notwithstanding the results of the periodic re-*
15 *view required under subsection (c) with regard to the De-*
16 *fense Commissary Agency, the Secretary of Defense may not*
17 *transfer to the Secretary of a military department the re-*
18 *sponsibility to manage and fund the provision of services*
19 *and supplies provided by the Defense Commissary Agency*
20 *unless the transfer of the management and funding respon-*
21 *sibility is specifically authorized by a law enacted after the*
22 *date of the enactment of the National Defense Authorization*
23 *Act for Fiscal Year 1999.”.*

1 **SEC. 342. EXPANSION OF CURRENT ELIGIBILITY OF RE-**
2 **SERVES FOR COMMISSARY BENEFITS.**

3 (a) *DAYS OF ELIGIBILITY FOR READY RESERVE MEM-*
4 *BERS WITH 50 CREDITABLE POINTS.*—Section 1063 of title
5 10, United States Code, is amended—

6 (1) by striking out subsection (b); and

7 (2) in subsection (a)—

8 (A) by striking out “(1)”;

9 (B) by striking out “12 days of eligibility”
10 and inserting in lieu thereof “24 days of eligi-
11 bility”; and

12 (C) by striking out “(2) Paragraph (1)”
13 and inserting in lieu thereof “(b) EFFECT OF
14 COMPENSATION OR TYPE OF DUTY.—Subsection
15 (a)”.

16 (b) *DAYS OF ELIGIBILITY FOR RESERVE RETIREES*
17 *UNDER AGE 60.*—Section 1064 of such title is amended by
18 striking out “for 12 days each calendar year” and inserting
19 in lieu thereof “for 24 days each calendar year”.

20 (c) *ELIGIBILITY OF MEMBERS OF NATIONAL GUARD*
21 *SERVING IN FEDERALLY DECLARED DISASTER.*—Chapter
22 54 of such title is amended by inserting after section 1063
23 the following new section:

1 **“§ 1063a. Use of commissary stores and MWR retail fa-**
2 **ilities: members of National Guard serv-**
3 **ing in federally declared disaster**

4 “(a) *ELIGIBILITY OF MEMBERS.*—A member of the Na-
5 tional Guard who, although not in Federal service, is called
6 or ordered to duty in response to a federally declared disas-
7 ter shall be permitted to use commissary stores and MWR
8 retail facilities during the period of such duty on the same
9 basis as members of the armed forces on active duty.

10 “(b) *ELIGIBILITY OF DEPENDENTS.*—A dependent of
11 a member of the National Guard who is permitted under
12 subsection (a) to use commissary stores and MWR retail
13 facilities shall be permitted to use such stores and facilities,
14 during the same period as the member, on the same basis
15 as dependents of members of the armed forces on active
16 duty.

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

18 “(1) *FEDERALLY DECLARED DISASTER.*—The
19 term ‘federally declared disaster’ means a disaster or
20 other situation for which a Presidential declaration of
21 major disaster is issued under section 401 of the Rob-
22 ert T. Stafford Disaster Relief and Emergency Assist-
23 ance Act (42 U.S.C. 5170).

24 “(2) *MWR RETAIL FACILITIES.*—The term
25 ‘MWR retail facilities’ means exchange stores and
26 other revenue-generating facilities operated by non-

1 *appropriated fund activities of the Department of De-*
 2 *fense for the morale, welfare, and recreation of mem-*
 3 *bers of the armed forces.”.*

4 *(d) SECTION HEADINGS.—(1) The heading of section*
 5 *1063 of such title is amended to read as follows:*

6 **“§1063. Use of commissary stores: members of Ready**
 7 **Reserve with at least 50 creditable**
 8 **points”.**

9 *(2) The heading of section 1064 of such title is amend-*
 10 *ed to read as follows:*

11 **“§1064. Use of commissary stores: persons qualified**
 12 **for retired pay under chapter 1223 but**
 13 **under age 60”.**

14 *(e) CLERICAL AMENDMENT.—The table of sections at*
 15 *the beginning of chapter 54 of such title is amended by*
 16 *striking out the items relating to sections 1063 and 1064*
 17 *and inserting in lieu thereof the following items:*

“1063. Use of commissary stores: members of Ready Reserve with at least 50 cred-
 itable points.

“1063a. Use of commissary stores and MWR retail facilities: members of National
 Guard serving in federally declared disaster.

“1064. Use of commissary stores: persons qualified for retired pay under chapter
 1223 but under age 60.”.

18 **SEC. 343. REPEAL OF REQUIREMENT FOR AIR FORCE TO**
 19 **SELL TOBACCO PRODUCTS TO ENLISTED PER-**
 20 **SONNEL.**

21 *(a) REPEAL.—Section 9623 of title 10, United States*
 22 *Code, is repealed.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
2 *the beginning of chapter 939 of such title is amended by*
3 *striking out the item relating to section 9623.*

4 **SEC. 344. RESTRICTIONS ON PATRON ACCESS TO, AND PUR-**
5 **CHASES IN, OVERSEAS COMMISSARIES AND**
6 **EXCHANGE STORES.**

7 (a) *AUTHORITY TO IMPOSE RESTRICTIONS; LIMITA-*
8 *TIONS ON AUTHORITY.*—*Chapter 147 of title 10, United*
9 *States Code, is amended by adding at the end the following*
10 *new section:*

11 **“§2491. Overseas commissary and exchange stores: ac-**
12 **cess and purchase restrictions**

13 “(a) *GENERAL AUTHORITY.*—*The Secretary of Defense*
14 *may establish restrictions on the ability of eligible patrons*
15 *of commissary and exchange stores located outside of the*
16 *United States to purchase certain merchandise items (or*
17 *the quantity of certain merchandise items) otherwise in-*
18 *cluded within an authorized merchandise category if the*
19 *Secretary determines that such restrictions are necessary to*
20 *prevent the resale of such merchandise in violation of host*
21 *nation laws or treaty obligations of the United States. In*
22 *establishing a quantity or other restriction, the Secretary*
23 *shall ensure that the restriction is consistent with the pur-*
24 *pose of the overseas commissary and exchange system to*

1 *provide reasonable access for eligible patrons to purchase*
2 *merchandise items made in the United States.*

3 “(b) *CONTROLLED ITEM LISTS.*—*For each location*
4 *outside the United States that is served by the commissary*
5 *system or the exchange system, the Secretary of Defense may*
6 *maintain a list of controlled merchandise items, except that,*
7 *after the date of the enactment of the National Defense Au-*
8 *thorization Act for Fiscal Year 1999, the Secretary may not*
9 *change the list to add a merchandise item unless, before*
10 *making the change, the Secretary submits to Congress a no-*
11 *tice of the proposed addition and the reasons for the addi-*
12 *tion of the item.*

13 “(c) *SPECIAL RULES FOR KOREA.*—(1) *The Secretary*
14 *of Defense may not prohibit a dependent who resides in*
15 *Korea, is at least 21 years of age, and is otherwise eligible*
16 *to use the commissary and exchange system, from purchas-*
17 *ing alcoholic beverages through the commissary and ex-*
18 *change system. Quantity restrictions on the purchase of al-*
19 *coholic beverages may be imposed, and any such restriction*
20 *may be enforced through the use of an issued ration control*
21 *device, but a dependent may not be required to sign for*
22 *any purchase. A quantity restriction on malt beverages may*
23 *not restrict purchases to fewer than eight cases, of 24-units*
24 *per case, per month. Daily or weekly restrictions on malt*
25 *beverage purchases may not be imposed. The purchase of*

1 malt beverages may be recorded on a ration control device,
2 but eligible patrons may not be required to sign for any
3 purchase.

4 “(2) A dependent residing in Korea who is at least
5 18 years of age and otherwise eligible to use the commissary
6 and exchange system may purchase tobacco products on the
7 same basis as other eligible patrons of the commissary and
8 exchange system.

9 “(3) Eligible patrons of the commissary and exchange
10 system who are traveling through a military air terminal
11 in Korea shall be authorized to the purchase sundry items,
12 including tobacco products, on a temporary basis during
13 the normal operating hours of commissary and exchange
14 stores operated in connection with the terminal.

15 “(4) In applying restrictions to dependents of members
16 of the armed forces, the Secretary of Defense may not dif-
17 ferentiate between a dependent whose movement to Korea
18 was authorized at the expense of the United States under
19 section 406 of title 37 and other dependents residing in
20 Korea.

21 “(d) *REPORTING REQUIREMENTS.*—The Secretary of
22 Defense shall submit to Congress an annual report describ-
23 ing the host nation laws and the treaty obligations of the
24 United States, and the conditions within host nations, that
25 necessitate the use of quantity or other restrictions on pur-

1 *chases in commissary and exchange stores located outside*
 2 *the United States.”.*

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

“2491. *Overseas commissary and exchange stores: access and purchase restrictions.*”.

6 **SEC. 345. EXTENSION OF DEMONSTRATION PROJECT FOR**
 7 **UNIFORM FUNDING OF MORALE, WELFARE,**
 8 **AND RECREATION ACTIVITIES.**

9 *Section 335 of the National Defense Authorization Act*
 10 *for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 2241*
 11 *note) is amended—*

12 (1) *in subsection (c), by striking out “not later*
 13 *than September 30, 1998” and inserting in lieu there-*
 14 *of “on September 30, 1999”; and*

15 (2) *in subsection (e)(2), by striking out “a final*
 16 *report on the results” and inserting in lieu thereof*
 17 *“an additional report on the progress”.*

18 **SEC. 346. PROHIBITION ON CONSOLIDATION OR OTHER OR-**
 19 **GANIZATIONAL CHANGES OF DEPARTMENT**
 20 **OF DEFENSE RETAIL SYSTEMS.**

21 (a) *DEFENSE RETAIL SYSTEMS DEFINED.*—*For pur-*
 22 *poses of this section, the term “defense retail systems”*
 23 *means the defense commissary system and exchange stores*
 24 *and other revenue-generating facilities operated by non-*

1 *appropriated fund activities of the Department of Defense*
2 *for the morale, welfare, and recreation of members of the*
3 *Armed Forces.*

4 **(b) PROHIBITION.**—*The operation and administration*
5 *of the defense retail systems may not be consolidated or oth-*
6 *erwise changed, and a study or review may not be com-*
7 *menced regarding the need for or merits of such a consolida-*
8 *tion or change, unless the consolidation, change, study, or*
9 *review is specifically authorized by a law enacted after the*
10 *date of the enactment of this Act.*

11 **(c) EFFECT ON EXISTING STUDY.**—*Nothing in this*
12 *section shall be construed to prohibit the study of defense*
13 *retail systems, known as the “Joint Exchange Due Dili-*
14 *gence Study”, which is underway on the date of the enact-*
15 *ment of this Act pursuant to a contract awarded by the*
16 *Department of the Navy on April 21, 1998, except that any*
17 *recommendation contained in the completed study regard-*
18 *ing the operation or administration of the defense retail sys-*
19 *tems may not be implemented unless implementation of the*
20 *recommendation is specifically authorized by a law enacted*
21 *after the date of the enactment of this Act.*

1 **SEC. 347. AUTHORIZED USE OF APPROPRIATED FUNDS FOR**
2 **RELOCATION OF NAVY EXCHANGE SERVICE**
3 **COMMAND.**

4 *The Navy Exchange Service Command is not required*
5 *to reimburse the United States for appropriated funds allot-*
6 *ted to the Navy Exchange Service Command during fiscal*
7 *years 1994, 1995, and 1996 to cover costs incurred by the*
8 *Navy Exchange Service Command to relocate to Virginia*
9 *Beach, Virginia, and to lease headquarters space in Vir-*
10 *ginia Beach.*

11 **SEC. 348. EVALUATION OF MERIT OF SELLING MALT BEV-**
12 **ERAGES AND WINE IN COMMISSARY STORES**
13 **AS EXCHANGE SYSTEM MERCHANDISE.**

14 *(a) PATRON SURVEY.—(1) The Secretary of Defense*
15 *shall enter into a contract with a commercial survey firm*
16 *to conduct a survey of eligible patrons of the commissary*
17 *store system to determine patron interest in having com-*
18 *missary stores sell malt beverages and wine as exchange*
19 *store merchandise.*

20 *(2) The survey shall be conducted at not less than three*
21 *military installations in the United States of each of the*
22 *Armed Forces (other than the Coast Guard).*

23 *(3) The survey shall be completed, and the results sub-*
24 *mitted to the Secretary of Defense, not later than November*
25 *30, 1998.*

1 (b) *DEMONSTRATION PROJECT.*—(1) *After consider-*
2 *ation of the survey results, the Secretary of Defense may*
3 *conduct a demonstration project at seven military installa-*
4 *tions in the United States (two Army installations, two Air*
5 *Force installations, two Navy installations, and one Marine*
6 *Corps installation) to evaluate the merit of selling malt bev-*
7 *erages and wine in commissary stores as exchange store*
8 *merchandise. Under the demonstration project, the Sec-*
9 *retary may sell malt beverages and wine in commissary*
10 *stores as exchange store merchandise notwithstanding the*
11 *general requirement that merchandise sold in, at, or by*
12 *commissary stores be commissary store inventory.*

13 (2) *The demonstration project may only be conducted*
14 *in States where it is legal to sell malt beverages and wine*
15 *in grocery stores.*

16 (3) *Not later than February 1, 1999, the Secretary of*
17 *Defense shall determine whether to conduct the demonstra-*
18 *tion project. Any such demonstration project shall be com-*
19 *pleted not later than September 30, 2000.*

20 (c) *REPORT.*—(1) *If the Secretary of Defense conducts*
21 *a demonstration project under subsection (b), the Secretary*
22 *shall submit to Congress a report describing the results of*
23 *the demonstration project. The report shall include a de-*
24 *scription of patron views, the impact on commissary sales,*

1 *the impact on exchange sales, and the impact, if any, on*
 2 *dividends for morale, welfare, and recreation activities.*

3 (2) *The report shall be submitted not later than March*
 4 *1, 2000.*

5 (d) *LIMITATION.—Nothing in this section shall be con-*
 6 *strued to authorize the sale of malt beverages and wine in*
 7 *commissary stores as commissary store inventory.*

8 ***Subtitle F—Other Matters***

9 ***SEC. 361. ELIGIBILITY REQUIREMENTS FOR ATTENDANCE***

10 ***AT DEPARTMENT OF DEFENSE DOMESTIC DE-*** 11 ***PENDENT ELEMENTARY AND SECONDARY*** 12 ***SCHOOLS.***

13 (a) *DEPENDENTS OF MEMBERS RESIDING IN CERTAIN*
 14 *AREAS.—Subsection (a) of section 2164 of title 10, United*
 15 *States Code, is amended—*

16 (1) *by inserting “(1)” before “If”;*

17 (2) *by designating the second sentence as para-*
 18 *graph (2); and*

19 (3) *by adding at the end of paragraph (2) (as*
 20 *so designated) the following new sentence: “If a mem-*
 21 *ber of the armed forces is assigned to a remote loca-*
 22 *tion or is assigned to an unaccompanied tour of duty,*
 23 *a dependent of the member who resides, on or off a*
 24 *military installation, in a territory, commonwealth,*
 25 *or possession of the United States, as authorized by*

1 *the member's orders, may be enrolled in an edu-*
2 *cational program provided by the Secretary under*
3 *this subsection."*

4 (b) *WAIVER OF FIVE-YEAR ATTENDANCE LIMITA-*
5 *TION.—Subsection (c)(2) of such section is amended by*
6 *striking out subparagraph (B) and inserting in lieu thereof*
7 *the following new subparagraph:*

8 *“(B) At the discretion of the Secretary, a dependent*
9 *referred to in subparagraph (A) may be enrolled in the pro-*
10 *gram for more than five consecutive school years if the de-*
11 *pendent is otherwise qualified for enrollment, space is avail-*
12 *able in the program, and the Secretary will be reimbursed*
13 *for the services provided. Any such extension shall cover*
14 *only one school year at a time.”*

15 **SEC. 362. SPECIFIC EMPHASIS OF PROGRAM TO INVES-**
16 **TIGATE FRAUD, WASTE, AND ABUSE WITHIN**
17 **DEPARTMENT OF DEFENSE.**

18 *Section 392 of the National Defense Authorization Act*
19 *for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 113*
20 *note) is amended by inserting before the period the follow-*
21 *ing: “and any fraud, waste, and abuse occurring in connec-*
22 *tion with overpayments made to vendors by the Department*
23 *of Defense, including overpayments identified under section*
24 *354 of the National Defense Authorization Act for Fiscal*
25 *Year 1996 (Public Law 104–106; 10 U.S.C. 2461 note)”*.

1 **SEC. 363. REVISION OF INSPECTION REQUIREMENTS RE-**
2 **LATING TO ARMED FORCES RETIREMENT**
3 **HOME.**

4 *Section 1518 of the Armed Forces Retirement Home*
5 *Act of 1991 (24 U.S.C. 418) is amended to read as follows:*

6 **“SEC. 1518. INSPECTION OF RETIREMENT HOME.**

7 *“(a) PERIODIC INSPECTION.—The Inspector Generals*
8 *of the military departments shall conduct, at three-year in-*
9 *tervals, an inspection of the Retirement Home and the*
10 *records of the Retirement Home. Each inspection under this*
11 *subsection shall be performed by a single Inspector General*
12 *on an alternating basis.*

13 *“(b) REPORT.—The Inspector General of a military*
14 *department who performs an inspection of the Retirement*
15 *Home under subsection (a) shall submit to the Retirement*
16 *Home Board, the Secretary of Defense, and Congress a re-*
17 *port describing the results of the inspection and containing*
18 *such recommendations as the Inspector General considers*
19 *appropriate.”.*

20 **SEC. 364. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**
21 **THAT BENEFIT DEPENDENTS OF MEMBERS**
22 **OF THE ARMED FORCES AND DEPARTMENT**
23 **OF DEFENSE CIVILIAN EMPLOYEES.**

24 *(a) CONTINUATION OF DEPARTMENT OF DEFENSE*
25 *PROGRAM FOR FISCAL YEAR 1999.—Of the amount author-*

1 ized to be appropriated pursuant to section 301(5) for oper-
2 ation and maintenance for Defense-wide activities—

3 (1) \$30,000,000 shall be available only for the
4 purpose of providing educational agencies assistance
5 (as defined in subsection (d)(1)) to local educational
6 agencies; and

7 (2) \$5,000,000 shall be available only for the
8 purpose of making educational agencies payments (as
9 defined in subsection (d)(2)) to local educational
10 agencies.

11 (b) NOTIFICATION.—Not later than June 30, 1999, the
12 Secretary of Defense shall—

13 (1) notify each local educational agency that is
14 eligible for educational agencies assistance for fiscal
15 year 1999 of that agency's eligibility for such assist-
16 ance and the amount of such assistance for which that
17 agency is eligible; and

18 (2) notify each local educational agency that is
19 eligible for an educational agencies payment for fiscal
20 year 1999 of that agency's eligibility for such pay-
21 ment and the amount of the payment for which that
22 agency is eligible.

23 (c) DISBURSEMENT OF FUNDS.—The Secretary of De-
24 fense shall disburse funds made available under paragraphs
25 (1) and (2) of subsection (a) not later than 30 days after

1 *the date on which notification to the eligible local edu-*
2 *cational agencies is provided pursuant to subsection (b).*

3 *(d) DEFINITIONS.—In this section:*

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

9 *(2) The term “educational agencies payments”*
10 *means payments authorized under section 386(d) of*
11 *the National Defense Authorization Act for Fiscal*
12 *Year 1993 (Public Law 102–484; 20 U.S.C. 7703*
13 *note).*

14 *(3) The term “local educational agency” has the*
15 *meaning given that term in section 8013(9) of the El-*
16 *ementary and Secondary Education Act of 1965 (20*
17 *U.S.C. 7713(9)).*

18 **SEC. 365. STRATEGIC PLAN FOR EXPANSION OF DISTANCE**

19 **LEARNING INITIATIVES.**

20 *(a) DEVELOPMENT OF PLAN.—The Secretary of De-*
21 *fense shall develop a strategic plan for guiding and expand-*
22 *ing distance learning initiatives in the Department of De-*
23 *fense. The strategic plan shall cover the five-year period be-*
24 *ginning on October 1, 1999.*

1 **(b) ELEMENTS OF PLAN.**—*The strategic plan required*
2 *by this section shall contain at a minimum the following*
3 *elements:*

4 (1) *Measurable goals and objectives, including*
5 *outcome-related performance indicators, for develop-*
6 *ing distance learning initiatives in the Department*
7 *that would be consistent with the principles of the*
8 *Government Performance and Results Act of 1993*
9 *(section 306 of title 5 and sections 1115 through 1119,*
10 *9703, and 9704 of title 31).*

11 (2) *A description of the manner in which dis-*
12 *tance learning initiatives will be developed and man-*
13 *aged in the Department.*

14 (3) *An estimate of the costs and benefits associ-*
15 *ated with developing and maintaining an infrastruc-*
16 *ture in the Department to support distance learning*
17 *initiatives and a statement of planned expenditures*
18 *for investments necessary to build and maintain the*
19 *infrastructure.*

20 (4) *A description of mechanisms that will be*
21 *used to oversee the development and coordination of*
22 *distance learning initiatives in the Department.*

23 **(c) CONSIDERATION OF CURRENT EFFORT.**—*In devel-*
24 *oping the strategic plan required by this section, the Sec-*
25 *retary of Defense may recognize the collaborative distance*

1 *learning effort of the Department of Defense and other Fed-*
2 *eral agencies and private industry (known as the Advanced*
3 *Distribution Learning initiative), but the strategic plan*
4 *shall be specific to the goals and objectives of the Depart-*
5 *ment.*

6 (d) *SUBMISSION OF PLAN.*—*Not later than March 1,*
7 *1999, the Secretary of Defense shall submit to Congress the*
8 *completed strategic plan required by this section.*

9 **SEC. 366. PUBLIC AVAILABILITY OF OPERATING AGREE-**
10 **MENTS BETWEEN MILITARY INSTALLATIONS**
11 **AND FINANCIAL INSTITUTIONS.**

12 *With respect to an agreement between the commander*
13 *of a military installation in the United States (or the des-*
14 *ignee of an installation commander) and a financial insti-*
15 *tution that permits, allows, or otherwise authorizes the pro-*
16 *vision of financial services by the financial institution on*
17 *the military installation, nothing in the terms or nature*
18 *of such an agreement shall be construed to exempt the agree-*
19 *ment from the provisions of sections 552 and 552a of title*
20 *5, United States Code.*

21 **SEC. 367. DEPARTMENT OF DEFENSE READINESS REPORT-**
22 **ING SYSTEM.**

23 (a) *ESTABLISHMENT OF SYSTEM.*—(1) *Chapter 2 of*
24 *title 10, United States Code, is amended by inserting after*
25 *section 116 the following new section:*

1 **“§ 117. Readiness reporting system: establishment; re-**
2 **porting to congressional committees**

3 “(a) *REQUIRED READINESS REPORTING SYSTEM.—*

4 *The Secretary of Defense shall establish a comprehensive*
5 *readiness reporting system for the Department of Defense.*

6 *The readiness reporting system shall measure in an objec-*
7 *tive, accurate, and timely manner the capability of the*
8 *armed forces to carry out—*

9 “(1) *the National Security Strategy prescribed*
10 *by the President in the most recent annual national*
11 *security strategy report under section 108 of the Na-*
12 *tional Security Act of 1947 (50 U.S.C. 404a);*

13 “(2) *the defense planning guidance provided by*
14 *the Secretary of Defense pursuant to section 113(g) of*
15 *this title; and*

16 “(3) *the National Military Strategy prescribed*
17 *by the Chairman of the Joint Chiefs of Staff.*

18 “(b) *READINESS REPORTING SYSTEM CHARACTERIS-*
19 *TICS.—In establishing the readiness reporting system, the*
20 *Secretary shall ensure—*

21 “(1) *that the readiness reporting system is ap-*
22 *plied uniformly throughout the Department of De-*
23 *fense;*

24 “(2) *that information in the readiness reporting*
25 *system is continually updated, with any change in*
26 *the overall readiness status of a unit, of an element*

1 *of the training establishment, or an element of defense*
2 *infrastructure that is required to be reported as part*
3 *of the readiness reporting system shall be reported*
4 *within 24 hours of the event necessitating the change*
5 *in readiness status; and*

6 *“(3) that sufficient resources are provided to es-*
7 *tablish and maintain the system so as to allow re-*
8 *porting of changes in readiness status as required by*
9 *this section.*

10 *“(c) CAPABILITIES.—The readiness reporting system*
11 *shall have the capability to do the following:*

12 *“(1) Measure the capability of units (both as ele-*
13 *ments of their respective armed force and as elements*
14 *of joint forces) to conduct their assigned wartime mis-*
15 *sions.*

16 *“(2) Measure the capability of training establish-*
17 *ments to provide trained and ready forces for war-*
18 *time missions.*

19 *“(3) Measure the capability of defense installa-*
20 *tions and facilities and other elements of Department*
21 *of Defense infrastructure, both in the United States*
22 *and abroad, to provide appropriate support to forces*
23 *in the conduct of their wartime missions.*

1 “(4) Measure critical warfighting deficiencies in
2 unit capability, training establishments, and defense
3 infrastructure.

4 “(5) Measure the level of current risk based upon
5 the readiness reporting system relative to the capabil-
6 ity of forces to carry out their wartime missions.

7 “(6) Measure such other factors relating to readi-
8 ness as the Secretary prescribes.

9 “(d) *PERIODIC JOINT READINESS REVIEW.*—The
10 Chairman of the Joint Chiefs of Staff shall periodically,
11 and not less frequently than monthly, conduct a joint readi-
12 ness review. The Chairman shall incorporate into each such
13 review the current information derived from the readiness
14 reporting system and shall assess the capability of the
15 armed forces to execute their wartime missions based upon
16 their posture at the time of the review. The Chairman shall
17 submit to the Secretary of Defense the results of each review,
18 including the deficiencies in readiness identified during
19 that review.

20 “(e) *SUBMISSION TO CONGRESSIONAL COMMITTEES.*—
21 The Secretary shall each month submit to the Committee
22 on Armed Services and the Committee on Appropriations
23 of the Senate and the Committee on National Security and
24 the Committee on Appropriations of the House of Rep-
25 resentatives a report in writing containing the complete re-

1 *sults of each review under subsection (d) during the preced-*
2 *ing month, including the current information derived from*
3 *the readiness reporting system. Each such report shall be*
4 *submitted in unclassified form and may, as the Secretary*
5 *determines necessary, also be submitted in classified form.*

6 “(f) *REGULATIONS.*—*The Secretary shall prescribe reg-*
7 *ulations to carry out this section. In those regulations, the*
8 *Secretary shall prescribe the units that are subject to report-*
9 *ing in the readiness reporting system, what type of equip-*
10 *ment is subject to such reporting, and the elements of the*
11 *training establishment and of defense infrastructure that*
12 *are subject to such reporting.”.*

13 (2) *The table of sections at the beginning of such chap-*
14 *ter is amended by inserting after the item relating to section*
15 *116 the following new item:*

“117. Readiness reporting system: establishment; reporting to congressional com-
mittees.”.

16 (b) *IMPLEMENTATION.*—*The Secretary of Defense shall*
17 *establish and implement the readiness reporting system re-*
18 *quired by section 117 of title 10, United States Code, as*
19 *added by subsection (a), so as to ensure that the capabilities*
20 *required by subsection (c) of that section are attained not*
21 *later than July 1, 1999.*

22 (c) *IMPLEMENTATION PLAN.*—*Not later than March 1,*
23 *1999, the Secretary of Defense shall submit to Congress a*
24 *report setting forth the Secretary’s plan for implementation*

1 of section 117 of title 10, United States Code, as added by
2 subsection (a).

3 (d) *REPEAL OF QUARTERLY READINESS REPORT RE-*
4 *QUIREMENT.—Effective July 1, 1999, or the date on which*
5 *the first report of the Secretary of Defense is submitted*
6 *under section 117(d) of title 10, United States Code, as*
7 *added by subsection (a), whichever is later—*

8 (1) *section 482 of title 10, United States Code,*
9 *is repealed; and*

10 (2) *the table of sections at the beginning of chap-*
11 *ter 23 of such title is amended by striking out the*
12 *item relating to that section.*

13 **SEC. 368. TRAVEL BY RESERVISTS ON CARRIERS UNDER**
14 **CONTRACT WITH GENERAL SERVICES ADMIN-**
15 **ISTRATION.**

16 (a) *RESERVE USE OF FEDERAL SUPPLY TRANSPOR-*
17 *TATION.—Chapter 1217 of title 10, United States Code, is*
18 *amended by adding at the end the following new section:*

19 **“§ 12603. Travel: use of carriers under contract with**
20 **General Services Administration**

21 *“A member of a reserve component who requires trans-*
22 *portation in order to perform inactive duty training may*
23 *use a carrier under contract with the General Services Ad-*
24 *ministration to provide the transportation. The transpor-*
25 *tation shall be provided by the carrier in the same manner*

1 *as transportation is provided to members of the armed*
 2 *forces and civilian employees who are traveling at Govern-*
 3 *ment expense, except that the Reserve is responsible for the*
 4 *cost of the travel at the contract rate. The Secretary con-*
 5 *cerned may require the Reserve to use a Government ap-*
 6 *proved travel card to ensure that the transportation is pro-*
 7 *cured for the purpose of performing inactive duty train-*
 8 *ing.”.*

9 (b) *CLERICAL AMENDMENT.*—*The table of sections for*
 10 *such chapter is amended by adding at the end the following*
 11 *new item:*

“12603. Travel: use of carriers under contract with General Services Administra-
tion.”.

12 ***Subtitle G—Demonstration of Com-***
 13 ***mmercial-Type Practices To***
 14 ***Improve Quality of Personal***
 15 ***Property Shipments***

16 ***SEC. 381. DEMONSTRATION PROGRAM REQUIRED.***

17 (a) *IN GENERAL.*—*The Secretary of Defense shall con-*
 18 *duct a demonstration program, to be known as the “Com-*
 19 *mmercial-Like Activities for Superior Quality Demonstration*
 20 *Program”, pursuant to this subtitle to test commercial-style*
 21 *practices to improve the quality of personal property ship-*
 22 *ments within the Department of Defense.*

23 (b) *DEFINITIONS.*—*In this subtitle:*

1 (1) *The term “CLASS Demonstration Program”*
2 *means the Commercial-Like Activities for Superior*
3 *Quality Demonstration Program required by sub-*
4 *section (a).*

5 (2) *The term “affiliated” means an entity that*
6 *is owned and controlled by another entity or an inde-*
7 *pendently owned entity whose day-to-day business op-*
8 *erations are controlled by another entity.*

9 (3) *The term “best value CLASS score” means a*
10 *weighted score that reflects an eligible provider’s past*
11 *performance rating score and the schedules of charges*
12 *for services provided.*

13 (4) *The term “broker” means an entity, de-*
14 *scribed in section 13102(2) of title 49, United States*
15 *Code, that conducts operations on behalf of the Mili-*
16 *tary Traffic Management Command and possesses ap-*
17 *propriate authority from the Department of Trans-*
18 *portation or an appropriate State regulatory agency*
19 *to arrange for the transportation of personal property*
20 *in interstate, intrastate, or foreign commerce.*

21 (5) *The term “freight forwarder” means an en-*
22 *tity that provides the services described in section*
23 *13102(8) of title 49, United States Code, in interstate,*
24 *intrastate, or foreign commerce and possesses the au-*
25 *thority to provide such services from the Department*

1 of Transportation or an appropriate State regulatory
2 agency.

3 (6) The term “motor carrier” means an entity
4 that uses motor vehicles to transport personal prop-
5 erty in interstate, intrastate, or foreign commerce and
6 possesses the authority to provide such services from
7 the Department of Transportation or an appropriate
8 State regulatory agency.

9 (7) The term “motor vehicles” has the meaning
10 given such term in section 13102(14) of title 49,
11 United States Code.

12 (8) The term “move management services pro-
13 vider” means an entity that provides certain services
14 in connection with the shipment of the household
15 goods of a member of the Armed Forces, such as ar-
16 ranging, coordinating, and monitoring the shipment.

17 (9) The term “test plan” means the plan pre-
18 pared under section 384 for the conduct of the CLASS
19 Demonstration Program.

20 **SEC. 382. GOALS OF DEMONSTRATION PROGRAM.**

21 The goals of the CLASS Demonstration Program are
22 to—

23 (1) adopt commercial-style practices to improve
24 the quality of Department of Defense personal prop-

1 *erty shipments within the United States and to for-*
2 *oreign locations;*

3 *(2) adopt simplified acquisition procedures for*
4 *the selection of contractors qualified to provide var-*
5 *ious types of personal property shipping services and*
6 *for the award of individual orders to such contractors;*

7 *(3) assure ready access of the Department of De-*
8 *fense to a sufficient number of qualified providers of*
9 *personal property shipping to permit timely ship-*
10 *ments during periods of high demand for such serv-*
11 *ices;*

12 *(4) assure maximum practicable opportunities*
13 *for small business concerns to participate as prime*
14 *contractors rather than subcontractors;*

15 *(5) empower Installation Transportation Officers*
16 *to assure that the personal property shipping needs of*
17 *individual members of the Armed Forces are met in*
18 *a timely manner by quality contractors who mini-*
19 *mize opportunities for damage; and*

20 *(6) provide for the expedited resolution of claims*
21 *for damaged or lost property through direct settlement*
22 *negotiations between the service provider and the*
23 *member of the Armed Forces who sustains the loss,*
24 *with commercial-like arbitration available to the*

1 *member with the assistance of the military depart-*
2 *ment concerned.*

3 **SEC. 383. PROGRAM PARTICIPANTS.**

4 (a) *ELIGIBLE SERVICE PROVIDERS.—(1) Any motor*
5 *carrier, freight forwarder, or broker regularly providing*
6 *personal property shipping services that is approved by the*
7 *Military Traffic Management Command to provide such*
8 *services to the Department of Defense is eligible to partici-*
9 *pate in the CLASS Demonstration Program. A motor car-*
10 *rier providing domestic personal property shipping services*
11 *shall not be precluded from providing such services to inter-*
12 *national destinations through an affiliated freight for-*
13 *warder.*

14 (2) *If a motor carrier is affiliated with another motor*
15 *carrier or freight forwarder that also seeks qualification to*
16 *participate in the CLASS Demonstration Program, the af-*
17 *filiate must demonstrate that it also conducts independent*
18 *regular motor carrier operations using motor vehicles or*
19 *independent freight forwarding services described in sub-*
20 *paragraph (A), (B), or (C) of section 13102(8) of title 49,*
21 *United States Code. If a freight forwarder is affiliated with*
22 *another freight forwarder or motor carrier that also seeks*
23 *qualification to participate in the program, the affiliate*
24 *must demonstrate that it also conducts regular independent*
25 *operations.*

1 **(b) MOVE MANAGEMENT SERVICES PROVIDERS.**—*The*
2 *test plan may provide for the participation of a broker pro-*
3 *viding move management services. A move management*
4 *service provider shall be compensated for providing such*
5 *services solely by the Department of Defense. The test plan*
6 *shall prohibit a move management services provider from*
7 *obtaining a commission (or similar type of payment how-*
8 *ever denominated) from a motor carrier or freight for-*
9 *warder providing the personal property shipping services.*

10 **(c) DEMONSTRATION PROGRAM PARTICIPANTS.**—*Eli-*
11 *gible service providers shall be offered participation in the*
12 *CLASS Demonstration Program on the basis of their best*
13 *value CLASS score. Each eligible service provider's best*
14 *value CLASS score shall be computed in a manner that*
15 *assigns 70 percent of the weighted average to the provider's*
16 *past performance rating and 30 percent to the provider's*
17 *offered prices.*

18 **SEC. 384. TEST PLAN.**

19 **(a) IN GENERAL.**—*The CLASS Demonstration Pro-*
20 *gram shall be conducted pursuant to a test plan.*

21 **(b) COMPONENTS OF THE TEST PLAN.**—*In addition*
22 *to such other matters as the Secretary of Defense considers*
23 *appropriate, the test plan shall include the following compo-*
24 *nents:*

1 (1) *RATING PAST PERFORMANCE.*—A past per-
2 formance rating score shall be developed for each eli-
3 gible service provider based on—

4 (A) evaluations from service members who
5 have received personal property shipping services
6 during a specified six-month rating period prior
7 to the commencement of the CLASS Demonstra-
8 tion Program; or

9 (B) a rating of comparable personal prop-
10 erty shipping services provided to non-Depart-
11 ment of Defense customers during the same rat-
12 ing period, if an eligible provider did not make
13 a sufficient number of military personal prop-
14 erty shipments during the rating period to be as-
15 signed a rating pursuant to subparagraph (A).

16 (2) *PARTICIPATION BY QUALITY SERVICE PRO-*
17 *VIDERS.*—A minimum best value CLASS score shall
18 be established for participation in the CLASS Dem-
19 onstration Program. In establishing the minimum
20 score for participation, consideration shall be given to
21 assuring access to sufficient numbers of service pro-
22 viders to meet the needs of members of the Armed
23 Forces during periods of high demand for such per-
24 sonal property shipping services.

1 (3) *SIMPLIFIED ACQUISITION PROCEDURES.*—
2 *The CLASS Demonstration Program shall make use*
3 *of simplified acquisition procedures similar to those*
4 *provided in section 2304(g)(1)(A) of title 10, United*
5 *States Code.*

6 (4) *PRICING.*—*The test plan shall specify pricing*
7 *policies to be met by the CLASS Demonstration Pro-*
8 *gram participants. The pricing policies shall reflect*
9 *the following:*

10 (A) *Domestic pricing shall be based on the*
11 *contemporary Household Goods Carriers Com-*
12 *mmercial Tariff 400–M, or subsequent reissues*
13 *thereof, applicable to commercial domestic ship-*
14 *ments with discounts and adjustments for States*
15 *outside the continental United States.*

16 (B) *So-called single factor rates for inter-*
17 *national shipments.*

18 (C) *Full value protection for a shipment*
19 *based on the actual cash value of the contents of*
20 *the shipment with liability limited on a per*
21 *pound basis as well as a total-value basis.*

22 (5) *ALLOCATION OF ORDERS.*—*Orders to provide*
23 *personal property shipping services shall be allocated*
24 *by the appropriate Installation Transportation Offi-*
25 *cer taking into consideration—*

1 (A) *the service provider's best value CLASS*
2 *score;*

3 (B) *maximum practicable utilization of*
4 *small business service providers;*

5 (C) *exceptional performance of a CLASS*
6 *Demonstration Program participant; and*

7 (D) *other criteria necessary to advance the*
8 *goals of the CLASS Demonstration Program, ex-*
9 *cept that carrier selection by a member of the*
10 *Armed Forces using the CLASS Demonstration*
11 *Program shall be honored if the selection does*
12 *not conflict with subparagraph (A) or (B) and*
13 *the need to maintain adequate capacity.*

14 (6) *PERFORMANCE EVALUATION DURING THE*
15 *TERM OF THE DEMONSTRATION PROGRAM.—The*
16 *CLASS Demonstration Program shall provide for*
17 *procedures for evaluation of the Demonstration Pro-*
18 *gram participants by the members of the Armed*
19 *Forces furnished personal property shipping services*
20 *and by Installation Transportation Officers. To the*
21 *maximum extent practicable, such evaluations shall*
22 *be objective and quantifiable. The program partici-*
23 *part shall be accorded the opportunity to review and*
24 *make comment on a performance evaluation provided*
25 *by an individual in a manner that will not deter*

1 *candid evaluations by the individual. The results of*
2 *this evaluation may be used in developing future best*
3 *value CLASS scores.*

4 (7) *MODERN CUSTOMER SERVICE TECH-*
5 *NIQUES.—The CLASS Demonstration Program shall*
6 *maximize the testing of modern customer service tech-*
7 *niques, such as in-transit tracking of shipments and*
8 *service member communication with the service pro-*
9 *vider by means of toll-free telephone numbers.*

10 (8) *DIRECT CLAIMS SETTLEMENT TECH-*
11 *NIQUES.—The CLASS Demonstration Program shall*
12 *provide for settlement of claims for personal property*
13 *lost or damaged directly with the firm providing the*
14 *services. The procedures shall provide for—*

15 (A) *acknowledgment of a claim by the serv-*
16 *ice provider within 30 days of receipt;*

17 (B) *provision of a settlement offer within*
18 *120 days;*

19 (C) *filing of a claim within nine months,*
20 *with appropriate extensions for extenuating cir-*
21 *cumstances relating to war or national emer-*
22 *gency that impair the ability of a member of the*
23 *Armed Forces to file a timely claim; and*

24 (D) *referring of an unsettled claim by the*
25 *member of the Armed Forces to a designated*

1 *claims officer for assistance in resolving the*
2 *claim or seeking commercial-like arbitration of*
3 *the claim, or both, if considered appropriate by*
4 *the claims officer.*

5 (9) *CRITERIA FOR EVALUATION OF THE OVERALL*
6 *DEMONSTRATION PROGRAM.—The CLASS Demonstra-*
7 *tion Program shall include the development of criteria*
8 *to evaluate the overall performance and effectiveness*
9 *of the CLASS demonstration program.*

10 (c) *DEVELOPMENT IN COLLABORATION WITH INDUS-*
11 *TRY.—In developing the test plan, the Secretary of Defense*
12 *shall maximize collaboration with representatives of asso-*
13 *ciations that represent all segments of the affected indus-*
14 *tries. Special efforts shall be made to actively involve those*
15 *associations that represent small business providers of per-*
16 *sonal property shipping services.*

17 (d) *OPPORTUNITY FOR PUBLIC COMMENT ON PRO-*
18 *POSED TEST PLAN.—Notice of the availability of the test*
19 *plan shall be published in the Federal Register and given*
20 *by other means likely to result in the notification of eligible*
21 *service providers and associations that represent them. Cop-*
22 *ies of the proposed test plan may be made available in a*
23 *printable electronic format. The public shall be afforded 60*
24 *days to comment on the proposed test plan.*

1 **SEC. 385. OTHER METHODS OF PERSONAL PROPERTY SHIP-**
2 **PING.**

3 *The CLASS Demonstration Program shall not impair*
4 *the access of a member of the Armed Forces to the shipment*
5 *of personal property through the programs known as the*
6 *Do-It-Yourself Program or the Direct Procurement Method*
7 *Program.*

8 **SEC. 386. DURATION OF DEMONSTRATION PROGRAM.**

9 *The CLASS Demonstration Program shall commence*
10 *on the first day of the fiscal year quarter after the issuance*
11 *of the test plan in final form and terminate on the last*
12 *day of the fiscal year quarter after eight fiscal year quarters*
13 *of operation. The CLASS Demonstration Program shall*
14 *take the place of the re-engineering pilot solicitation of the*
15 *Military Traffic Management Command identified as*
16 *DAMTO1-97-R-3001.*

17 **SEC. 387. EVALUATION OF DEMONSTRATION PROGRAM.**

18 *(a) IN GENERAL.—The Secretary of Defense shall pro-*
19 *vide for the evaluation the CLASS Demonstration Program*
20 *throughout the term of the program pursuant to the evalua-*
21 *tion criteria included in the test plan.*

22 *(b) INTERIM REPORTS.—The Secretary of Defense*
23 *shall issue such interim reports relating to the implementa-*
24 *tion of the CLASS Demonstration Program as may be ap-*
25 *propriate.*

1 (c) *FINAL REPORT.*—*The Secretary of Defense shall*
2 *issue a final report on the CLASS Demonstration Program*
3 *within 180 days before the termination date of the program.*
4 *The report may include recommendations for further imple-*
5 *mentation of the CLASS Demonstration Program.*

6 (d) *CONGRESSIONAL RECIPIENTS.*—*The reports re-*
7 *quired by this section shall be furnished to the congressional*
8 *defense committees and the Committee on Small Business*
9 *of the Senate and the House of Representatives.*

10 (e) *PUBLIC AVAILABILITY.*—*The Secretary of Defense*
11 *shall provide public notice of the availability of copies of*
12 *the reports submitted to the congressional recipients through*
13 *a notice in the Federal Register and such other means as*
14 *may be appropriate. Copies of the reports may be made*
15 *available in a printable electronic format or in a printed*
16 *form.*

17 **TITLE IV—MILITARY PERSONNEL**
18 **AUTHORIZATIONS**

19 **Subtitle A—Active Forces**

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

21 *The Armed Forces are authorized strengths for active*
22 *duty personnel as of September 30, 1999, as follows:*

23 (1) *The Army, 484,800.*

24 (2) *The Navy, 376,423.*

25 (3) *The Marine Corps, 173,922.*

1 (4) *The Air Force, 371,577.*

2 **SEC. 402. REVISION IN PERMANENT END STRENGTH LEV-**
3 **ELS.**

4 (a) *REVISED END STRENGTH FLOORS.*—Subsection
5 (b) of section 691 of title 10, United States Code, is amend-
6 ed—

7 (1) in paragraph (1), by striking out “495,000”
8 and inserting in lieu thereof “484,800”;

9 (1) in paragraph (2), by striking out “390,802”
10 and inserting in lieu thereof “376,423”; and

11 (2) in paragraph (3), by striking out “174,000”
12 and inserting in lieu thereof “173,922”.

13 (b) *REVISION TO FLEXIBILITY AUTHORITY FOR THE*
14 *ARMY.*—Subsection (e) of such section is amended by strik-
15 ing out “or, in the case of the Army, by not more than
16 1.5 percent”.

17 (c) *EFFECTIVE DATE.*—The amendments made by this
18 section shall take effect on October 1, 1998.

19 **SEC. 403. DATE FOR SUBMISSION OF ANNUAL MANPOWER**
20 **REQUIREMENTS REPORT.**

21 Section 115a(a) of title 10, United States Code, is
22 amended—

23 (1) by striking out “, not later than February 15
24 of each fiscal year,” in the first sentence; and

1 (2) *by striking out “The report shall be in writ-*
 2 *ing and” in the second sentence and inserting in lieu*
 3 *thereof “The report shall be submitted each year not*
 4 *later than 30 days after the date on which the budget*
 5 *for the next fiscal year is transmitted to Congress*
 6 *pursuant to section 1105 of title 31, shall be in writ-*
 7 *ing, and”.*

8 **SEC. 404. EXTENSION OF AUTHORITY FOR CHAIRMAN OF**
 9 **THE JOINT CHIEFS OF STAFF TO DESIGNATE**
 10 **UP TO 12 GENERAL AND FLAG OFFICER POSI-**
 11 **TIONS TO BE EXCLUDED FROM GENERAL AND**
 12 **FLAG OFFICER GRADE LIMITATIONS.**

13 Section 526(b)(2) of title 10, United States Code, is
 14 amended by striking out “October 1, 1998” and inserting
 15 in lieu thereof “October 1, 2001”.

16 **Subtitle B—Reserve Forces**

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

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

- 21 (1) *The Army National Guard of the United*
 22 *States, 357,000.*
- 23 (2) *The Army Reserve, 209,000.*
- 24 (3) *The Naval Reserve, 90,843.*
- 25 (4) *The Marine Corps Reserve, 40,018.*

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

3 (6) *The Air Force Reserve, 74,242.*

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

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

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

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

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

1 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
2 **DUTY IN SUPPORT OF THE RESERVES.**

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

10 (1) *The Army National Guard of the United*
11 *States, 21,763.*

12 (2) *The Army Reserve, 12,804.*

13 (3) *The Naval Reserve, 15,590.*

14 (4) *The Marine Corps Reserve, 2,362.*

15 (5) *The Air National Guard of the United*
16 *States, 10,930.*

17 (6) *The Air Force Reserve, 991.*

18 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
19 **(DUAL STATUS).**

20 *The minimum number of military technicians (dual*
21 *status) as of the last day of fiscal year 1999 for the reserve*
22 *components of the Army and the Air Force (notwithstand-*
23 *ing section 129 of title 10, United States Code) shall be*
24 *the following:*

25 (1) *For the Army Reserve, 5,395.*

1 (2) *For the Army National Guard of the United*
 2 *States, 23,125.*

3 (3) *For the Air Force Reserve, 9,761.*

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

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

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

<i>Grade</i>	<i>Army</i>	<i>Navy</i>	<i>Air Force</i>	<i>Marine Corps</i>
<i>Major or Lieutenant Commander</i>	<i>3,219</i>	<i>1,071</i>	<i>776</i>	<i>140</i>
<i>Lieutenant Colonel or Commander</i>	<i>1,524</i>	<i>520</i>	<i>672</i>	<i>90</i>
<i>Colonel or Navy Captain</i>	<i>438</i>	<i>188</i>	<i>274</i>	<i>30</i> ".

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

<i>Grade</i>	<i>Army</i>	<i>Navy</i>	<i>Air Force</i>	<i>Marine Corps</i>
<i>E-9</i>	<i>623</i>	<i>202</i>	<i>388</i>	<i>20</i>
<i>E-8</i>	<i>2,585</i>	<i>429</i>	<i>979</i>	<i>94</i> ".

13 (c) *EFFECTIVE DATE.—The amendments made by this*
 14 *section shall take effect on October 1, 1998.*

15 **Subtitle C—Authorization of**
 16 **Appropriations**

17 **SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**
 18 **TARY PERSONNEL.**

19 *There is hereby authorized to be appropriated to the*
 20 *Department of Defense for military personnel for fiscal year*

1 1999 a total of \$70,697,086,000. The authorization in the
2 preceding sentence supersedes any other authorization of
3 appropriations (definite or indefinite) for such purpose for
4 fiscal year 1999.

5 **TITLE V—MILITARY PERSONNEL**
6 **POLICY**

7 **Subtitle A—Officer Personnel Policy**

8 **SEC. 501. CODIFICATION OF ELIGIBILITY OF RETIRED OFFI-**
9 **CERS AND FORMER OFFICERS FOR CONSID-**
10 **ERATION BY SPECIAL SELECTION BOARDS.**

11 (a) *PERSONS NOT CONSIDERED BY PROMOTION*
12 *BOARDS DUE TO ADMINISTRATIVE ERROR.*—Subsection (a)
13 of section 628 of title 10, United States Code, is amended—
14 (1) by striking out paragraph (1) and inserting
15 in lieu thereof the following:

16 “(a) *PERSONS NOT CONSIDERED BY PROMOTION*
17 *BOARDS DUE TO ADMINISTRATIVE ERROR.*—(1) If the Sec-
18 retary of the military department concerned determines
19 that because of administrative error a person who should
20 have been considered for selection for promotion by a pro-
21 motion board was not so considered, the Secretary shall con-
22 vene a special selection board under this subsection to deter-
23 mine whether that person (whether or not then on active
24 duty) should be recommended for promotion.”;

1 (2) in paragraph (2), by striking out “the officer
2 as his record” in the first sentence and inserting in
3 lieu thereof “the person whose name was referred to
4 it for consideration as that record”; and

5 (3) in paragraph (3), by striking out “an officer
6 in a grade” and all that follows through “the officer”
7 and inserting in lieu thereof “a person whose name
8 was referred to it for consideration for selection for
9 appointment to a grade other than a general officer
10 or flag officer grade, the person”.

11 (b) *PERSONS CONSIDERED BY PROMOTION BOARDS IN*
12 *UNFAIR MANNER.*—Subsection (b) of such section is amend-
13 *ed—*

14 (1) by striking out paragraph (1) and inserting
15 in lieu thereof the following:

16 “(b) *PERSONS CONSIDERED BY PROMOTION BOARDS*
17 *IN UNFAIR MANNER.*—(1) *If the Secretary of the military*
18 *department concerned determines, in the case of a person*
19 *who was considered for selection for promotion by a pro-*
20 *motion board but was not selected, that there was material*
21 *unfairness with respect to that person, the Secretary may*
22 *convene a special selection board under this subsection to*
23 *determine whether that person (whether or not then on ac-*
24 *tive duty) should be recommended for promotion. In order*

1 *to determine that there was material unfairness, the Sec-*
2 *retary must determine that—*

3 “(A) *the action of the promotion board that con-*
4 *sidered the person was contrary to law or involved*
5 *material error of fact or material administrative*
6 *error; or*

7 “(B) *the board did not have before it for its con-*
8 *sideration material information.*”;

9 (2) *in paragraph (2), by striking out “the officer*
10 *as his record” in the first sentence and inserting in*
11 *lieu thereof “the person whose name was referred to*
12 *it for consideration as that record”; and*

13 (3) *in paragraph (3)—*

14 (A) *by striking out “an officer” and insert-*
15 *ing in lieu thereof “a person”; and*

16 (B) *by striking out “the officer” and insert-*
17 *ing in lieu thereof “the person”.*

18 (c) *CONFORMING AMENDMENTS.—(1) Subsection (c) of*
19 *such section is amended—*

20 (A) *by inserting “REPORTS OF BOARDS.—” after*
21 *“(c)”;*

22 (B) *by striking out “officer” both places it ap-*
23 *pears in paragraph (1) and inserting in lieu thereof*
24 *“person”; and*

1 (C) in paragraph (2), by adding the following
2 new sentence at the end: “However, in the case of a
3 board convened under this section to consider a war-
4 rant officer or former warrant officer, the provisions
5 of sections 576(d) and 576(f) of this title (rather than
6 the provisions of section 617(b) and 618 of this title)
7 apply to the report and proceedings of the board in
8 the same manner as they apply to the report and pro-
9 ceedings of a selection board convened under section
10 573 of this title.”.

11 (2) Subsection (d)(1) of such section is amended—

12 (A) by inserting “APPOINTMENT OF PERSONS
13 SELECTED BY BOARDS.—” after “(d)”;

14 (B) by striking out “an officer” and inserting in
15 lieu thereof “a person”;

16 (C) by striking out “such officer” and inserting
17 in lieu thereof “that person”;

18 (D) by striking out “the next higher grade” the
19 second place it appears and inserting in lieu thereof
20 “that grade”;

21 (E) by adding at the end the following: “How-
22 ever, in the case of a board convened under this sec-
23 tion to consider a warrant officer or former warrant
24 officer, if the report of that board, as approved by the
25 Secretary concerned, recommends that warrant officer

1 or former warrant officer for promotion to the next
2 higher grade, that person shall, as soon as practicable,
3 be appointed to the next higher grade in accordance
4 with provisions of section 578(c) of this title (rather
5 than subsections (b), (c), and (d) of section 624 of this
6 title).”.

7 (3) Subsection (d)(2) of such section is amended—

8 (A) by striking out “An officer who is promoted”
9 and inserting in lieu thereof “A person who is ap-
10 pointed”;

11 (B) by striking out “such promotion” and insert-
12 ing in lieu thereof “that appointment”; and

13 (C) by adding at the end the following new sen-
14 tence: “In the case of a person who is not on the ac-
15 tive-duty list when appointed to the next higher
16 grade, placement of that person on the active-duty list
17 pursuant to the preceding sentence shall be only for
18 purposes of determination of eligibility of that person
19 for consideration for promotion by any subsequent
20 special selection board under this section.”.

21 (d) *APPLICABILITY TO DECEASED PERSONS.*—Sub-
22 section (e) of such section is amended to read as follows:

23 “(e) *DECEASED PERSONS.*—If a person whose name
24 is being considered for referral to a special selection board
25 under this section dies before the completion of proceedings

1 *under this section with respect to that person, this section*
2 *shall be applied to that person posthumously.”.*

3 *(e) RECODIFICATION OF ADMINISTRATIVE MATTERS.—*

4 *Such section is further amended by adding at the end the*
5 *following::*

6 *“(f) CONVENING OF BOARDS.—A board convened*
7 *under this section—*

8 *“(1) shall be convened under regulations pre-*
9 *scribed by the Secretary of Defense;*

10 *“(2) shall be composed in accordance with sec-*
11 *tion 612 of this title or, in the case of board to con-*
12 *sider a warrant officer or former warrant officer, in*
13 *accordance with section 573 of this title and regula-*
14 *tions prescribed by the Secretary of the military de-*
15 *partment concerned; and*

16 *“(3) shall be subject to the provisions of section*
17 *613 of this title.*

18 *“(g) PROMOTION BOARD DEFINED.—In this section,*
19 *the term ‘promotion board’ means a selection board con-*
20 *vened by the Secretary of a military department under sec-*
21 *tion 573(a) or 611(a) of this title.”.*

22 *(f) RATIFICATION OF CODIFIED PRACTICE.—The con-*
23 *sideration by a special selection board convened under sec-*
24 *tion 628 of title 10, United States Code, before the date of*
25 *the enactment of this Act of a person who, at the time of*

1 *consideration, was a retired officer or former officer of the*
 2 *Armed Forces (including a deceased retired or former offi-*
 3 *cer) is hereby ratified.*

4 **SEC. 502. COMMUNICATION TO PROMOTION BOARDS BY OF-**
 5 **FICERS UNDER CONSIDERATION.**

6 *Section 614(b) of title 10, United States Code, is*
 7 *amended by striking out “his case” and inserting in lieu*
 8 *thereof “enhancing his case for selection for promotion”.*

9 **SEC. 503. PROCEDURES FOR SEPARATION OF REGULAR OF-**
 10 **FICERS FOR SUBSTANDARD PERFORMANCE**
 11 **OF DUTY OR CERTAIN OTHER REASONS.**

12 *(a) ELIMINATION OF REQUIREMENT FOR A BOARD OF*
 13 *REVIEW.—Section 1182(c) of title 10, United States Code,*
 14 *is amended by striking out “it shall send the record of its*
 15 *proceedings to a board of review convened under section*
 16 *1183 of this title” and inserting in lieu thereof “it shall*
 17 *report that determination to the Secretary concerned”;*

18 *(b) REPEAL OF BOARD OF REVIEW.—(1) Section 1183*
 19 *of such title is repealed.*

20 *(2) The table of sections at the beginning of chapter*
 21 *60 of such title is amended by striking out the item relating*
 22 *to section 1183.*

23 *(c) CONFORMING AMENDMENTS.—(1) Section 1184 of*
 24 *such title is amended by striking out “board of review con-*
 25 *vened under section 1183 of this title” and inserting in lieu*

1 thereof “board of inquiry convened under section 1182 of
2 this title”.

3 (2) The heading of such section and the item relating
4 to such section in the table of sections at the beginning of
5 chapter 60 of such title are amended by striking out the
6 last two words.

7 (d) *ELIMINATION OF 30-DAY NOTICE REQUIRE-*
8 *MENT.*—Section 1185(a)(1) of such title is amended by
9 striking out “, at least 30 days before the hearing of his
10 case by a board of inquiry,”.

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

12 Section 1521 of title 10, United States Code, is amend-
13 ed—

14 (1) by inserting “(whether before or after the
15 member’s death)” in subsection (a)(3) after “approved
16 by the Secretary concerned”; and

17 (2) by adding at the end of subsection (b) the fol-
18 lowing new sentence: “In the case of a member to
19 whom subsection (a)(3) applies who dies before ap-
20 proval by the Secretary concerned of the appointment
21 or promotion, the commission shall issue as of the
22 date of death.”.

1 **SEC. 505. TENURE OF CHIEF OF THE AIR FORCE NURSE**
2 **CORPS.**

3 *Section 8069(b) of title 10, United States Code, is*
4 *amended by striking out “, but not for more than three*
5 *years, and may not be reappointed to the same position”*
6 *in the last sentence.*

7 ***Subtitle B—Reserve Component***
8 ***Matters***

9 **SEC. 511. COMPOSITION OF SELECTIVE EARLY RETIREMENT**
10 **BOARDS OF RESERVE GENERAL AND FLAG**
11 **OFFICERS OF THE NAVY AND MARINE CORPS.**

12 *Section 14705(b) of title 10, United States Code, is*
13 *amended to read as follows:*

14 *“(b) BOARDS.—(1) If the Secretary of the Navy deter-*
15 *mines that consideration of officers for early retirement*
16 *under this section is necessary, the Secretary shall convene*
17 *a continuation board under section 14101(b) of this title*
18 *to recommend an appropriate number of officers for early*
19 *retirement.*

20 *“(2) In the case of such a board convened to consider*
21 *officers in the grade of rear admiral or major general—*

22 *“(A) the Secretary may appoint the board with-*
23 *out regard to section 14102(b) of this title; and*

24 *“(B) each member of the board must be serving*
25 *in a grade higher than the grade of rear admiral or*
26 *major general.”.*

1 **SEC. 512. ACTIVE STATUS SERVICE REQUIREMENT FOR**
2 **PROMOTION CONSIDERATION FOR ARMY AND**
3 **AIR FORCE RESERVE COMPONENT BRIGA-**
4 **DIER GENERALS.**

5 *Section 14301 of title 10, United States Code, is*
6 *amended by adding at the end the following new subsection:*

7 *“(g) A reserve component brigadier general of the*
8 *Army or the Air Force who is in an inactive status is eligi-*
9 *ble (notwithstanding subsection (a)) for consideration for*
10 *promotion to major general by a promotion board convened*
11 *under section 14101(a) of this title if the officer—*

12 *“(1) has been in an inactive status for less than*
13 *one year as of the date of the convening of the pro-*
14 *motion board; and*

15 *“(2) had continuously served for at least one*
16 *year on the reserve active status list or the active duty*
17 *list (or a combination of both) immediately before the*
18 *officer’s most recent transfer to an inactive status.”.*

19 **SEC. 513. REVISION TO EDUCATIONAL REQUIREMENT FOR**
20 **PROMOTION OF RESERVE OFFICERS.**

21 *(a) EXTENSION FOR ARMY OCS GRADUATES.—Section*
22 *12205(b)(4) of title 10, United States Code, is amended by*
23 *inserting after “October 1, 1995” the following: “, or in the*
24 *case of an officer commissioned through the Army Officer*
25 *Candidate School, October 1, 2000”.*

1 (b) *EFFECTIVE DATE.*—The amendment made by sub-
 2 section (a) shall take effect as of October 1, 1995.

3 ***Subtitle C—Military Education and***
 4 ***Training***

5 ***SEC. 521. REQUIREMENTS RELATING TO RECRUIT BASIC***
 6 ***TRAINING.***

7 (a) *ARMY.*—(1) Chapter 401 of title 10, United States
 8 Code, is amended by adding at the end the following new
 9 section:

10 ***“§4319. Recruit basic training: separate platoons and***
 11 ***separate housing for male and female re-***
 12 ***cruits***

13 ***“(a) SEPARATE PLATOONS.***—The Secretary of the
 14 Army shall require that during basic training—

15 ***“(1) male recruits shall be assigned to platoons***
 16 ***consisting only of male recruits; and***

17 ***“(2) female recruits shall be assigned to platoons***
 18 ***consisting only of female recruits.***

19 ***“(b) SEPARATE HOUSING FACILITIES.***—The Secretary
 20 of the Army shall require that during basic training male
 21 and female recruits be housed in separate barracks or other
 22 troop housing facilities.

23 ***“(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON***
 24 ***SEPARATE FLOORS.***—(1) If the Secretary of the Army de-
 25 termines that it is not feasible, during some or all of the

1 *period beginning on April 15, 1999, and ending on October*
2 *1, 2001, to comply with subsection (b) at any particular*
3 *installation at which basic training is conducted because*
4 *facilities at that installation are insufficient for such pur-*
5 *pose, the Secretary may grant a waiver of subsection (b)*
6 *with respect to that installation. Any such waiver may not*
7 *be in effect after October 1, 2001, and may only be in effect*
8 *while the facilities at that installation are insufficient for*
9 *the purposes of compliance with subsection (b).*

10 “(2) *If the Secretary grants a waiver under paragraph*
11 *(1) with respect to an installation, the Secretary shall re-*
12 *quire that male and female recruits in basic training at*
13 *that installation during any period that the waiver is in*
14 *effect not be housed on the same floor of a barracks or other*
15 *troop housing facility.*

16 “(d) *BASIC TRAINING DEFINED.—In this section, the*
17 *term ‘basic training’ means the initial entry training pro-*
18 *gram of the Army that constitutes the basic training of new*
19 *recruits.”.*

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

*“4319. Recruit basic training: separate platoons and separate housing for male
and female recruits.”.*

22 (3) *The Secretary of the Army shall implement section*
23 *4319 of title 10, United States Code, as added by paragraph*
24 *(1), as rapidly as feasible and shall ensure that the provi-*

1 *sions of that section are applied to all recruit basic training*
 2 *classes beginning not later than the first such class that en-*
 3 *ters basic training on or after April 15, 1999.*

4 *(b) NAVY AND MARINE CORPS.—(1) Part III of subtitle*
 5 *C of title 10, United States Code, is amended by inserting*
 6 *after chapter 601 the following new chapter:*

7 **“CHAPTER 602—TRAINING GENERALLY**

“Sec.

“6931. Recruit basic training: separate small units and separate housing for male and female recruits.

8 **“§ 6931. Recruit basic training: separate small units**
 9 ***and separate housing for male and female***
 10 ***recruits***

11 *“(a) SEPARATE SMALL UNIT ORGANIZATION.—The*
 12 *Secretary of the Navy shall require that during basic train-*
 13 *ing—*

14 *“(1) male recruits in the Navy shall be assigned*
 15 *to divisions, and male recruits in the Marine Corps*
 16 *shall be assigned to platoons, consisting only of male*
 17 *recruits; and*

18 *“(2) female recruits in the Navy shall be as-*
 19 *signed to divisions, and female recruits in the Marine*
 20 *Corps shall be assigned to platoons, consisting only of*
 21 *female recruits.*

22 *“(b) SEPARATE HOUSING.—The Secretary of the Navy*
 23 *shall require that during basic training male and female*

1 *recruits be housed in separate barracks or other troop hous-*
2 *ing facilities.*

3 “(c) *INTERIM AUTHORITY FOR HOUSING RECRUITS ON*
4 *SEPARATE FLOORS.—(1) If the Secretary of the Navy deter-*
5 *mines that it is not feasible, during some or all of the period*
6 *beginning on April 15, 1999, and ending on October 1,*
7 *2001, to comply with subsection (b) at any particular in-*
8 *stallation at which basic training is conducted because fa-*
9 *cilities at that installation are insufficient for that purpose,*
10 *the Secretary may grant a waiver of subsection (b) with*
11 *respect to that installation. Any such waiver may not be*
12 *in effect after October 1, 2001, and may only be in effect*
13 *while the facilities at that installation are insufficient for*
14 *the purposes of compliance with subsection (b).*

15 “(2) *If the Secretary grants a waiver under paragraph*
16 *(1) with respect to an installation, the Secretary shall re-*
17 *quire that male and female recruits in basic training at*
18 *that installation during any period that the waiver is in*
19 *effect not be housed on the same floor of a barracks or other*
20 *troop housing facility.*

21 “(d) *BASIC TRAINING DEFINED.—In this section, the*
22 *term ‘basic training’ means the initial entry training pro-*
23 *grams of the Navy and Marine Corps that constitute the*
24 *basic training of new recruits.”.*

1 (2) *The tables of chapters at the beginning of subtitle*
 2 *C, and at the beginning of part III of subtitle C, of such*
 3 *title are amended by inserting after the item relating to*
 4 *chapter 601 the following new item:*

“602. Training Generally 6931”.

5 (3) *The Secretary of the Navy shall implement section*
 6 *6931 of title 10, United States Code, as added by paragraph*
 7 *(1), as rapidly as feasible and shall ensure that the provi-*
 8 *sions of that section are applied to all recruit basic training*
 9 *classes beginning not later than the first such class that en-*
 10 *ters basic training on or after April 15, 1999.*

11 (c) *AIR FORCE.—(1) Chapter 901 of title 10, United*
 12 *States Code, is amended by adding at the end the following*
 13 *new section:*

14 **“§9319. Recruit basic training: separate flights and**
 15 **separate housing for male and female re-**
 16 **cruits**

17 “(a) *SEPARATE FLIGHTS.—The Secretary of the Air*
 18 *Force shall require that during basic training—*

19 “(1) *male recruits shall be assigned to flights*
 20 *consisting only of male recruits; and*

21 “(2) *female recruits shall be assigned to flights*
 22 *consisting only of female recruits.*

23 “(b) *SEPARATE HOUSING.—The Secretary of the Air*
 24 *Force shall require that during basic training male and fe-*

1 *male recruits be housed in separate dormitories or other*
2 *troop housing facilities.*

3 “(c) *INTERIM AUTHORITY FOR HOUSING RECRUITS ON*
4 *SEPARATE FLOORS.—(1) If the Secretary of the Air Force*
5 *determines that it is not feasible, during some or all of the*
6 *period beginning on April 15, 1999, and ending on October*
7 *1, 2001, to comply with subsection (b) at any particular*
8 *installation at which basic training is conducted because*
9 *facilities at that installation are insufficient for such pur-*
10 *pose, the Secretary may grant a waiver of subsection (b)*
11 *with respect to that installation. Any such waiver may not*
12 *be in effect after October 1, 2001, and may only be in effect*
13 *while the facilities at that installation are insufficient for*
14 *the purposes of compliance with subsection (b).*

15 “(2) *If the Secretary grants a waiver under paragraph*
16 *(1) with respect to an installation, the Secretary shall re-*
17 *quire that male and female recruits in basic training at*
18 *that installation during any period that the waiver is in*
19 *effect not be housed on the same floor of a dormitory or*
20 *other troop housing facility.*

21 “(d) *BASIC TRAINING DEFINED.—In this section, the*
22 *term ‘basic training’ means the initial entry training pro-*
23 *gram of the Air Force that constitutes the basic training*
24 *of new recruits.”.*

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

“9319. Recruit basic training: separate flights and separate housing for male and female recruits.”.

3 (3) *The Secretary of the Air Force shall implement sec-*
 4 *tion 9319 of title 10, United States Code, as added by para-*
 5 *graph (1), as rapidly as feasible and shall ensure that the*
 6 *provisions of that section are applied to all recruit basic*
 7 *training classes beginning not later than the first such class*
 8 *that enters basic training on or after April 15, 1999.*

9 **SEC. 522. AFTER-HOURS PRIVACY FOR RECRUITS DURING**
 10 **BASIC TRAINING.**

11 (a) *PURPOSE.*—*The purpose of this section is to ensure*
 12 *that military recruits are provided some degree of privacy*
 13 *during basic training when in their barracks after comple-*
 14 *tion of the normal training day.*

15 (b) *ARMY.*—(1) *Chapter 401 of title 10, United States*
 16 *Code, is amended by adding after section 4319, as added*
 17 *by section 521(a)(1), the following new section:*

18 **“§4320. Recruit basic training: privacy**

19 *“The Secretary of the Army shall require that access*
 20 *by drill sergeants and other training personnel to a bar-*
 21 *racks floor on which recruits are housed during basic train-*
 22 *ing shall be limited after the end of the training day, other*
 23 *than in the case of an emergency or other exigent cir-*
 24 *cumstance, to drill sergeants and other training personnel*

1 *who are of the same sex as the recruits housed on that*
2 *floor.”.*

3 (2) *The table of sections at the beginning of such chap-*
4 *ter is amended by adding after the item relating to section*
5 *4319, as added by section 521(a)(2), the following new item:*
“4320. Recruit basic training: privacy.”.

6 (3) *The Secretary of the Army shall implement section*
7 *4320 of title 10, United States Code, as added by paragraph*
8 *(1), as rapidly as feasible and shall ensure that the provi-*
9 *sions of that section are applied to all recruit basic training*
10 *classes beginning not later than the first such class that en-*
11 *ters basic training on or after April 15, 1999.*

12 (c) NAVY.—(1) *Chapter 602 of title 10, United States*
13 *Code, as added by section 521(b)(1), is amended by adding*
14 *at the end the following new section:*

15 **“§ 6932. Recruit basic training: privacy**

16 *“The Secretary of the Navy shall require that access*
17 *by recruit division commanders and other training person-*
18 *nel to a barracks floor on which Navy recruits are housed*
19 *during basic training shall be limited after the end of the*
20 *training day, other than in the case of an emergency or*
21 *other exigent circumstance, to recruit division commanders*
22 *and other training personnel who are of the same sex as*
23 *the recruits housed on that floor.”.*

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

“6932. Recruit basic training: privacy.”.

3 (3) *The Secretary of the Navy shall implement section*
4 *6932 of title 10, United States Code, as added by paragraph*
5 *(1), as rapidly as feasible and shall ensure that the provi-*
6 *sions of that section are applied to all recruit basic training*
7 *classes beginning not later than the first such class that en-*
8 *ters basic training on or after April 15, 1999.*

9 (d) *AIR FORCE.—(1) Chapter 901 of title 10, United*
10 *States Code, is amended by adding after section 9319, as*
11 *added by section 521(c)(1), the following new section:*

12 **“§9320. Recruit basic training: privacy**

13 *“The Secretary of the Air Force shall require that ac-*
14 *cess by drill sergeants and other training personnel to a*
15 *dormitory floor on which recruits are housed during basic*
16 *training shall be limited after the end of the training day,*
17 *other than in the case of an emergency or other exigent cir-*
18 *cumstance, to drill sergeants and other training personnel*
19 *who are of the same sex as the recruits housed on that*
20 *floor.”.*

21 (2) *The table of sections at the beginning of such chap-*
22 *ter is amended by adding after the item relating to section*
23 *9312, as added by section 521(c)(2), the following new item:*

“9320. Recruit basic training: privacy.”.

1 (3) *The Secretary of the Air Force shall implement sec-*
2 *tion 9320 of title 10, United States Code, as added by para-*
3 *graph (1), as rapidly as feasible and shall ensure that the*
4 *provisions of that section are applied to all recruit basic*
5 *training classes beginning not later than the first such class*
6 *that enters basic training on or after April 15, 1999.*

7 **SEC. 523. EXTENSION OF REPORTING DATES FOR COMMIS-**
8 **SION ON MILITARY TRAINING AND GENDER-**
9 **RELATED ISSUES.**

10 (a) *FIRST REPORT.*—*Subsection (e)(1) of section 562*
11 *of the National Defense Authorization Act for Fiscal Year*
12 *1998 (Public Law 105–85; 111 Stat. 1754) is amended by*
13 *striking out “April 15, 1998” and inserting in lieu thereof*
14 *“October 15, 1998”.*

15 (b) *FINAL REPORT.*—*Subsection (e)(2) of such section*
16 *is amended by striking out “September 16, 1998” and in-*
17 *serting in lieu thereof “March 15, 1999”.*

18 **SEC. 524. IMPROVED OVERSIGHT OF INNOVATIVE READI-**
19 **NESS TRAINING.**

20 (a) *IN GENERAL.*—*Section 2012 of title 10, United*
21 *States Code, is amended by adding at the end the following*
22 *new subsection:*

23 “(j) *OVERSIGHT AND COST ACCOUNTING.*—*The Sec-*
24 *retary of Defense shall establish a program to improve the*
25 *oversight and cost accounting of training projects conducted*

1 *in accordance with this section. The program shall include*
2 *measures to accomplish the following:*

3 “(1) *Ensure that each project that is proposed to*
4 *be conducted in accordance with this section (regard-*
5 *less of whether additional funding from the Secretary*
6 *of Defense is sought) is requested in writing, reviewed*
7 *for full compliance with this section, and approved in*
8 *advance of initiation by the Secretary of the military*
9 *department concerned and, in the case of a project*
10 *that seeks additional funding from the Secretary of*
11 *Defense, by the Secretary of Defense.*

12 “(2) *Ensure that each project that is conducted*
13 *in accordance with this section is required to provide,*
14 *within a specified period following completion of the*
15 *project, an after-action report to the Secretary of De-*
16 *fense.*

17 “(3) *Require that each application for a project*
18 *to be conducted in accordance with this section in-*
19 *clude an analysis and certification that the proposed*
20 *project would not result in a significant increase in*
21 *the cost of training (as determined in accordance with*
22 *procedures prescribed by the Secretary of Defense).*

23 “(4) *Determine the total program cost for each*
24 *project, including both those costs that are borne by*
25 *the military departments from their own accounts*

1 *and those costs that are borne by defense-wide ac-*
2 *counts.*

3 “(5) *Provide for oversight of project execution to*
4 *ensure that a training project under this section is*
5 *carried out in accordance with the proposal for that*
6 *project as approved.*”.

7 **(b) IMPLEMENTATION.**—*The Secretary of Defense may*
8 *not initiate any project under section 2012 of title 10,*
9 *United States Code, after October 1, 1998, until the pro-*
10 *gram required by subsection (i) of that section (as added*
11 *by subsection (a)) has been established.*

12 ***Subtitle D—Decorations, Awards,***
13 ***and Commendations***

14 ***SEC. 531. STUDY OF NEW DECORATIONS FOR INJURY OR***
15 ***DEATH IN LINE OF DUTY.***

16 **(a) DETERMINATION OF CRITERIA FOR NEW DECORA-**
17 ***TION.***—(1) *The Secretary of Defense shall determine the ap-*
18 *propriate name, policy, award criteria, and design for two*
19 *possible new decorations.*

20 (2) *The first such decoration would, if implemented,*
21 *be awarded to members of the Armed Forces who, while*
22 *serving under competent authority in any capacity with*
23 *the Armed Forces, are killed or injured in the line of duty*
24 *as a result of noncombat circumstances occurring—*

1 (A) as a result of an international terrorist at-
2 tack against the United States or a foreign nation
3 friendly to the United States;

4 (B) while engaged in, training for, or traveling
5 to or from a peacetime or contingency operation; or

6 (C) while engaged in, training for, or traveling
7 to or from service outside the territory of the United
8 States as part of a peacekeeping force.

9 (3) The second such decoration would, if implemented,
10 be awarded to civilian nationals of the United States who,
11 while serving under competent authority in any capacity
12 with the Armed Forces, are killed or injured in the line
13 of duty under circumstances which, if they were members
14 of the Armed Forces, would qualify them for award of the
15 Purple Heart or the medal described in paragraph (2).

16 (b) *LIMITATION ON IMPLEMENTATION.*—Any such
17 decoration may only be implemented as provided by a law
18 enacted after the date of the enactment of this Act.

19 (c) *RECOMMENDATION TO CONGRESS.*—Not later than
20 July 31, 1999, the Secretary shall submit to Congress a leg-
21 islative proposal that would, if enacted, establish the new
22 decorations developed pursuant to subsection (a). The Sec-
23 retary shall include with that proposal the Secretary's rec-
24 ommendation concerning the need for, and propriety of,
25 each of the decorations.

1 (d) *COORDINATION.*—*The Secretary shall carry out*
2 *this section in coordination with the Secretaries of the mili-*
3 *tary departments and the Secretary of Transportation with*
4 *regard to the Coast Guard.*

5 **SEC. 532. WAIVER OF TIME LIMITATIONS FOR AWARD OF**
6 **CERTAIN DECORATIONS TO SPECIFIED PER-**
7 **SONS.**

8 (a) *WAIVER OF TIME LIMITATION.*—*Any limitation es-*
9 *tablished by law or policy for the time within which a rec-*
10 *ommendation for the award of a military decoration or*
11 *award must be submitted shall not apply in the case of*
12 *awards of decorations described in subsection (b), the award*
13 *of each such decoration having been determined by the Sec-*
14 *retary of the military department concerned to be war-*
15 *ranted in accordance with section 1130 of title 10, United*
16 *States Code.*

17 (b) *DISTINGUISHED FLYING CROSS.*—*Subsection (a)*
18 *applies to awards of the Distinguished Flying Cross for*
19 *service during World War II or Korea (including multiple*
20 *awards to the same individual) in the case of each individ-*
21 *ual concerning whom the Secretary of the Navy (or an offi-*
22 *cer of the Navy acting on behalf of the Secretary) submitted*
23 *to the Committee on National Security of the House of Rep-*
24 *resentatives and the Committee on Armed Services of the*
25 *Senate, before the date of the enactment of this Act, a notice*

1 *as provided in section 1130(b) of title 10, United States*
2 *Code, that the award of the Distinguished Flying Cross to*
3 *that individual is warranted and that a waiver of time re-*
4 *strictions prescribed by law for recommendation for such*
5 *award is recommended.*

6 **SEC. 533. COMMENDATION OF THE NAVY AND MARINE**
7 **CORPS PERSONNEL WHO SERVED IN THE**
8 **UNITED STATES NAVY ASIATIC FLEET FROM**
9 **1910-1942.**

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

11 *(1) The United States established the Asiatic*
12 *Fleet of the Navy in 1910 to protect American nation-*
13 *als, policies, and possessions in the Far East.*

14 *(2) The sailors and Marines of the Asiatic Fleet*
15 *ensured the safety of United States citizens and for-*
16 *foreign nationals, and provided humanitarian assistance*
17 *in that region during the Chinese civil war, the*
18 *Yangtze Flood of 1931, and the outbreak of Sino-Jap-*
19 *anese hostilities.*

20 *(3) In 1940, due to deteriorating political rela-*
21 *tions and increasing tensions between the United*
22 *States and Japan, a reinforced Asiatic Fleet began*
23 *concentrating on the defense of the Philippines and*
24 *engaged in extensive training to ensure maximum*
25 *operational readiness for any eventuality.*

1 (4) *Following the declaration of war against*
 2 *Japan in December 1941, the warships, submarines,*
 3 *and aircraft of the Asiatic Fleet singly or in task*
 4 *forces courageously fought many battles against a su-*
 5 *perior Japanese armada.*

6 (5) *The Asiatic Fleet directly suffered the loss of*
 7 *22 vessels, 1,826 men killed or missing in action, and*
 8 *518 men captured and imprisoned under the worst of*
 9 *conditions, with many of them dying while held as*
 10 *prisoners of war.*

11 (b) *CONGRESSIONAL COMMENDATION.—Congress—*

12 (1) *commends the Navy and Marine Corps per-*
 13 *sonnel who served in the Asiatic Fleet of the United*
 14 *States Navy between 1910 and 1942; and*

15 (2) *honors those who gave their lives in the line*
 16 *of duty while serving in the Asiatic Fleet.*

17 **SEC. 534. APPRECIATION FOR SERVICE DURING WORLD**
 18 **WAR I AND WORLD WAR II BY MEMBERS OF**
 19 **THE NAVY ASSIGNED ON BOARD MERCHANT**
 20 **SHIPS AS THE NAVAL ARMED GUARD SERV-**
 21 **ICE.**

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

23 (1) *The Navy established a special force during*
 24 *both World War I and World War II, known as the*
 25 *Naval Armed Guard Service, to protect merchant*

1 *ships of the United States from enemy attack by sta-*
2 *tioning members of the Navy and weapons on board*
3 *those ships.*

4 (2) *Members of the Naval Armed Guard Service*
5 *served on 6,236 merchant ships during World War II,*
6 *of which 710 were sunk by enemy action.*

7 (3) *Over 144,900 members of the Navy served in*
8 *the Naval Armed Guard Service during World War II*
9 *as officers, gun crewmen, signalmen, and radiomen,*
10 *of whom 1,810 were killed in action.*

11 (4) *The efforts of the members of the Naval*
12 *Armed Guard Service played a significant role in the*
13 *safe passage of United States merchant ships to their*
14 *destinations in the Soviet Union and various loca-*
15 *tions in western Europe and the Pacific Theater.*

16 (5) *The efforts of the members of the Navy who*
17 *served in the Naval Armed Guard Service have been*
18 *largely overlooked due to the rapid disbanding of the*
19 *service after World War II and lack of adequate*
20 *records.*

21 (6) *Recognition of the service of the naval per-*
22 *sonnel who served in the Naval Armed Guard Service*
23 *is highly warranted and long overdue.*

24 (b) *SENSE OF CONGRESS.*—*Congress expresses its ap-*
25 *preciation, and the appreciation of the American people,*

1 *for the dedicated service performed during World War I and*
2 *World War II by members of the Navy assigned as gun*
3 *crews on board merchant ships as part of the Naval Armed*
4 *Guard Service.*

5 **SEC. 535. SENSE OF CONGRESS REGARDING THE HEROISM,**
6 **SACRIFICE, AND SERVICE OF THE MILITARY**
7 **FORCES OF SOUTH VIETNAM AND OTHER NA-**
8 **TIONS IN CONNECTION WITH THE UNITED**
9 **STATES ARMED FORCES DURING THE VIET-**
10 **NAM CONFLICT.**

11 *(a) FINDINGS.—Congress finds the following:*

12 *(1) South Vietnam, Australia, South Korea,*
13 *Thailand, New Zealand, and the Philippines contrib-*
14 *uted military forces, together with the United States,*
15 *during military operations conducted in Southeast*
16 *Asia during the Vietnam conflict.*

17 *(2) The contributions of the combat forces from*
18 *these nations continued through long years of armed*
19 *conflict.*

20 *(3) As a result, in addition to the United States*
21 *casualties exceeding 210,000, this willingness to par-*
22 *ticipate in the Vietnam conflict resulted in the death,*
23 *and wounding of more than 1,000,000 military per-*
24 *sonnel from South Vietnam and 16,000 from other al-*
25 *lied nations.*

1 (4) *The service of the Vietnamese and other allied*
 2 *nations was repeatedly marked by exceptional hero-*
 3 *ism and sacrifice, with particularly noteworthy con-*
 4 *tributions being made by the Vietnamese airborne,*
 5 *commando, infantry and ranger units, the Republic*
 6 *of Korea marines, the Capital and White Horse divi-*
 7 *sions, the Royal Thai Army Black Panther Division,*
 8 *the Royal Australian Regiment, the New Zealand “V”*
 9 *force, and the 1st Philippine Civic Action Group.*

10 (b) *SENSE OF CONGRESS.—Congress recognizes and*
 11 *honors the members and former members of the military*
 12 *forces of South Vietnam, the Republic of Korea, Thailand,*
 13 *Australia, New Zealand, and the Philippines for their hero-*
 14 *ism, sacrifice and service in connection with United States*
 15 *Armed Forces during the Vietnam conflict.*

16 **SEC. 536. SENSE OF CONGRESS REGARDING THE HEROISM,**
 17 **SACRIFICE, AND SERVICE OF FORMER SOUTH**
 18 **VIETNAMESE COMMANDOS IN CONNECTION**
 19 **WITH UNITED STATES ARMED FORCES DUR-**
 20 **ING THE VIETNAM CONFLICT.**

21 (a) *FINDINGS.—Congress finds the following:*

22 (1) *South Vietnamese commandos were recruited*
 23 *by the United States as part of OPLAN 34A or its*
 24 *predecessor or OPLAN 35 from 1961 to 1970.*

1 (2) *The commandos conducted covert operations*
2 *in North Vietnam during the Vietnam conflict.*

3 (3) *Many of the commandos were captured and*
4 *imprisoned by North Vietnamese forces, some for as*
5 *long as 20 years.*

6 (4) *The commandos served and fought proudly*
7 *during the Vietnam conflict.*

8 (5) *Many of the commandos lost their lives serv-*
9 *ing in operations conducted by the United States dur-*
10 *ing the Vietnam conflict.*

11 (6) *Many of the Vietnamese commandos now re-*
12 *side in the United States.*

13 (b) *SENSE OF CONGRESS—Congress recognizes and*
14 *honors the former South Vietnamese commandos for their*
15 *heroism, sacrifice, and service in connection with United*
16 *States armed forces during the Vietnam conflict.*

17 ***Subtitle E—Administration of Agen-***
18 ***cies Responsible for Review and***
19 ***Correction of Military Records***

20 ***SEC. 541. PERSONNEL FREEZE.***

21 (a) *LIMITATION.—During fiscal years 1999, 2000, and*
22 *2001, the Secretary of a military department may not*
23 *carry out any reduction in the number of military and ci-*
24 *vilian personnel assigned to duty with the service review*

1 *agency for that military department below the baseline*
2 *number for that agency until—*

3 (1) *the Secretary submits to Congress a report*
4 *that describes the reduction proposed to be made, pro-*
5 *vides the Secretary’s rationale for that reduction, and*
6 *specifies the number of such personnel that would be*
7 *assigned to duty with that agency after the reduction;*
8 *and*

9 (2) *a period of 90 days has elapsed after the date*
10 *on which such report is submitted.*

11 (b) *BASELINE NUMBER.—The baseline number for a*
12 *service review agency under this section is—*

13 (1) *for purposes of the first report with respect*
14 *to a service review agency under this section, the*
15 *number of military and civilian personnel assigned to*
16 *duty with that agency as of October 1, 1997; and*

17 (2) *for purposes of any subsequent report with*
18 *respect to a service review agency under this section,*
19 *the number of such personnel specified in the most re-*
20 *cent report with respect to that agency under this sec-*
21 *tion.*

22 (c) *SERVICE REVIEW AGENCY DEFINED.—In this sec-*
23 *tion, the term ‘service review agency’ means—*

24 (1) *with respect to the Department of the Army,*
25 *the Army Review Boards Agency;*

1 (2) *with respect to the Department of the Navy,*
2 *the Board for Correction of Naval Records; and*

3 (3) *with respect to the Department of the Air*
4 *Force, the Air Force Review Boards Agency.*

5 **SEC. 542. PROFESSIONAL STAFF.**

6 (a) *IN GENERAL.*—(1) *Chapter 79 of title 10, United*
7 *States Code, is amended by adding at the end the following*
8 *new section:*

9 **“§ 1555. Professional staff**

10 “(a) *The Secretary of each military department shall*
11 *assign to the staff of the service review agency of that mili-*
12 *tary department at least one attorney and at least one phy-*
13 *sician. Such assignments shall be made on a permanent,*
14 *full-time basis and may be made from members of the*
15 *armed forces or civilian employees.*

16 “(b) *Personnel assigned pursuant to subsection (a)—*
17 “(1) *shall work under the supervision of the di-*
18 *rector or executive director (as the case may be) of the*
19 *service review agency; and*

20 “(2) *shall be assigned duties as advisers to the*
21 *director or executive director or other staff members*
22 *on legal and medical matters, respectively, that are*
23 *being considered by the agency.*

24 “(c) *In this section, the term ‘service review agency’*
25 *means—*

1 “(1) with respect to the Department of the Army,
2 the Army Review Boards Agency;

3 “(2) with respect to the Department of the Navy,
4 the Board for Correction of Naval Records; and

5 “(3) with respect to the Department of the Air
6 Force, the Air Force Review Boards Agency.”.

7 (2) The table of sections at the beginning of such chap-
8 ter is amended by adding at the end the following new item:
 “1555. Professional staff.”.

9 (b) *EFFECTIVE DATE*.—Section 1555 of title 10,
10 United States Code, as added by subsection (a), shall take
11 effect 180 days after the date of the enactment of this Act.

12 **SEC. 543. EX PARTE COMMUNICATIONS.**

13 (a) *IN GENERAL*.—(1) Chapter 79 of title 10, United
14 States Code, is amended by adding after section 1555, as
15 added by section 542(a)(1), the following new section:

16 **“§ 1556. Ex parte communications prohibited**

17 “(a) *IN GENERAL*.—The Secretary of each military de-
18 partment shall ensure that an applicant seeking corrective
19 action by the Army Review Boards Agency, the Air Force
20 Review Boards Agency, or the Board for Correction of
21 Naval Records, as the case may be, is provided a copy of
22 all correspondence and communications (including sum-
23 maries of verbal communications) to or from the agency or
24 board, or a member of the staff of the agency or board, with
25 an entity or person outside the agency or board that pertain

1 *directly to the applicant's case or have a material effect on*
2 *the applicant's case.*

3 “(b) *EXCEPTIONS.*—*Subsection (a) does not apply to*
4 *the following:*

5 “(1) *Classified information.*

6 “(2) *Information the release of which is other-*
7 *wise prohibited by law or regulation.*

8 “(3) *Any record previously provided to the ap-*
9 *plicant or known to be possessed by the applicant.*

10 “(4) *Any correspondence that is purely adminis-*
11 *trative in nature.*

12 “(5) *Any military record that is (or may be)*
13 *provided to the applicant by the Secretary of the*
14 *military department or other source.”*

15 (2) *The table of sections at the beginning of such chap-*
16 *ter is amended by adding after the item relating to 1555,*
17 *as added by section 542(a)(2), the following new item:*

“1556. Ex parte communications prohibited.”

18 (b) *EFFECTIVE DATE.*—*Section 1556 of title 10,*
19 *United States Code, as added by subsection (a), shall apply*
20 *with respect to correspondence and communications made*
21 *60 days or more after the date of the enactment of this Act.*

22 **SEC. 544. TIMELINESS STANDARDS.**

23 (a) *IN GENERAL.*—*Chapter 79 of title 10, United*
24 *States Code, is amended by adding after section 1556, as*
25 *added by section 543(a)(1), the following new section:*

1 **“§ 1557. Timeliness standards for disposition of cases**
 2 **before Corrections Boards**

3 “(a) *TEN-MONTH CLEARANCE PERCENTAGE.*—Of the
 4 cases accepted for consideration by a Corrections Board
 5 during a period specified in the following table, the percent-
 6 age on which final action must be completed within 10
 7 months of receipt (other than for those cases considered suit-
 8 able for administrative correction) is as follows:

“For cases accepted during—	The percentage on which final action must be completed within 10 months of receipt is—
<i>the period of fiscal years 2001 and 2002</i>	50
<i>the period of fiscal years 2003 and 2004</i>	60
<i>the period of fiscal years 2005, 2006, and 2007</i>	70
<i>the period of fiscal years 2008, 2009, and 2010</i>	80
<i>the period of any fiscal year after fiscal year 2010</i>	90.

9 “(b) *CLEARANCE DEADLINE FOR ALL CASES.*—Effec-
 10 tive October 1, 2002, final action on all cases accepted for
 11 consideration by a Corrections Board (other than those
 12 cases considered suitable for administrative correction)
 13 shall be completed within 18 months of receipt.

14 “(c) *WAIVER AUTHORITY.*—The Secretary of the mili-
 15 tary department concerned may exclude an individual case
 16 from the timeliness standards prescribed in subsections (a)
 17 and (b) if the Secretary determines that the case warrants
 18 a longer period of consideration. The authority of the Sec-
 19 retary of a military department under this subsection may
 20 not be delegated.

1 “(d) *REPORTS ON FAILURE TO MEET TIMELINESS*
2 *STANDARDS.—The Secretary of the military department*
3 *concerned shall submit to the Committee on Armed Services*
4 *of the Senate and the Committee on National Security of*
5 *the House of Representatives a report not later than June*
6 *1 following any fiscal year during which the Corrections*
7 *Board of that Secretary’s military department was unable*
8 *to meet the timeliness standards in subsections (a) and (b).*
9 *The report shall specify the reasons why the standard could*
10 *not be met and the corrective actions initiated to ensure*
11 *compliance in the future. The report shall also specify the*
12 *number of waivers granted under subsection (c) during that*
13 *fiscal year.*

14 “(e) *CORRECTIONS BOARD DEFINED.—In this section,*
15 *the term ‘Corrections Board’ means—*

16 “(1) *with respect to the Department of the Army,*
17 *the Army Board for Correction of Military Records;*

18 “(2) *with respect to the Department of the Navy,*
19 *the Board for Correction of Naval Records; and*

20 “(3) *with respect to the Department of the Air*
21 *Force, the Air Force Board for Correction of Military*
22 *Records.”.*

23 “(b) *CLERICAL AMENDMENT.—The table of sections at*
24 *the beginning of such chapter is amended by adding after*
25 *the item relating to section 1556, as added by section*

1 543(a)(2), the following new item:

“1557. Timeliness standards for disposition of cases before Corrections Boards.”.

2 **Subtitle F—Other Matters**

3 **SEC. 551. ONE-YEAR EXTENSION OF CERTAIN FORCE DRAW-**
 4 **DOWN TRANSITION AUTHORITIES RELATING**
 5 **TO PERSONNEL MANAGEMENT AND BENE-**
 6 **FITS.**

7 (a) **EARLY RETIREMENT AUTHORITY FOR ACTIVE**
 8 **DUTY MEMBERS.**—Section 4403(i) of the National Defense
 9 Authorization Act for Fiscal Year 1993 (Public Law 102–
 10 484; 10 U.S.C. 1293 note) is amended by striking out “Oc-
 11 tober 1, 1999” and inserting in lieu thereof “October 1,
 12 2000”.

13 (b) **SSB AND VSI.**—Sections 1174a(h) and 1175(d)(3)
 14 of title 10, United States Code, are amended by striking
 15 out “September 30, 1999” and inserting in lieu thereof
 16 “September 30, 2000”.

17 (c) **SELECTIVE EARLY RETIREMENT BOARDS.**—Sec-
 18 tion 638a(a) of such title is amended by striking out “dur-
 19 ing the nine-year period beginning on October 1, 1990” and
 20 inserting in lieu thereof “during the period beginning on
 21 October 1, 1990, and ending on September 30, 2000”.

22 (d) **TIME-IN-GRADE REQUIREMENT FOR RETENTION**
 23 **OF GRADE UPON VOLUNTARY RETIREMENT.**—Section
 24 1370(a)(2)(A) of such title is amended by striking out “dur-
 25 ing the nine-year period beginning on October 1, 1990” and

1 *inserting in lieu thereof “during the period beginning on*
2 *October 1, 1990, and ending on September 30, 2000”.*

3 *(e) LENGTH OF COMMISSIONED SERVICE FOR VOL-*
4 *UNTARY RETIREMENT AS AN OFFICER.—Sections 3911(b),*
5 *6323(a)(2), and 8911(b) of such title are amended by strik-*
6 *ing out “during the nine-year period beginning on October*
7 *1, 1990” and inserting in lieu thereof “during the period*
8 *beginning on October 1, 1990, and ending on September*
9 *30, 2000”.*

10 *(f) RETIREMENT OF CERTAIN LIMITED DUTY OFFI-*
11 *CERS OF THE NAVY AND MARINE CORPS.—(1) Sections 633*
12 *and 634 of such title are amended by striking out “October*
13 *1, 1999” in the last sentence and inserting in lieu thereof*
14 *“October 1, 2000”.*

15 *(2) Section 6383 of such title is amended—*

16 *(A) in subsection (a)(5), by striking out “October*
17 *1, 1999” and inserting in lieu thereof “October 1,*
18 *2000”; and*

19 *(B) in subsection (k), by striking out “October 1,*
20 *1999” in the last sentence and inserting in lieu there-*
21 *of “October 1, 2000”.*

22 *(g) TRAVEL AND TRANSPORTATION ALLOWANCES AND*
23 *STORAGE OF BAGGAGE AND HOUSEHOLD EFFECTS FOR*
24 *CERTAIN MEMBERS BEING INVOLUNTARILY SEPARATED.—*
25 *Sections 404(c)(1)(C), 404(f)(2)(B)(v), 406(a)(2)(B)(v),*

1 *and 406(g)(1)(C) of title 37, United States Code, and sec-*
2 *tion 503(c) of the National Defense Authorization Act for*
3 *Fiscal Year 1991 (Public Law 101–510; 37 U.S.C. 406*
4 *note) are amended by striking out “during the nine-year*
5 *period beginning on October 1, 1990” and inserting in lieu*
6 *thereof “during the period beginning on October 1, 1990,*
7 *and ending on September 30, 2000”.*

8 *(h) EDUCATIONAL LEAVE RELATING TO CONTINUING*
9 *PUBLIC AND COMMUNITY SERVICE.—Section 4463(f) of the*
10 *National Defense Authorization Act for Fiscal Year 1993*
11 *(Public Law 102–484; 10 U.S.C. 1143a note) is amended*
12 *by striking out “September 30, 1999” and inserting in lieu*
13 *thereof “September 30, 2000”.*

14 *(i) TRANSITIONAL HEALTH, COMMISSARY, AND FAM-*
15 *ILY HOUSING BENEFITS.—*

16 *(1) HEALTH CARE.—Section 1145 of title 10,*
17 *United States Code, is amended—*

18 *(A) in subsections (a)(1) and (c)(1), by*
19 *striking out “during the nine-year period begin-*
20 *ning on October 1, 1990” and inserting in lieu*
21 *thereof “during the period beginning on October*
22 *1, 1990, and ending on September 30, 2000”;*
23 *and*

24 *(B) in subsection (e), by striking out “dur-*
25 *ing the five-year period beginning on October 1,*

1 1994” and inserting in lieu thereof “during the
2 period beginning on October 1, 1994, and ending
3 on September 30, 2000”.

4 (2) *COMMISSARY AND EXCHANGE BENEFITS.*—
5 Section 1146 of such title is amended—

6 (A) by striking out “during the nine-year
7 period beginning on October 1, 1990” and in-
8 serting in lieu thereof “during the period begin-
9 ning on October 1, 1990, and ending on Septem-
10 ber 30, 2000”; and

11 (B) by striking out “during the five-year
12 period beginning on October 1, 1994” and in-
13 serting in lieu thereof “during the period begin-
14 ning on October 1, 1994, and ending on Septem-
15 ber 30, 2000”.

16 (3) *USE OF MILITARY HOUSING.*—Section
17 1147(a) of such title is amended—

18 (A) in paragraph (1), by striking out “dur-
19 ing the nine-year period beginning on October 1,
20 1990” and inserting in lieu thereof “during the
21 period beginning on October 1, 1990, and ending
22 on September 30, 2000”; and

23 (B) in paragraph (2), by striking out “dur-
24 ing the five-year period beginning on October 1,
25 1994” and inserting in lieu thereof “during the

1 *period beginning on October 1, 1994, and ending*
2 *on September 30, 2000”.*

3 (j) *ENROLLMENT OF DEPENDENTS IN DEFENSE DE-*
4 *PENDENTS’ EDUCATION SYSTEM.—Section 1407(c)(1) of the*
5 *Defense Dependents’ Education Act of 1978 (20 U.S.C.*
6 *926(c)(1)) is amended by striking out “during the nine-year*
7 *period beginning on October 1, 1990” and inserting in lieu*
8 *thereof “during the period beginning on October 1, 1990,*
9 *and ending on September 30, 2000”.*

10 (k) *FORCE REDUCTION TRANSITION PERIOD DEFINI-*
11 *TION.—Section 4411 of the National Defense Authorization*
12 *Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is amended*
13 *by striking out “September 30, 1999” and inserting in lieu*
14 *thereof “September 30, 2000”.*

15 (l) *TEMPORARY SPECIAL AUTHORITY FOR FORCE RE-*
16 *DUCTION PERIOD RETIREMENTS.—Section 4416(b)(1) of*
17 *the National Defense Authorization Act for Fiscal Year*
18 *1993 (10 U.S.C. 12681 note) is amended by striking out*
19 *“October 1, 1999” and inserting in lieu thereof “October*
20 *1, 2000”.*

21 (m) *RETIRED PAY FOR NON-REGULAR SERVICE.—(1)*
22 *Section 12731(f) of title 10, United States Code, is amended*
23 *by striking out “September 30, 1999” and inserting in lieu*
24 *thereof “September 30, 2000”.*

1 (2) *Section 12731a of such title is amended in sub-*
2 *sections (a)(1)(B) and (b), by striking out “October 1,*
3 *1999” and inserting in lieu thereof “October 1, 2000”.*

4 (n) *AFFILIATION WITH GUARD AND RESERVE UNITS;*
5 *WAIVER OF CERTAIN LIMITATIONS.—Section 1150(a) of*
6 *such title is amended by striking out “during the nine-year*
7 *period beginning on October 1, 1990” and inserting in lieu*
8 *thereof “during the period beginning on October 1, 1990,*
9 *and ending on September 30, 2000”.*

10 (o) *RESERVE MONTGOMERY GI BILL.—Section*
11 *16133(b)(1)(B) of such title is amended by striking out*
12 *“September 30, 1999” and inserting in lieu thereof “Sep-*
13 *tember 30, 2000”.*

14 **SEC. 552. LEAVE WITHOUT PAY FOR ACADEMY CADETS AND**
15 **MIDSHIPMEN.**

16 (a) *AUTHORITY FOR LEAVE WITHOUT PAY.—Section*
17 *702 of title 10, United States Code, is amended by adding*
18 *at the end the following new subsection:*

19 “(c)(1) *The Secretary concerned may place an acad-*
20 *emy cadet or midshipman on involuntary leave without*
21 *pay if, under regulations prescribed by the Secretary con-*
22 *cerned, the Superintendent of the Academy at which the*
23 *cadet or midshipman is admitted—*

24 “(A) *has recommended that the cadet or mid-*
25 *shipman be dismissed or discharged;*

1 “(B) has directed the cadet or midshipman re-
2 turn to the Academy to repeat an academic semester
3 or year;

4 “(C) has otherwise recommended to the Secretary
5 for good cause that the cadet or midshipman be
6 placed on involuntary leave without pay.

7 “(2) In this subsection, the term ‘academy cadet or
8 midshipman’ means—

9 “(A) a cadet of the United States Military Acad-
10 emy;

11 “(B) a midshipman of the United States Naval
12 Academy;

13 “(C) a cadet of the United States Air Force
14 Academy; or

15 “(D) a cadet of the United States Coast Guard
16 Academy.”.

17 (b) *EFFECTIVE DATE.*—Subsection (c) of section 702
18 of title 10, United States Code, as added by subsection (a),
19 shall apply with respect to academy cadets and midshipmen
20 (as defined in that subsection) who are placed on involun-
21 tary leave after the date of the enactment of this Act.

1 **SEC. 553. PROVISION FOR RECOVERY, CARE, AND DISPOSI-**
2 **TION OF THE REMAINS OF ALL MEDICALLY**
3 **RETIRED MEMBERS.**

4 (a) *IN GENERAL.*—Section 1481(a) of title 10, United
5 States Code, is amended—

6 (1) in paragraph (1), by striking out “, or mem-
7 ber of an armed force without component,”; and

8 (2) in paragraph (7)—

9 (A) by striking out “United States”; and

10 (B) by striking out “for a period of more
11 than 30 days,”.

12 (b) *EFFECTIVE DATE.*—The amendments made by sub-
13 section (a)(2) apply with respect to persons dying on or
14 after the date of the enactment of this Act.

15 **SEC. 554. CONTINUED ELIGIBILITY UNDER VOLUNTARY**
16 **SEPARATION INCENTIVE PROGRAM FOR MEM-**
17 **BERS WHO INVOLUNTARILY LOSE MEMBER-**
18 **SHIP IN A RESERVE COMPONENT.**

19 (a) *CONTINUED ELIGIBILITY.*—Section 1175(a) of title
20 10, United States Code, is amended by inserting before the
21 period at the end “, or for the period described in section
22 1175(e)(1) of this section if the member becomes ineligible
23 for retention in an active or inactive status in a reserve
24 component because of age, years of service, failure to select
25 for promotion, or medical disqualification, so long as such
26 ineligibility does not result from deliberate action on the

1 *part of the member with the intent to avoid retention in*
2 *an active or inactive status in a reserve component.”.*

3 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
4 *section (a) applies with respect to any person provided a*
5 *voluntary separation incentive under section 1175 of title*
6 *10, United States Code (whether before, on, or after the date*
7 *of the enactment of this Act).*

8 **SEC. 555. DEFINITION OF FINANCIAL INSTITUTION FOR DI-**
9 **RECT DEPOSIT OF PAY.**

10 (a) *SERVICEMEMBERS REIMBURSEMENT FOR EX-*
11 *PENSES DUE TO GOVERNMENT ERROR.*—*Paragraph (1) of*
12 *section 1053(d) of title 10, United States Code, is amended*
13 *to read as follows:*

14 “(1) *The term ‘financial institution’ means a*
15 *bank, savings and loan association, or similar insti-*
16 *tution or a credit union chartered by the United*
17 *States or a State.”.*

18 (b) *CIVILIAN EMPLOYEES REIMBURSEMENT FOR EX-*
19 *PENSES DUE TO GOVERNMENT ERROR.*—*Paragraph (1) of*
20 *section 1594(d) of such title is amended to read as follows:*

21 “(1) *The term ‘financial institution’ means a*
22 *bank, savings and loan association, or similar insti-*
23 *tution or a credit union chartered by the United*
24 *States or a State.”.*

1 **SEC. 556. INCREASE IN MAXIMUM AMOUNT FOR COLLEGE**
2 **FUND PROGRAM.**

3 (a) *INCREASE IN MAXIMUM RATE FOR ACTIVE COMPO-*
4 *NENT MONTGOMERY GI BILL KICKER.*—Section 3015(d) of
5 *title 38, United States Code, is amended—*

6 (1) *by inserting “, at the time the individual*
7 *first becomes a member of the Armed Forces,” after*
8 *“Secretary of Defense, may”; and*

9 (2) *by striking out “\$400” and all that follows*
10 *through “that date” and inserting in lieu thereof*
11 *“\$950 per month”.*

12 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
13 *section (a) shall take effect on October 1, 1999, and shall*
14 *apply with respect to individuals who first become members*
15 *of the Armed Forces on or after that date.*

16 **SEC. 557. CENTRAL IDENTIFICATION LABORATORY, HAWAII.**

17 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*
18 *that the Central Identification Laboratory, Hawaii, of the*
19 *Department of the Army is an important element of the*
20 *Department of Defense and is critical to the full accounting*
21 *of members of the Armed Forces who have been classified*
22 *as POW/MIAs or are otherwise unaccounted for.*

23 (b) *REQUIRED STAFFING LEVEL.*—*The Secretary of*
24 *Defense shall provide sufficient personnel to fill all author-*
25 *ized personnel positions of the Central Identification Lab-*
26 *oratory, Hawaii, Department of the Army. Those personnel*

1 *shall be drawn from members of the Army, Navy, Air Force,*
2 *and Marine Corps and from civilian personnel, as appro-*
3 *priate, considering the proportion of POW/MIAs from each*
4 *service.*

5 (c) *JOINT MANNING PLAN.*—*The Secretary of Defense*
6 *shall develop and implement, not later than March 31,*
7 *2000, a joint manning plan to ensure the appropriate par-*
8 *ticipation of the four services in the staffing of the Central*
9 *Identification Laboratory, Hawaii, as required by sub-*
10 *section (b).*

11 (d) *LIMITATION ON REDUCTIONS.*—*The Secretary of*
12 *the Army may not carry out any personnel reductions (in*
13 *authorized or assigned personnel) at the Central Identifica-*
14 *tion Laboratory, Hawaii, until the joint manning plan re-*
15 *quired by subsection (c) is implemented.*

16 **SEC. 558. HONOR GUARD DETAILS AT FUNERALS OF VETER-**
17 **ANS.**

18 (a) *IN GENERAL.*—(1) *Chapter 75 of title 10, United*
19 *States Code, is amended by adding at the end the following*
20 *new section:*

21 **“§ 1491. Honor guard details at funerals of veterans**

22 *“(a) AVAILABILITY.*—*The Secretary of a military de-*
23 *partment shall, upon request, provide an honor guard detail*
24 *(or ensure that an honor guard detail is provided) for the*
25 *funeral of any veteran.*

1 “(b) *COMPOSITION OF HONOR GUARD DETAILS.*—The
2 *Secretary of each military department shall ensure that an*
3 *honor guard detail for the funeral of a veteran consists of*
4 *not less than three persons and (unless a bugler is part of*
5 *the detail) has the capability to play a recorded version of*
6 *Taps.*

7 “(c) *PERSONS FORMING HONOR GUARDS.*—An honor
8 *guard detail may consist of members of the armed forces*
9 *or members of veterans organizations or other organizations*
10 *approved for purposes of this section under regulations pre-*
11 *scribed by the Secretary of Defense. The Secretary of a mili-*
12 *tary department may provide transportation, or reimburse-*
13 *ment for transportation, and expenses for a person who par-*
14 *ticipates in an honor guard detail under this section and*
15 *is not a member of the armed forces or an employee of the*
16 *United States.*

17 “(d) *REGULATIONS.*—The Secretary of Defense shall
18 *by regulation establish a system for selection of units of the*
19 *armed forces and other organizations to provide honor*
20 *guard details. The system shall place an emphasis on bal-*
21 *ancing the funeral detail workload among the units and*
22 *organizations providing honor guard details in an equitable*
23 *manner as they are able to respond to requests for such de-*
24 *tails in terms of geographic proximity and available re-*
25 *sources. The Secretary shall provide in such regulations*

1 *that the armed force in which a veteran served shall not*
2 *be considered to be a factor when selecting the military unit*
3 *or other organization to provide an honor guard detail for*
4 *the funeral of the veteran.*

5 “(e) *ANNUAL REPORT.*—*The Secretary of Defense shall*
6 *submit to the Committee on Armed Services of the Senate*
7 *and the Committee on National Security of the House of*
8 *Representatives a report not later than January 31 of each*
9 *year beginning with 2001 and ending with 2005 on the ex-*
10 *perience of the Department of Defense under this section.*
11 *Each such report shall provide data on the number of fune-*
12 *als supported under this section, cost for that support,*
13 *shown by manpower and other cost factors, and the number*
14 *and costs of funerals supported by each participating orga-*
15 *nization. The data in the report shall be presented in a*
16 *standard format, regardless of military department or other*
17 *organization.*

18 “(f) *VETERAN DEFINED.*—*In this section, the term*
19 *‘veteran’ has the meaning given that term in section 101(2)*
20 *of title 38.”*

21 (2) *The table of sections at the beginning of such chap-*
22 *ter is amended by adding at the end the following new item:*
“1491. Honor guard details at funerals of veterans.”

23 (b) *TREATMENT OF PERFORMANCE OF HONOR GUARD*
24 *FUNCTIONS BY RESERVES.*—(1) *Chapter 1215 of title 10,*

1 *United States Code, is amended by adding at the end the*
 2 *following new section:*

3 **“§ 12552. Funeral honor guard functions: prohibition**
 4 **of treatment as drill or training**

5 *“Performance by a Reserve of honor guard functions*
 6 *at the funeral of a veteran may not be considered to be a*
 7 *period of drill or training otherwise required.”.*

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

“12552. Funeral honor guard functions: prohibition of treatment as drill or train-
ing.”.

10 (c) *REPEAL OF LIMITATION ON AVAILABILITY OF*
 11 *FUNDS FOR HONOR GUARD FUNCTIONS BY NATIONAL*
 12 *GUARD.—Section 114 of title 32, United States Code, is*
 13 *amended—*

14 (1) *by striking out “(a)”;* and

15 (2) *by striking out subsection (b).*

16 (d) *APPLICABILITY.—The amendments made by this*
 17 *section shall apply to burials of veterans that occur on or*
 18 *after October 1, 1999.*

19 (e) *STUDY.—The Secretary of Defense, in coordination*
 20 *with the Secretary of Veterans Affairs, shall study alter-*
 21 *native means for the provision of honor guard details at*
 22 *funerals of veterans. Not later than March 31, 1999, the*
 23 *Secretary shall submit to the Committee on Armed Services*
 24 *of the Senate and the Committee on National Security of*

1 *the House of Representatives a report setting forth the re-*
2 *sults of the study and the Secretary's views and rec-*
3 *ommendations.*

4 (f) *CONSULTATION WITH VETERANS SERVICE ORGANI-*
5 *ZATIONS.—Before prescribing the initial regulations under*
6 *section 1491 of title 10, United States Code, as added by*
7 *subsection (a), the Secretary of Defense shall consult with*
8 *veterans service organizations to determine the views of*
9 *those organizations regarding methods for providing honor*
10 *guard details at funerals for veterans, suggestions for orga-*
11 *nizing the system to provide those details, and estimates*
12 *of the resources that those organizations could provide for*
13 *honor guard details for veterans.*

14 **SEC. 559. APPLICABILITY TO ALL PERSONS IN CHAIN OF**
15 **COMMAND OF POLICY REQUIRING EXEM-**
16 **PLARY CONDUCT BY COMMANDING OFFICERS**
17 **AND OTHERS IN AUTHORITY IN THE ARMED**
18 **FORCES.**

19 (a) *IN GENERAL.—(1) Chapter 3 of title 10, United*
20 *States Code, is amended by inserting after section 121 the*
21 *following new section:*

22 **“§121a. Requirement of exemplary conduct by civil-**
23 **ians in chain of command**

24 *“The President, as Commander in Chief, and the Sec-*
25 *retary of Defense are required (in the same manner that*

1 *commanding officers and others in authority in the Armed*
2 *Forces are required)—*

3 “(1) *to show in themselves a good example of vir-*
4 *tue, honor, and patriotism and to subordinate them-*
5 *selves to those ideals;*

6 “(2) *to be vigilant in inspecting the conduct of*
7 *all persons who are placed under their command;*

8 “(3) *to guard against and to put an end to all*
9 *dissolute and immoral practices and to correct, ac-*
10 *cording to the laws and regulations of the armed*
11 *forces, all persons who are guilty of them; and*

12 “(4) *to take all necessary and proper measures,*
13 *under the laws, regulations, and customs of the armed*
14 *forces, to promote and safeguard the morale, the phys-*
15 *ical well-being, and the general welfare of the officers*
16 *and enlisted persons under their command or*
17 *charge.”.*

18 **(b) CLERICAL AMENDMENT.**—*The table of sections at*
19 *the beginning of such chapter is amended by inserting after*
20 *the item relating to section 121 the following new item:*

“121a. Requirement of exemplary conduct by civilians in chain of command.”.

1 **SEC. 560. REPORT ON PRISONERS TRANSFERRED FROM**
2 **UNITED STATES DISCIPLINARY BARRACKS,**
3 **FORT LEAVENWORTH, KANSAS, TO FEDERAL**
4 **BUREAU OF PRISONS.**

5 (a) *REPORT.*—Not later than 90 days after the date
6 of the enactment of this Act, the Secretary of Defense shall
7 submit to Congress a report, to be prepared by the General
8 Counsel of the Department of Defense, concerning the deci-
9 sion of the Secretary of the Army in 1994 to transfer ap-
10 proximately 500 prisoners from the United States Disciplinary
11 Barracks, Fort Leavenworth, Kansas, to the Federal
12 Bureau of Prisons.

13 (b) *MATTERS TO BE INCLUDED.*—The Secretary shall
14 include in the report the following:

15 (1) *A description of the basis for the selection of*
16 *prisoners to be transferred, particularly in light of the*
17 *fact that many of the prisoners transferred are mini-*
18 *imum or medium security prisoners, who are consid-*
19 *ered to have the best chance for rehabilitation, and*
20 *whether the transfer of those prisoners indicates a*
21 *change in Department of Defense policy regarding the*
22 *rehabilitation of military prisoners.*

23 (2) *A comparison of the historical recidivism*
24 *rates of prisoners released from the United States Dis-*
25 *ciplinary Barracks and the Federal Bureau of Pris-*
26 *ons, together with a description of any plans of the*

1 *Army to track the parole and recidivism rates of pris-*
2 *oners transferred to the Federal Bureau of Prisons*
3 *and whether it has tracked those factors for previous*
4 *transferees.*

5 *(3) A description of the projected future flow of*
6 *prisoners into the new United States Disciplinary*
7 *Barracks being constructed at Fort Leavenworth,*
8 *Kansas, and whether the Secretary of the Army plans*
9 *to automatically send new prisoners to the Federal*
10 *Bureau of Prisons without serving at the United*
11 *States Disciplinary Barracks if that Barracks is at*
12 *capacity and whether the Memorandum of Under-*
13 *standing between the Federal Bureau of Prisons and*
14 *the Army covers that possibility.*

15 *(4) A description of the cost of incarcerating a*
16 *prisoner in the Federal Bureau of Prisons compared*
17 *to the United States Disciplinary Barracks and the*
18 *assessment of the Secretary as to the extent to which*
19 *the transfer of prisoners to the Federal Bureau of*
20 *Prisons by the Secretary of the Army is made in*
21 *order to shift a budgetary burden.*

22 *(c) MONITORING.—During fiscal years 1999 through*
23 *2003, the Secretary of the Army shall track the parole and*
24 *recidivism rates of prisoners transferred from the United*

1 *States Disciplinary Barracks, Fort Leavenworth, Kansas,*
2 *to the Federal Bureau of Prisons.*

3 **SEC. 561. REPORT ON PROCESS FOR SELECTION OF MEM-**
4 **BERS FOR SERVICE ON COURTS-MARTIAL.**

5 (a) *REPORT REQUIRED.*—Not later than April 15,
6 1999, the Secretary of Defense shall submit to Congress a
7 report on the method of selection of members of the Armed
8 Forces to serve on courts-martial.

9 (b) *MATTERS TO BE CONSIDERED.*—In preparing the
10 report, the Secretary shall—

11 (1) *direct the Secretaries of the military depart-*
12 *ments to develop a plan for random selection of mem-*
13 *bers of courts-martial , subject to the provisions relat-*
14 *ing to service on courts-martial specified in section*
15 *825(d)(2) of title 10, United States Code (article*
16 *25(d)(2) of the Uniform Code of Military Justice), as*
17 *a possible replacement for the current system of selec-*
18 *tion by the convening authority; and*

19 (2) *obtain the views of the members of the com-*
20 *mittee referred to in section 946 of such title (known*
21 *as the “Code Committee”).*

1 **SEC. 562. STUDY OF REVISING THE TERM OF SERVICE OF**
2 **MEMBERS OF THE UNITED STATES COURT OF**
3 **APPEALS FOR THE ARMED FORCES.**

4 *Not later than April 15, 1999, the Secretary of Defense*
5 *shall submit to Congress a report on the desirability of re-*
6 *vising the term of appointment of judges of the United*
7 *States Court of Appeals for the Armed Forces so that the*
8 *term of a judge on that court is for a period of 15 years*
9 *or until the judge attains the age of 65, whichever is later.*
10 *In preparing the report, the Secretary shall obtain the view*
11 *of the members of the committee referred to in section 946*
12 *of title 10, United States Code, (known as the “Code Com-*
13 *mittee”).*

14 **SEC. 563. STATUS OF CADETS AT THE MERCHANT MARINE**
15 **ACADEMY.**

16 *(a) STATUS OF CADETS.—Any citizen of the United*
17 *States appointed as a cadet at the United States Merchant*
18 *Marine Academy shall be considered to be a member of the*
19 *United States Naval Reserve.*

20 *(b) ELIGIBILITY.—The Secretary of Defense shall pro-*
21 *vide that cadets of the United States Merchant Marine*
22 *Academy shall be issued an identification card (referred to*
23 *as a “military ID card”) and shall be entitled to all rights*
24 *and privileges in accordance with the same eligibility cri-*
25 *teria as apply to other members of the Ready Reserve of*
26 *the reserve components of the Armed Forces.*

1 (c) *COORDINATION WITH SECRETARY OF TRANSPORTATION.*—*The Secretary of Defense shall carry out this section in coordination with the Secretary of Transportation.*

4 **TITLE VI—COMPENSATION AND**
5 **OTHER PERSONNEL BENEFITS**
6 **Subtitle A—Pay and Allowances**

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

8 (a) *WAIVER OF SECTION 1009 ADJUSTMENT.*—*Except as provided in subsection (b), the adjustment, to become effective during fiscal year 1999, required by section 1009 of title 37, United States Code, in the rate of monthly basic pay authorized members of the uniformed services by section 203(a) of such title shall not be made.*

14 (b) *INCREASE IN BASIC PAY.*—*Effective on January 1, 1999, the rates of basic pay of members of the uniformed services shall be increased by the greater of—*

17 (1) *3.6 percent; or*

18 (2) *the percentage increase determined under subsection (c) of section 1009 of title 37, United States Code, by which the monthly basic pay of members would be adjusted under subsection (a) of that section on that date in the absence of subsection (a) of this section.*

1 **SEC. 602. BASIC ALLOWANCE FOR HOUSING OUTSIDE THE**
2 **UNITED STATES.**

3 (a) *PAYMENT OF CERTAIN EXPENSES RELATED TO*
4 *OVERSEAS HOUSING.*—Section 403(c) of title 37, United
5 States Code, is amended by adding at the end the following
6 new paragraph:

7 “(3)(A) *In the case of a member of the uniformed serv-*
8 *ices authorized to receive an allowance under paragraph*
9 *(1), the Secretary concerned may make a lump-sum pay-*
10 *ment to the member for required deposits and advance rent,*
11 *and for expenses relating thereto, that are—*

12 “(i) *incurred by the member in occupying pri-*
13 *vate housing outside of the United States; and*

14 “(ii) *authorized or approved under regulations*
15 *prescribed by the Secretary concerned.*

16 “(B) *Expenses for which a member may be reimbursed*
17 *under this paragraph may include losses relating to housing*
18 *that are sustained by the member as a result of fluctuations*
19 *in the relative value of the currencies of the United States*
20 *and the foreign country in which the housing is located.*

21 “(C) *The Secretary concerned shall recoup the full*
22 *amount of any deposit or advance rent payments made by*
23 *the Secretary under subparagraph (A), including any gain*
24 *resulting from currency fluctuations between the time of*
25 *payment and the time of recoupment.”.*

1 (b) *CONFORMING AMENDMENT.*—Section 405 of title
2 37, United States Code, is amended by striking out sub-
3 section (c).

4 (c) *RETROACTIVE APPLICATION.*—The reimbursement
5 authority provided by section 403(c)(3)(B) of title 37,
6 United States Code, as added by subsection (a), applies
7 with respect to losses relating to housing that are sustained,
8 on or after July 1, 1997, by a member of the uniformed
9 services as a result of fluctuations in the relative value of
10 the currencies of the United States and the foreign country
11 in which the housing is located.

12 **SEC. 603. BASIC ALLOWANCE FOR SUBSISTENCE FOR RE-**
13 **SERVES.**

14 (a) *IN GENERAL.*—Section 402 of title 37, United
15 States Code, is amended—

16 (1) by redesignating subsections (e) and (f) as
17 subsections (f) and (g), respectively; and

18 (2) by inserting after subsection (d) the following
19 new subsection:

20 “(e) *SPECIAL RULE FOR CERTAIN ENLISTED RESERVE*
21 *MEMBERS.*—Unless entitled to basic pay under section 204
22 of this title, an enlisted member of a reserve component may
23 receive, at the discretion of the Secretary concerned, rations
24 in kind, or a part thereof, when the member’s instruction
25 or duty periods, as described in section 206(a) of this title,

1 *total at least eight hours in a calendar day. The Secretary*
2 *concerned may provide an enlisted member who could be*
3 *provided rations in kind under the preceding sentence with*
4 *a commutation when rations in kind are not available.”.*

5 (b) *APPLICATION DURING TRANSITIONAL PERIOD.—*
6 *Section 602(d)(1) of the National Defense Authorization Act*
7 *for Fiscal Year 1998 (Public Law 105–85; 37 U.S.C. 402*
8 *note) is amended by adding at the end the following new*
9 *subparagraph:*

10 “(D) *SPECIAL RULE FOR CERTAIN EN-*
11 *LISTED RESERVE MEMBERS.—Unless entitled to*
12 *basic pay under section 204 of title 37, United*
13 *States Code, an enlisted member of a reserve*
14 *component (as defined in section 101(24) of such*
15 *title) may receive, at the discretion of the Sec-*
16 *retary concerned (as defined in section 101(5) of*
17 *such title), rations in kind, or a part thereof,*
18 *when the member’s instruction or duty periods*
19 *(as described in section 206(a) of such title) total*
20 *at least eight hours in a calendar day. The Sec-*
21 *retary concerned may provide an enlisted mem-*
22 *ber who could be provided rations in kind under*
23 *the preceding sentence with a commutation when*
24 *rations in kind are not available.”.*

1 ***Subtitle B—Bonuses and Special***
2 ***and Incentive Pays***

3 ***SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND***
4 ***SPECIAL PAY AUTHORITIES FOR RESERVE***
5 ***FORCES.***

6 (a) *SPECIAL PAY FOR HEALTH PROFESSIONALS IN*
7 *CRITICALLY SHORT WARTIME SPECIALTIES.*—Section
8 *302g(f) of title 37, United States Code, is amended by strik-*
9 *ing out “September 30, 1999” and inserting in lieu thereof*
10 *“September 30, 2000”.*

11 (b) *SELECTED RESERVE REENLISTMENT BONUS.*—
12 *Section 308b(f) of title 37, United States Code, is amended*
13 *by striking out “September 30, 1999” and inserting in lieu*
14 *thereof “September 30, 2000”.*

15 (c) *SELECTED RESERVE ENLISTMENT BONUS.*—Sec-
16 *tion 308c(e) of title 37, United States Code, is amended by*
17 *striking out “September 30, 1999” and inserting in lieu*
18 *thereof “September 30, 2000”.*

19 (d) *SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED*
20 *TO CERTAIN HIGH PRIORITY UNITS.*—Section *308d(c) of*
21 *title 37, United States Code, is amended by striking out*
22 *“September 30, 1999” and inserting in lieu thereof “Sep-*
23 *tember 30, 2000”.*

24 (e) *SELECTED RESERVE AFFILIATION BONUS.*—Sec-
25 *tion 308e(e) of title 37, United States Code, is amended by*

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

3 (f) *READY RESERVE ENLISTMENT AND REENLISTMENT*
4 *BONUS.—Section 308h(g) of title 37, United States Code,*
5 *is amended by striking out “September 30, 1999” and in-*
6 *serting in lieu thereof “September 30, 2000”.*

7 (g) *PRIOR SERVICE ENLISTMENT BONUS.—Section*
8 *308i(f) of title 37, United States Code, is amended by strik-*
9 *ing out “September 30, 1999” and inserting in lieu thereof*
10 *“September 30, 2000”.*

11 (h) *REPAYMENT OF EDUCATION LOANS FOR CERTAIN*
12 *HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED*
13 *RESERVE.—Section 16302(d) of title 10, United States*
14 *Code, is amended by striking out “October 1, 1999” and*
15 *inserting in lieu thereof “October 1, 2000”.*

16 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND**
17 **SPECIAL PAY AUTHORITIES FOR NURSE OFFI-**
18 **CER CANDIDATES, REGISTERED NURSES, AND**
19 **NURSE ANESTHETISTS.**

20 (a) *NURSE OFFICER CANDIDATE ACCESSION PRO-*
21 *GRAM.—Section 2130a(a)(1) of title 10, United States Code,*
22 *is amended by striking out “September 30, 1999” and in-*
23 *serting in lieu thereof “September 30, 2000”.*

24 (b) *ACCESSION BONUS FOR REGISTERED NURSES.—*
25 *Section 302d(a)(1) of title 37, United States Code, is*

1 amended by striking out “September 30, 1999” and insert-
2 ing in lieu thereof “September 30, 2000”.

3 (c) *INCENTIVE SPECIAL PAY FOR NURSE ANES-*
4 *THETISTS.*—Section 302e(a)(1) of title 37, United States
5 Code, is amended by striking out “September 30, 1999” and
6 inserting in lieu thereof “September 30, 2000”.

7 **SEC. 613. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
8 **ING TO PAYMENT OF OTHER BONUSES AND**
9 **SPECIAL PAYS.**

10 (a) *AVIATION OFFICER RETENTION BONUS.*—Section
11 301b(a) of title 37, United States Code, is amended by strik-
12 ing out “September 30, 1999,” and inserting in lieu thereof
13 “September 30, 2000,”.

14 (b) *REENLISTMENT BONUS FOR ACTIVE MEMBERS.*—
15 Section 308(g) of title 37, United States Code, is amended
16 by striking out “September 30, 1999” and inserting in lieu
17 thereof “September 30, 2000”.

18 (c) *ENLISTMENT BONUSES FOR MEMBERS WITH CRIT-*
19 *ICAL SKILLS.*—Sections 308a(c) and 308f(c) of title 37,
20 United States Code, are each amended by striking out “Sep-
21 tember 30, 1999” and inserting in lieu thereof “September
22 30, 2000”.

23 (d) *SPECIAL PAY FOR NUCLEAR QUALIFIED OFFICERS*
24 *EXTENDING PERIOD OF ACTIVE SERVICE.*—Section 312(e)
25 of title 37, United States Code, is amended by striking out

1 “September 30, 1999” and inserting in lieu thereof “Sep-
2 tember 30, 2000”.

3 (e) *NUCLEAR CAREER ACCESSION BONUS*.—Section
4 312b(c) of title 37, United States Code, is amended by strik-
5 ing out “September 30, 1999” and inserting in lieu thereof
6 “September 30, 2000”.

7 (f) *NUCLEAR CAREER ANNUAL INCENTIVE BONUS*.—
8 Section 312c(d) of title 37, United States Code, is amended
9 by striking out “October 1, 1999” and inserting in lieu
10 thereof “October 1, 2000”.

11 **SEC. 614. AVIATION CAREER INCENTIVE PAY AND AVIATION**
12 **OFFICER RETENTION BONUS.**

13 (a) *DEFINITION OF AVIATION SERVICE*.—(1) Section
14 301a(a)(6) of title 37, United States Code, is amended—

15 (A) by redesignating subparagraphs (A), (B),
16 and (C) as subparagraphs (B), (C), and (D), respec-
17 tively; and

18 (B) by inserting before subparagraph (B) (as so
19 redesignated) the following new subparagraph:

20 “(A) The term ‘aviation service’ means service
21 performed by an officer (except a flight surgeon or
22 other medical officer) while holding an aeronautical
23 rating or designation or while in training to receive
24 an aeronautical rating or designation.”.

1 (2) Section 301b(j) of such title is amended by striking
 2 out paragraph (1) and inserting in lieu thereof the follow-
 3 ing new paragraph:

4 “(1) The term ‘aviation service’ means service
 5 performed by an officer (except a flight surgeon or
 6 other medical officer) while holding an aeronautical
 7 rating or designation or while in training to receive
 8 an aeronautical rating or designation.”.

9 (b) AMOUNT OF INCENTIVE PAY.—Subsection (b) of
 10 section 301a of such title is amended to read as follows:

11 “(b)(1) A member who satisfies the requirements de-
 12 scribed in subsection (a) is entitled to monthly incentive
 13 pay as follows:

<i>“Years of aviation service (including flight training) as an officer:</i>	<i>Monthly rate</i>
<i>2 or less</i>	<i>\$125</i>
<i>Over 2</i>	<i>\$156</i>
<i>Over 3</i>	<i>\$188</i>
<i>Over 4</i>	<i>\$206</i>
<i>Over 6</i>	<i>\$650</i>
<i>Over 14</i>	<i>\$840</i>
<i>Over 22</i>	<i>\$585</i>
<i>Over 23</i>	<i>\$495</i>
<i>Over 24</i>	<i>\$385</i>
<i>Over 25</i>	<i>\$250</i>

14 “(2) An officer in a pay grade above O-6 is entitled,
 15 until the officer completes 25 years of aviation service, to
 16 be paid at the rates set forth in the table in paragraph (1),
 17 except that—

18 “(A) an officer in pay grade O-7 may not be
 19 paid at a rate greater than \$200 a month; and

1 “(B) an officer in pay grade O–8 or above may
2 not be paid at a rate greater than \$206 a month.

3 “(3) For a warrant officer with over 22, 23, 24, or
4 25 years of aviation service who is qualified under sub-
5 section (a), the rate prescribed in the table in paragraph
6 (1) for officers with over 14 years of aviation service shall
7 continue to apply to the warrant officer.”.

8 (c) *REFERENCES TO AVIATION SERVICE.*—(1) Section
9 301a of such title is further amended—

10 (A) in subsection (a)(4)—

11 (i) by striking out “22 years of the officer’s
12 service as an officer” and inserting in lieu there-
13 of “22 years of aviation service of the officer”;
14 and

15 (ii) by striking out “25 years of service as
16 an officer (as computed under section 205 of this
17 title)” and inserting in lieu thereof “25 years of
18 aviation service”; and

19 (B) in subsection (d), by striking out “subsection
20 (b)(1) or (2), as the case may be, for the performance
21 of that duty by a member of corresponding years of
22 aviation or officer service, as appropriate,” and in-
23 serting in lieu thereof “subsection (b) for the perform-
24 ance of that duty by a member with corresponding
25 years of aviation service”.

1 (2) Section 301b(b)(5) of such title is amended by
2 striking out “active duty” and inserting in lieu thereof
3 “aviation service”.

4 (d) CONFORMING AMENDMENT.—Section 615 of the
5 National Defense Authorization Act for Fiscal Year 1998
6 (Public Law 105–85; 111 Stat. 1787) is repealed.

7 **SEC. 615. SPECIAL PAY FOR DIVING DUTY.**

8 Section 304(a) of title 37, United States Code, is
9 amended—

10 (1) by inserting “or” at the end of paragraph
11 (1);

12 (2) in paragraph (2), by striking out “by fre-
13 quent and regular dives; and” and inserting in lieu
14 thereof a period; and

15 (3) by striking out paragraph (3).

16 **SEC. 616. SELECTIVE REENLISTMENT BONUS ELIGIBILITY**
17 **FOR RESERVE MEMBERS PERFORMING AC-**
18 **TIVE GUARD AND RESERVE DUTY.**

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

21 “(D) reenlists or voluntarily extends the mem-
22 ber’s enlistment for a period of at least three years in
23 a regular component, or in a reserve component if the
24 member is performing active Guard and Reserve duty

1 *(as defined in section 101(d)(6) of title 10), of the*
2 *service concerned;”.*

3 **SEC. 617. 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 out “(1)” after “(b)”;* and

8 (2) *by striking out paragraph (2).*

9 **SEC. 618. INCREASE IN MAXIMUM AMOUNT OF ARMY EN-**
10 **LISTMENT BONUS.**

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

14 **SEC. 619. EQUITABLE TREATMENT OF RESERVES ELIGIBLE**
15 **FOR SPECIAL PAY FOR DUTY SUBJECT TO**
16 **HOSTILE FIRE OR IMMINENT DANGER.**

17 *Section 310(b) of title 37, United States Code, is*
18 *amended—*

19 (1) *by inserting “(1)” after “(b)”;* and

20 (2) *by adding at the end the following new para-*
21 *graph:*

22 “(2) *A member of a reserve component who is eligible*
23 *for special pay under this section for a month shall receive*
24 *the full amount authorized in subsection (a) for that month*
25 *regardless of the number of days during that month on*

1 *which the member satisfies the eligibility criteria specified*
2 *in such subsection.”.*

3 ***Subtitle C—Travel and***
4 ***Transportation Allowances***

5 ***SEC. 631. EXCEPTION TO MAXIMUM WEIGHT ALLOWANCE***
6 ***FOR BAGGAGE AND HOUSEHOLD EFFECTS.***

7 *Section 406(b)(1)(D) of title 37, United States Code,*
8 *is amended in the second sentence by inserting before the*
9 *period the following: “, unless the additional weight allow-*
10 *ance in excess of such maximum is intended to permit the*
11 *shipping of consumables that cannot be reasonably obtained*
12 *at the new station of the member”.*

13 ***SEC. 632. TRAVEL AND TRANSPORTATION ALLOWANCES***
14 ***FOR TRAVEL PERFORMED BY MEMBERS IN***
15 ***CONNECTION WITH REST AND RECUPER-***
16 ***ATIVE LEAVE FROM OVERSEAS STATIONS.***

17 *(a) PROVISION OF TRANSPORTATION.—Section 411c of*
18 *title 37, United States Code, is amended by striking out*
19 *subsection (b) and inserting in lieu thereof the following*
20 *new subsection:*

21 *“(b) When the transportation authorized by subsection*
22 *(a) is provided by the Secretary concerned, the Secretary*
23 *may use Government or commercial carriers. The Secretary*
24 *concerned may limit the amount of payments made to*
25 *members under subsection (a).”.*

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

3 “**§411c. Travel and transportation allowances: travel**
4 **performed in connection with rest and re-**
5 **cuperative leave from certain stations in**
6 **foreign countries”.**

7 (2) *The item relating to such section in the table of*
8 *sections at the beginning of chapter 7 of such title is amend-*
9 *ed to read as follows:*

*“411c. Travel and transportation allowances: travel performed in connection with
rest and recuperative leave from certain stations in foreign coun-
tries.”.*

10 **SEC. 633. STORAGE OF BAGGAGE OF CERTAIN DEPEND-**
11 **ENTS.**

12 *Section 430(b) of title 37, United States Code, is*
13 *amended—*

14 (1) *by inserting “(1)” after “(b)”;* and

15 (2) *by adding at the end the following new para-*
16 *graph:*

17 “*(2) At the option of the member, in lieu of the trans-*
18 *portation of baggage of a dependent child under paragraph*
19 *(1) from the dependent’s school in the continental United*
20 *States, the Secretary concerned may pay or reimburse the*
21 *member for costs incurred to store the baggage at or in the*
22 *vicinity of the school during the dependent’s annual trip*
23 *between the school and the member’s duty station. The*
24 *amount of the payment or reimbursement may not exceed*

1 *the cost that the Government would incur to transport the*
2 *baggage.”.*

3 ***Subtitle D—Retired Pay, Survivor***
4 ***Benefits, and Related Matters***

5 ***SEC. 641. EFFECTIVE DATE OF FORMER SPOUSE SURVIVOR***
6 ***BENEFIT COVERAGE.***

7 (a) *COORDINATION OF PROVISIONS.—Section*
8 *1448(b)(3)(C) of title 10, United States Code, is amended*
9 *by inserting after “the Secretary concerned” in the second*
10 *sentence the following: “, except that, in the case of an elec-*
11 *tion made by a person described in section 1450(f)(3)(B)*
12 *of this title, such an election is effective on the first day*
13 *of the first month which begins after the date of the court*
14 *order or filing involved (in the same manner as provided*
15 *under section 1450(f)(3)(D) of this title)”.*

16 (b) *EFFECTIVE DATE.—The amendment made by sub-*
17 *section (a) shall apply to elections under section 1448(b)(3)*
18 *of title 10, United States Code, that are received by the Sec-*
19 *retary concerned on or after the date of the enactment of*
20 *this Act.*

1 ***Subtitle E—Other Matters***

2 ***SEC. 651. DELETION OF CANAL ZONE FROM DEFINITION OF***
3 ***UNITED STATES POSSESSIONS FOR PUR-***
4 ***POSES OF PAY AND ALLOWANCES.***

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

7 ***SEC. 652. ACCOUNTING OF ADVANCE PAYMENTS.***

8 *Section 1006(e) of title 37, United States Code, is*
9 *amended—*

10 (1) *by inserting “(1)” after “(e)”;* and

11 (2) *by adding at the end the following new para-*
12 *graph:*

13 “(2) *Obligations and expenditures incurred for an ad-*
14 *vance payment under this section may not be included in*
15 *any determination of amounts available for obligation or*
16 *expenditure except in the fiscal year in which the advance*
17 *payment is ultimately earned and such obligations and ex-*
18 *penditures shall be accounted for only in such fiscal year.”.*

19 ***SEC. 653. REIMBURSEMENT OF RENTAL VEHICLE COSTS***
20 ***WHEN MOTOR VEHICLE TRANSPORTED AT***
21 ***GOVERNMENT EXPENSE IS LATE.***

22 (a) *TRANSPORTATION IN CONNECTION WITH CHANGE*
23 *OF PERMANENT STATION.—Section 2634 of title 10, United*
24 *States Code, is amended—*

1 (1) *by redesignating subsection (g) as subsection*
2 *(h); and*

3 (2) *by inserting after subsection (f) the following*
4 *new subsection:*

5 “(g) *If a motor vehicle of a member (or a dependent*
6 *of the member) that is transported at the expense of the*
7 *United States under this section does not arrive at the au-*
8 *thorized destination of the vehicle by the designated delivery*
9 *date, the Secretary concerned shall reimburse the member*
10 *for expenses incurred after that date to rent a motor vehicle*
11 *for the member’s use, or for the use of the dependent for*
12 *whom the delayed vehicle was transported. However, the*
13 *amount reimbursed shall not exceed \$30 per day, and the*
14 *rental period for which reimbursement may be provided*
15 *shall expire after seven days or on the date on which the*
16 *delayed vehicle finally arrives at the authorized destination*
17 *(whichever occurs first).”.*

18 (b) *TRANSPORTATION IN CONNECTION WITH OTHER*
19 *MOVES.—Section 406(h) of title 37, United States Code, is*
20 *amended by adding at the end the following new paragraph:*

21 “(3) *If a motor vehicle of a member (or a dependent*
22 *of the member) that is transported at the expense of the*
23 *United States under this subsection does not arrive at the*
24 *authorized destination of the vehicle by the designated deliv-*
25 *ery date, the Secretary concerned shall reimburse the mem-*

1 ber for expenses incurred after that date to rent a motor
2 vehicle for the dependent's use. However, the amount reim-
3 bursed shall not exceed \$30 per day, and the rental period
4 for which reimbursement may be provided shall expire after
5 seven days or on the date on which the delayed vehicle fi-
6 nally arrives at the authorized destination (whichever oc-
7 curs first).”.

8 (c) *TRANSPORTATION IN CONNECTION WITH DEPAR-*
9 *TURE ALLOWANCES FOR DEPENDENTS.*—Section 405a(b) of
10 title 37, United States Code, is amended—

11 (1) by inserting “(1)” after “(b)”; and

12 (2) by adding at the end the following new para-
13 graph:

14 “(2) If a motor vehicle of a member (or a dependent
15 of the member) that is transported at the expense of the
16 United States under paragraph (1) does not arrive at the
17 authorized destination of the vehicle by the designated deliv-
18 ery date, the Secretary concerned shall reimburse the mem-
19 ber for expenses incurred after that date to rent a motor
20 vehicle for the dependent's use. However, the amount reim-
21 bursed shall not exceed \$30 per day, and the rental period
22 for which reimbursement may be provided shall expire after
23 seven days or on the date on which the delayed vehicle fi-
24 nally arrives at the authorized destination (whichever oc-
25 curs first).”.

1 (d) *TRANSPORTATION IN CONNECTION WITH EFFECTS*
2 *OF MISSING PERSONS.*—Section 554 of title 37, United
3 States Code, is amended—

4 (1) by redesignating subsection (i) as subsection
5 (j); and

6 (2) by inserting after subsection (h) the following
7 new subsection:

8 “(i) If a motor vehicle of a member (or a dependent
9 of the member) that is transported at the expense of the
10 United States under this section does not arrive at the au-
11 thorized destination of the vehicle by the designated delivery
12 date, the Secretary concerned shall reimburse the dependent
13 for expenses incurred after that date to rent a motor vehicle
14 for the dependent’s use. However, the amount reimbursed
15 shall not exceed \$30 per day, and the rental period for
16 which reimbursement may be provided shall expire after
17 seven days or on the date on which the delayed vehicle fi-
18 nally arrives at the authorized destination (whichever oc-
19 curs first).”.

20 (e) *APPLICATION OF AMENDMENTS.*—Reimbursement
21 for motor vehicle rental expenses may not be provided under
22 the amendments made by this section until after the date
23 on which the Secretary of Defense submits to Congress a
24 report certifying that the Department of Defense has in
25 place and operational a system to recover the cost to the

1 *Department of providing such reimbursement from com-*
 2 *mercial carriers that are responsible for the delay in the*
 3 *delivery of the motor vehicles of members of the Armed*
 4 *Forces and their dependents. The amendments shall apply*
 5 *with respect to rental expenses described in such amend-*
 6 *ments that are incurred on or after the date of the submis-*
 7 *sion of the report.*

8 **SEC. 654. EDUCATION LOAN REPAYMENT PROGRAM FOR**
 9 **CERTAIN HEALTH PROFESSION OFFICERS**
 10 **SERVING IN SELECTED RESERVE.**

11 *(a) LOAN REPAYMENT AMOUNTS.—Section 16302(c) of*
 12 *title 10, United States Code, is amended—*

13 *(1) in paragraph (2), by striking out “\$3,000”*
 14 *and inserting in lieu thereof “\$10,000”; and*

15 *(2) in paragraph (3), by striking out “\$20,000”*
 16 *and inserting in lieu thereof “\$50,000”.*

17 *(b) EFFECTIVE DATE.—The amendments made by sub-*
 18 *section (a) shall take effect on October 1, 1998.*

19 **TITLE VII—HEALTH CARE**
 20 **PROVISIONS**

21 **Subtitle A—Health Care Services**

22 **SEC. 701. EXPANSION OF DEPENDENT ELIGIBILITY UNDER**
 23 **RETIREE DENTAL PROGRAM.**

24 *(a) IN GENERAL.—Subsection (b) of section 1076c of*
 25 *title 10, United States Code, is amended—*

1 (1) *by redesignating paragraph (4) as para-*
2 *graph (5); and*

3 (2) *by inserting after paragraph (3) the follow-*
4 *ing new paragraph:*

5 “(4) *Eligible dependents of a member described*
6 *in paragraph (1) or (2) who is not enrolled in the*
7 *plan and who—*

8 “(A) *is enrolled under section 1705 of title*
9 *38 to receive dental care from the Secretary of*
10 *Veterans Affairs;*

11 “(B) *is enrolled in a dental plan that—*

12 “(i) *is available to the member as a re-*
13 *sult of employment by the member that is*
14 *separate from the military service of the*
15 *member; and*

16 “(ii) *is not available to dependents of*
17 *the member as a result of such separate em-*
18 *ployment by the member; or*

19 “(C) *is prevented by a medical or dental*
20 *condition from being able to obtain benefits*
21 *under the plan.”.*

22 (b) *CONFORMING AMENDMENT.—Subsection (f)(3) of*
23 *such section is amended by striking out “(b)(4)” and insert-*
24 *ing in lieu thereof “(b)(5)”.*

1 **SEC. 702. PLAN FOR PROVISION OF HEALTH CARE FOR**
2 **MILITARY RETIREES AND THEIR DEPEND-**
3 **ENTS COMPARABLE TO HEALTH CARE PRO-**
4 **VIDED UNDER TRICARE PRIME.**

5 (a) *REQUIREMENT TO SUBMIT PLAN.*—(1) *The Sec-*
6 *retary of Defense shall submit to Congress—*

7 (A) *a plan under which the Secretary would*
8 *guarantee access, for covered beneficiaries described in*
9 *subsection (b), to health care that is comparable to the*
10 *health care provided to covered beneficiaries under*
11 *chapter 55 of title 10, United States Code, under*
12 *TRICARE Prime (as defined in subsection (d) of sec-*
13 *tion 1097a of such title (as added by section 712));*
14 *and*

15 (B) *a legislative proposal and cost estimate for*
16 *implementing the plan.*

17 (2) *The plan required under paragraph (1)(A) shall*
18 *provide for guaranteed access to such health care for such*
19 *covered beneficiaries by October 1, 2001.*

20 (b) *COVERED BENEFICIARIES.*—*A covered beneficiary*
21 *under this subsection is an individual who is a covered ben-*
22 *eficiary under chapter 55 of title 10, United States Code,*
23 *who—*

24 (1) *is a member or former member of the Armed*
25 *Forces entitled to retired pay under such title; or*

1 (2) *is a dependent (as that term is defined in*
2 *section 1072(2) of such chapter) of such a member.*

3 (c) *DEADLINE FOR SUBMISSION.—The Secretary shall*
4 *submit the plan required by subsection (a) not later than*
5 *March 1, 1999.*

6 **SEC. 703. PLAN FOR REDESIGN OF MILITARY PHARMACY**
7 **SYSTEM.**

8 (a) *PLAN REQUIRED.—The Secretary of Defense shall*
9 *submit to Congress a plan that would provide for a system-*
10 *wide redesign of the military and contractor retail and*
11 *mail-order pharmacy system of the Department of Defense*
12 *by incorporating “best business practices” of the private*
13 *sector. The Secretary shall work with contractors of*
14 *TRICARE retail pharmacy and national mail-order phar-*
15 *macy programs to develop a plan for the redesign of the*
16 *pharmacy system that—*

17 (1) *may include a plan for an incentive-based*
18 *formulary for military medical treatment facilities*
19 *and contractors of TRICARE retail pharmacies and*
20 *the national mail-order pharmacy; and*

21 (2) *shall include a plan for each of the following:*

22 (A) *A uniform formulary for such facilities*
23 *and contractors.*

24 (B) *A centralized database that integrates*
25 *the patient databases of pharmacies of military*

1 *medical treatment facilities and contractor retail*
2 *and mail-order programs to implement auto-*
3 *mated prospective drug utilization review sys-*
4 *tems.*

5 *(C) A system-wide drug benefit for covered*
6 *beneficiaries under chapter 55 of title 10, United*
7 *States Code, who are entitled to hospital insur-*
8 *ance benefits under part A of title XVIII of the*
9 *Social Security Act (42 U.S.C. 1395c et seq.).*

10 *(b) SUBMISSION OF PLAN.—The Secretary shall sub-*
11 *mit the plan required under subsection (a) not later than*
12 *March 1, 1999.*

13 *(c) SUSPENSION OF IMPLEMENTATION OF PROGRAM.—*
14 *The Secretary shall suspend any plan to establish a na-*
15 *tional retail pharmacy program for the Department of De-*
16 *fense until—*

17 *(1) the plan required under subsection (a) is sub-*
18 *mitted; and*

19 *(2) the Secretary implements cost-saving reforms*
20 *with respect to the military and contractor retail and*
21 *mail order pharmacy system.*

1 **SEC. 704. TRANSITIONAL AUTHORITY TO PROVIDE CONTIN-**
2 **UED HEALTH CARE COVERAGE FOR CERTAIN**
3 **PERSONS UNAWARE OF LOSS OF CHAMPUS**
4 **ELIGIBILITY.**

5 (a) *TRANSITIONAL COVERAGE.*—*The administering*
6 *Secretaries may continue eligibility of a person described*
7 *in subsection (b) for health care coverage under the Civilian*
8 *Health and Medical Program of the Uniformed Services*
9 *based on a determination that such continuation is appro-*
10 *priate to assure health care coverage for any such person*
11 *who may have been unaware of the loss of eligibility to re-*
12 *ceive health benefits under that program.*

13 (b) *PERSONS ELIGIBLE.*—*A person shall be eligible for*
14 *transitional health care coverage under subsection (a) if the*
15 *person—*

16 (1) *is a person described in paragraph (1) of*
17 *subsection (d) of section 1086 of title 10, United*
18 *States Code;*

19 (2) *in the absence of such paragraph, would be*
20 *eligible for health benefits under such section; and*

21 (3) *satisfies the criteria specified in subpara-*
22 *graphs (A) and (B) of paragraph (2) of such sub-*
23 *section.*

24 (c) *EXTENT OF TRANSITIONAL AUTHORITY.*—*The au-*
25 *thority to continue eligibility under this section shall apply*

1 *with respect to health care services provided between Octo-*
 2 *ber 1, 1998, and July 1, 1999.*

3 (d) *DEFINITION.*—*In this section, the term “admin-*
 4 *istering Secretaries” has the meaning given that term in*
 5 *section 1072(3) of title 10, United States Code.*

6 ***Subtitle B—TRICARE Program***

7 ***SEC. 711. PAYMENT OF CLAIMS FOR PROVISION OF HEALTH*** 8 ***CARE UNDER THE TRICARE PROGRAM FOR*** 9 ***WHICH A THIRD PARTY MAY BE LIABLE.***

10 (a) *IN GENERAL.*—(1) *Chapter 55 of title 10, United*
 11 *States Code, is amended by inserting after section 1095a*
 12 *the following new section:*

13 ***“§ 1095b. TRICARE program: contractor payment of*** 14 ***certain claims***

15 “*(a) PAYMENT OF CLAIMS.*—(1) *The Secretary of De-*
 16 *fense may authorize a contractor under the TRICARE pro-*
 17 *gram to pay a claim described in paragraph (2) before seek-*
 18 *ing to recover from a third-party payer the costs incurred*
 19 *by the contractor to provide health care services that are*
 20 *the basis of the claim to a beneficiary under such program.*

21 “*(2) A claim under this paragraph is a claim—*

22 “*(A) that is submitted to the contractor by a*
 23 *provider under the TRICARE program for payment*
 24 *for services for health care provided to a covered bene-*
 25 *ficiary; and*

1 “(B) that is identified by the contractor as a
2 claim for which a third-party payer may be liable.

3 “(b) *RECOVERY FROM THIRD-PARTY PAYERS.*—A con-
4 tractor for the provision of health care services under the
5 *TRICARE* program that pays a claim described in sub-
6 section (a)(2) shall have the right to collect from the third-
7 party payer the costs incurred by such contractor on behalf
8 of the covered beneficiary. The contractor shall have the
9 same right to collect such costs under this subsection as the
10 right of the United States to collect costs under section 1095
11 of this title.

12 “(c) *DEFINITION OF THIRD-PARTY PAYER.*—In this
13 section, the term ‘third-party payer’ has the meaning given
14 that term in section 1095(h) of this title, except that such
15 term excludes primary medical insurers.”.

16 (b) *CLERICAL AMENDMENT.*—The table of sections at
17 the beginning of such chapter is amended by inserting after
18 the item relating to section 1095a the following new item:
 “1095b. *TRICARE* program: contractor payment of certain claims.”.

19 **SEC. 712. PROCEDURES REGARDING ENROLLMENT IN**
20 **TRICARE PRIME.**

21 (a) *IN GENERAL.*—(1) Chapter 55 of title 10, United
22 States Code, is amended by inserting after section 1097 the
23 following new section:

1 **“§ 1097a. Enrollment in TRICARE Prime: procedures**

2 “(a) *AUTOMATIC ENROLLMENT OF CERTAIN DEPEND-*
3 *ENTS.—The Secretary of Defense shall establish procedures*
4 *under which dependents of members of the armed forces on*
5 *active duty who reside in the catchment area of a military*
6 *medical treatment facility shall be automatically enrolled*
7 *in TRICARE Prime at the military medical treatment fa-*
8 *cility. The Secretary shall provide notice in writing to the*
9 *member regarding such enrollment.*

10 “(b) *AUTOMATIC CONTINUATION OF ENROLLMENT.—*
11 *The Secretary of Defense shall establish procedures under*
12 *which enrollment of covered beneficiaries in TRICARE*
13 *Prime shall automatically continue until such time as the*
14 *covered beneficiary elects to disenroll or is no longer eligible*
15 *for enrollment.*

16 “(c) *OPTION FOR RETIREES TO DEDUCT FEE FROM*
17 *PAY.—The Secretary of Defense shall establish procedures*
18 *under which a retired member of the armed forces may elect*
19 *to have any fees payable by the member for enrollment in*
20 *TRICARE Prime withheld from the retired pay of the mem-*
21 *ber (if pay is available to the member).*

22 “(d) *DEFINITION OF TRICARE PRIME.—In this sec-*
23 *tion, the term ‘TRICARE Prime’ means the managed care*
24 *option of the TRICARE program known as TRICARE*
25 *Prime.”.*

1 (2) *The table of sections at the beginning of such chap-*
 2 *ter is amended by inserting after the item relating to section*
 3 *1097 the following new item:*
 “1097a. Enrollment in TRICARE Prime: procedures.”.

4 (b) *DEADLINE FOR IMPLEMENTATION.—The Secretary*
 5 *of Defense shall establish the procedures required under sec-*
 6 *tion 1097a of title 10, United States Code, as added by sub-*
 7 *section (a), not later than April 1, 1999.*

8 ***Subtitle C—Other Matters***

9 ***SEC. 721. INFLATION ADJUSTMENT OF PREMIUM AMOUNTS*** 10 ***FOR DEPENDENTS DENTAL PROGRAM.***

11 *Section 1076a(b)(2) of title 10, United States Code, is*
 12 *amended by inserting after “\$20 per month” the following:*
 13 *“(in 1993 dollars, as adjusted for inflation in each year*
 14 *thereafter)”.*

15 ***SEC. 722. SYSTEM FOR TRACKING DATA AND MEASURING*** 16 ***PERFORMANCE IN MEETING TRICARE ACCESS*** 17 ***STANDARDS.***

18 (a) *REQUIREMENT TO ESTABLISH SYSTEM.—(1) The*
 19 *Secretary of Defense shall establish a system—*

20 (A) *to track data regarding access of covered*
 21 *beneficiaries under chapter 55 of title 10, United*
 22 *States Code, to primary health care under the*
 23 *TRICARE program; and*

24 (B) *to measure performance in increasing such*
 25 *access against the primary care access standards es-*

1 *tablished by the Secretary under the TRICARE pro-*
2 *gram.*

3 *(2) In implementing the system described in para-*
4 *graph (1), the Secretary shall collect data on the timeliness*
5 *of appointments and precise waiting times for appoint-*
6 *ments in order to measure performance in meeting the pri-*
7 *mary care access standards established under the*
8 *TRICARE program.*

9 *(b) DEADLINE FOR ESTABLISHMENT.—The Secretary*
10 *shall establish the system described in subsection (a) not*
11 *later than April 1, 1999.*

12 **SEC. 723. AIR FORCE RESEARCH, DEVELOPMENT, TRAINING,**
13 **AND EDUCATION ON EXPOSURE TO CHEMI-**
14 **CAL, BIOLOGICAL, AND RADIOLOGICAL HAZ-**
15 **ARDS.**

16 *(a) IN GENERAL.—The Secretary of the Air Force is*
17 *hereby authorized to—*

18 *(1) conduct research on the health-related, envi-*
19 *ronmental, and ecological effects of exposure to chemi-*
20 *cal, biological, and radiological hazards;*

21 *(2) develop new risk-assessment methods and in-*
22 *struments with respect to exposure to such hazards,*
23 *including more accurate risk assessment tools to sup-*
24 *port the Air Force Enhanced Site Specific Risk As-*
25 *essment; and*

1 (3) educate and train researchers with respect to
2 exposure to such hazards.

3 (b) *ACTIVITIES TO BE CONDUCTED.*—Research and
4 development conducted under subsection (a) includes—

5 (1) development of equipment to monitor soil
6 and ground water contamination and the impact of
7 such contamination on the biosystem chain;

8 (2) implementation of a cross-sectional epidemio-
9 logical study of exposure to jet fuel; and

10 (3) implementation of a health-risk assessment
11 regarding exposure to jet fuel.

12 **SEC. 724. AUTHORIZATION TO ESTABLISH A LEVEL 1 TRAUMA TRAINING CENTER.**
13

14 *The Secretary of the Army is hereby authorized to es-*
15 *tablish a Level 1 Trauma Training Center (as designated*
16 *by the American College of Surgeons) in order to provide*
17 *the Army with a trauma center capable of training forward*
18 *surgical teams.*

19 **SEC. 725. REPORT ON IMPLEMENTATION OF ENROLLMENT-**
20 **BASED CAPITATION FOR FUNDING FOR MILI-**
21 **TARY MEDICAL TREATMENT FACILITIES.**

22 (a) *REPORT REQUIRED.*—The Secretary of Defense
23 shall submit to Congress a report on the potential impact
24 of using an enrollment-based capitation methodology to al-

1 *locate funds for military medical treatment facilities. The*
2 *report shall address the following:*

3 (1) *A description of the plans of the Secretary to*
4 *implement an enrollment-based capitation methodol-*
5 *ogy for military medical treatment facilities and with*
6 *respect to contracts for the delivery of health care*
7 *under the TRICARE program.*

8 (2) *The justifications for implementing an en-*
9 *rollment-based capitation methodology without first*
10 *conducting a demonstration project for implementa-*
11 *tion of such methodology.*

12 (3) *The impact that implementation of an en-*
13 *rollment based capitation methodology would have on*
14 *the provision of space-available care at military med-*
15 *ical treatment facilities, particularly in the case of*
16 *care for—*

17 (A) *military retirees entitled who are enti-*
18 *tled to hospital insurance benefits under part A*
19 *of title XVIII of the Social Security Act (42*
20 *U.S.C. 1395c et seq.); and*

21 (B) *covered beneficiaries under chapter 55*
22 *of title 10, United States Code, who reside out-*
23 *side the catchment area of a military medical*
24 *treatment facility.*

1 (4) *The impact that implementation of an en-*
2 *rollment-based capitation methodology would have*
3 *with respect to the pharmacy benefits provided at*
4 *military medical treatment facilities, given that the*
5 *enrollment-based capitation methodology would fund*
6 *military medical treatment facilities based on the*
7 *number of members at such facilities enrolled in*
8 *TRICARE Prime, but all covered beneficiaries may*
9 *fill prescriptions at military medical treatment facil-*
10 *ity pharmacies.*

11 (5) *An explanation of how additional funding*
12 *will be provided for a military medical treatment fa-*
13 *cility if an enrollment-based capitation methodology*
14 *is implemented to ensure that space-available care*
15 *and pharmacy coverage can be provided to covered*
16 *beneficiaries who are not enrolled at the military*
17 *medical treatment facility, and the amount of fund-*
18 *ing that will be available.*

19 (6) *An explanation of how implementation of an*
20 *enrollment-based capitation methodology would im-*
21 *pect the provision of uniform benefits under*
22 *TRICARE Prime, and how the Secretary would en-*
23 *sure, if such methodology were implemented, that the*
24 *provision of health care under TRICARE Prime*
25 *would not be bifurcated between the provision of such*

1 *care at military medical treatment facilities and the*
2 *provision of such care from civilian providers.*

3 *(b) DEADLINE FOR SUBMISSION.—The Secretary shall*
4 *submit the report required by subsection (a) not later than*
5 *March 1, 1999.*

6 **TITLE VIII—ACQUISITION POL-**
7 **ICY, ACQUISITION MANAGE-**
8 **MENT, AND RELATED MAT-**
9 **TERS**

10 **SEC. 801. LIMITATION ON PROCUREMENT OF AMMUNITION**
11 **AND COMPONENTS.**

12 *(a) LIMITATION.—Section 2534(a) of title 10, United*
13 *States Code, is amended by adding at the end the following*
14 *new paragraph:*

15 *“(6) AMMUNITION.—Ammunition or ammuni-*
16 *tion components.”*

17 *(b) EFFECTIVE DATE.—Paragraph (6) of section*
18 *2534(a) of title 10, United States Code, as added by sub-*
19 *section (a), shall apply with respect to contracts entered*
20 *into after September 30, 1998.*

21 **SEC. 802. ACQUISITION CORPS ELIGIBILITY.**

22 *Section 1732(c) of title 10, United States Code, is*
23 *amended by adding at the end the following new paragraph:*

24 *“(3) The requirement of subsection (b)(1)(A) shall not*
25 *apply to an employee who served in an Acquisition Corps*

1 *in a position within grade GS-13 or above of the General*
 2 *Schedule and who is placed in another position which is*
 3 *in a grade lower than GS-13 of the General Schedule, or*
 4 *whose position is reduced in grade to a grade lower than*
 5 *GS-13 of the General Schedule, as a result of reduction-*
 6 *in-force procedures, the realignment or closure of a military*
 7 *installation, or another reason other than for cause.”.*

8 **SEC. 803. AMENDMENTS RELATING TO PROCUREMENT**
 9 **FROM FIRMS IN INDUSTRIAL BASE FOR PRO-**
 10 **DUCTION OF SMALL ARMS.**

11 *(a) REQUIREMENT TO LIMIT PROCUREMENTS TO CER-*
 12 *TAIN SOURCES.—Subsection (a) of section 2473 of title 10,*
 13 *United States Code, is amended—*

14 *(1) in the heading, by striking out the first word*
 15 *and inserting in lieu thereof “REQUIREMENT”; and*

16 *(2) by striking out “To the extent that the Sec-*
 17 *retary of Defense determines necessary to preserve the*
 18 *small arms production industrial base, the Secretary*
 19 *may” and inserting in lieu thereof “In order to pre-*
 20 *serve the small arms production industrial base, the*
 21 *Secretary of Defense shall”.*

22 *(b) ADDITIONAL COVERED PROPERTY AND SERV-*
 23 *ICES.—Subsection (b) of such section is amended—*

24 *(1) by redesignating paragraphs (1) and (2) as*
 25 *paragraphs (2) and (3), respectively;*

1 (2) *by inserting before paragraph (2), as so re-*
2 *designated, the following new paragraph:*

3 “(1) *Small arms end items.*”;

4 (3) *in paragraph (2), as so redesignated, by in-*
5 *serting before the period the following: “, if those*
6 *parts are manufactured under a contract with the De-*
7 *partment of Defense to produce the end item*”; and

8 (4) *by adding after paragraph (3) the following*
9 *new paragraph:*

10 “(4) *Repair parts consisting of barrels, receivers,*
11 *and bolts for small arms, whether or not the small*
12 *arms are in production under a contract with the De-*
13 *partment of Defense at the time of production of such*
14 *repair parts.*”.

15 (c) *RELATIONSHIP TO OTHER PROVISIONS OF LAW.—*
16 *Such section is further amended by adding at the end the*
17 *following new subsection:*

18 “(d) *RELATIONSHIP TO OTHER PROVISIONS.—(1) If a*
19 *procurement under subsection (a) is a procurement of a*
20 *commercial item, the Secretary may, notwithstanding sec-*
21 *tion 2306(b)(1)(B) of this title, require the submission of*
22 *certified cost or pricing data under section 2306(a) of this*
23 *title.*

24 “(2) *Subsection (a) is a requirement for purposes of*
25 *section 2304(c)(5) of this title.*”.

1 **TITLE IX—DEPARTMENT OF DE-**
2 **FENSE ORGANIZATION AND**
3 **MANAGEMENT**

4 **SEC. 901. FURTHER REDUCTIONS IN DEFENSE ACQUI-**
5 **SITION WORKFORCE.**

6 (a) *REDUCTION IN DEFENSE ACQUISITION WORK-*
7 *FORCE.*—Chapter 87 of title 10, United States Code, is
8 amended by adding at the end the following new section:

9 **“§ 1765. Limitation on number of personnel**

10 “(a) *LIMITATION.*—Effective October 1, 2001, the num-
11 ber of defense acquisition personnel may not exceed the base-
12 line number reduced by 70,000.

13 “(b) *PHASED REDUCTION.*—The number of defense ac-
14 quisition personnel—

15 “(1) as of October 1, 1999, may not exceed the
16 baseline number reduced by 25,000; and

17 “(2) as of October 1, 2000, may not exceed the
18 baseline number reduced by 50,000.

19 “(c) *BASELINE NUMBER.*—For purposes of this sec-
20 tion, the baseline number is the total number of defense ac-
21 quisition personnel as of October 1, 1998.

22 “(d) *DEFENSE ACQUISITION PERSONNEL DEFINED.*—
23 In this section, the term ‘defense acquisition personnel’
24 means military and civilian personnel (other than civilian
25 personnel who are employed at a maintenance depot) who

1 *are assigned to, or employed in, acquisition organizations*
2 *of the Department of Defense (as specified in Department*
3 *of Defense Instruction numbered 5000.58 dated January 14,*
4 *1992).”.*

5 (b) *CLERICAL AMENDMENT.—The table of sections at*
6 *the beginning of subchapter V of such chapter is amended*
7 *by adding at the end the following new item:*

“1765. Limitation on number of personnel.”.

8 **SEC. 902. LIMITATION ON OPERATION AND SUPPORT**
9 **FUNDS FOR THE OFFICE OF THE SECRETARY**
10 **OF DEFENSE.**

11 *Of the amount available for fiscal year 1999 for oper-*
12 *ation and support activities of the Office of the Secretary*
13 *of Defense, not more than 90 percent may be obligated until*
14 *each of the following reports has been submitted:*

15 (1) *The report required to be submitted to the*
16 *congressional defense committees by section 904(b) of*
17 *the National Defense Authorization Act for Fiscal*
18 *Year 1997 (Public Law 104–201; 110 Stat. 2619).*

19 (2) *The reports required to be submitted to Con-*
20 *gress by sections 911(b) and 911(c) of the National*
21 *Defense Authorization Act for Fiscal Year 1998 (Pub-*
22 *lic Law 105–85; 111 Stat. 1858, 1859).*

1 **SEC. 903. REVISION TO DEFENSE DIRECTIVE RELATING TO**
2 **MANAGEMENT HEADQUARTERS AND HEAD-**
3 **QUARTERS SUPPORT ACTIVITIES.**

4 *Not later than October 1, 1999, the Secretary of De-*
5 *fense shall issue a revision to Department of Defense Direc-*
6 *tive 5100.73, entitled “Department of Defense Management*
7 *Headquarters and Headquarters Support Activities”, so as*
8 *to incorporate in that directive the following:*

9 *(1) A threshold specified by command (or other*
10 *organizational element) such that any headquarters*
11 *activity below the threshold is not considered for the*
12 *purpose of the directive to be a management head-*
13 *quarters or headquarters support activity.*

14 *(2) A definition of the term “management head-*
15 *quarters and headquarters support activities” that*
16 *(A) is based upon function (rather than organiza-*
17 *tion), and (B) includes any activity (other than an*
18 *operational activity) that reports directly to such an*
19 *activity.*

20 *(3) Uniform application of those definitions*
21 *throughout the Department of Defense.*

1 **SEC. 904. UNDER SECRETARY OF DEFENSE FOR POLICY**
2 **TO HAVE RESPONSIBILITY WITH**
3 **RESPECT TO EXPORT CONTROL ACTIVITIES**
4 **OF THE DEPARTMENT OF DEFENSE.**

5 (a) *FUNCTIONS OF THE UNDER SECRETARY.*—Section
6 134(b)(1) of title 10, United States Code, is amended by
7 adding at the end the following new sentence: “The Under
8 Secretary shall have responsibility for overall supervision
9 of activities of the Department of Defense relating to export
10 controls.”.

11 (b) *IMPLEMENTATION REPORT.*—Not later than 30
12 days after the date of the enactment of this Act, the Sec-
13 retary of Defense shall submit to the Committee on Armed
14 Services of the Senate and the Committee on National Secu-
15 rity of the House of Representatives a report on the plans
16 of the Secretary for the implementation of the amendment
17 made by subsection (a). The report shall include—

18 (1) a description of any organizational changes
19 within the Department of Defense to be made in order
20 to implement that amendment; and

21 (2) a description of the role of the Chairman of
22 the Joint Chiefs of Staff with respect to export control
23 activities of the Department following the implemen-
24 tation of the amendment made by subsection (a) and
25 how that role compares to the practice in effect before
26 such implementation.

1 (c) *EFFECTIVE DATE.*—*The amendment made by sub-*
2 *section (a) shall be implemented not later than 45 days*
3 *after the date of the enactment of this Act.*

4 **SEC. 905. INDEPENDENT TASK FORCE ON TRANS-**
5 **FORMATION AND DEPARTMENT OF DEFENSE**
6 **ORGANIZATION.**

7 (a) *FINDINGS.*—*Congress finds the following:*

8 (1) *The post-Cold War era is marked by geo-*
9 *political uncertainty and by accelerating techno-*
10 *logical change, particularly with regard to informa-*
11 *tion technologies.*

12 (2) *The combination of that geopolitical uncer-*
13 *tainty and accelerating technological change portends*
14 *a transformation in the conduct of war, particularly*
15 *in ways that are likely to increase the effectiveness of*
16 *joint force operations.*

17 (3) *The Department of Defense must be orga-*
18 *nized appropriately in order to fully exploit the op-*
19 *portunities offered by, and to meet the challenges*
20 *posed by, this anticipated transformation in the con-*
21 *duct of war.*

22 (4) *The basic organization of the Department of*
23 *Defense was established by the National Security Act*
24 *of 1947 and the 1949 amendments to that Act.*

1 (5) *The Goldwater-Nichols Department of De-*
2 *fense Reorganization Act of 1986 (Public Law 99-*
3 *433) dramatically improved the capability of the De-*
4 *partment of Defense to carry out operations involving*
5 *joint forces, but did not address adequately issues per-*
6 *taining to the development of joint forces.*

7 (6) *In the future, the ability to achieve improved*
8 *operations of joint forces, particularly under rapidly*
9 *changing technological conditions, will depend on im-*
10 *proved force development for joint forces.*

11 (b) *INDEPENDENT TASK FORCE ON TRANSFORMATION*
12 *AND DEPARTMENT OF DEFENSE ORGANIZATION.—The Sec-*
13 *retary of Defense shall establish a task force of the Defense*
14 *Science Board to examine the current organization of the*
15 *Department of Defense with regard to the appropriateness*
16 *of that organization for preparing for a transformation in*
17 *the conduct of war. The task force shall be established not*
18 *later than November 1, 1998.*

19 (c) *DUTIES OF THE TASK FORCE.—The task force*
20 *shall assess, and shall make recommendations for the appro-*
21 *priate organization of, the Office of the Secretary of Defense,*
22 *the Joint Chiefs of Staff, the individual Armed Forces, and*
23 *the executive parts of the military departments for the pur-*
24 *pose of preparing the Department of Defense for a trans-*
25 *formation in the conduct of war. In making those assess-*

1 *ments and developing those recommendations, the task force*
2 *shall review the following:*

3 (1) *The general organization of the Department*
4 *of Defense, including whether responsibility and au-*
5 *thority for issues relating to a transformation in the*
6 *conduct of war are appropriately allocated, especially*
7 *among the Office of the Secretary of Defense, the Joint*
8 *Chiefs of Staff, and the individual Armed Forces.*

9 (2) *The joint requirements process and the re-*
10 *quirements processes for each of the Armed Forces, in-*
11 *cluding the establishment of measures of effectiveness*
12 *and methods for resource allocation.*

13 (3) *The process and organizations responsible for*
14 *doctrinal development, including the appropriate re-*
15 *lationship between joint force and service doctrine*
16 *and doctrinal development organizations.*

17 (4) *The current programs and organizations*
18 *under the Office of the Secretary of Defense, the Joint*
19 *Chiefs of Staff and the Armed Forces devoted to inno-*
20 *vation and experimentation related to a trans-*
21 *formation in the conduct of war, including the appro-*
22 *priateness of—*

23 (A) *conducting joint field tests;*

24 (B) *establishing a separate unified com-*
25 *mand as a joint forces command to serve, as its*

1 *sole function, as the trainer, provider, and devel-*
2 *oper of forces for joint operations;*

3 *(C) establishing a Joint Concept Develop-*
4 *ment Center to monitor exercises and develop*
5 *measures of effectiveness, analytical concepts,*
6 *models, and simulations appropriate for under-*
7 *standing the transformation in the conduct of*
8 *war;*

9 *(D) establishing a Joint Battle Laboratory*
10 *headquarters to conduct joint experimentation*
11 *and to integrate the similar efforts of the Armed*
12 *Forces; and*

13 *(E) establishing an Assistant Secretary of*
14 *Defense for transformation in the conduct of*
15 *war.*

16 *(5) Joint training establishments and training*
17 *establishments of the Armed Forces, including those*
18 *devoted to professional military education, and the*
19 *appropriateness of establishing national training cen-*
20 *ters.*

21 *(6) Other issues relating to a transformation in*
22 *the conduct of war that the Secretary considers ap-*
23 *propriate.*

24 *(d) REPORT.—The task force shall submit to the Sec-*
25 *retary of Defense a report containing its assessments and*

1 *recommendations not later than February 1, 1999. The Sec-*
2 *retary shall submit the report to the Committee on National*
3 *Security of the House of Representatives and the Committee*
4 *on Armed Services of the Senate not later than March 1,*
5 *1999, together with the recommendations and comments of*
6 *the Secretary of Defense.*

7 **SEC. 906. IMPROVED ACCOUNTING FOR DEFENSE CON-**
8 **TRACT SERVICES.**

9 *(a) IN GENERAL.—(1) Chapter 131 of title 10, United*
10 *States Code, is amended by inserting after section 2211 the*
11 *following new section:*

12 **“§2212. Obligations for contract services: reporting in**
13 **budget object classes**

14 *“(a) LIMITATION ON REPORTING IN MISCELLANEOUS*
15 *SERVICES OBJECT CLASS.—The Secretary of Defense shall*
16 *ensure that, in reporting to the Office of Management and*
17 *Budget (pursuant to OMB Circular A–11 (relating to prep-*
18 *aration and submission of budget estimates)) obligations of*
19 *the Department of Defense for any period of time for con-*
20 *tract services, no more than 15 percent of the total amount*
21 *of obligations so reported is reported in the miscellaneous*
22 *services object class.*

23 *“(b) DEFINITION OF REPORTING CATEGORIES FOR AD-*
24 *VISORY AND ASSISTANCE SERVICES.—In carrying out sec-*
25 *tion 1105(g) of title 31 for the Department of Defense (and*

1 *in determining what services are to be reported to the Office*
2 *of Management and Budget in the advisory and assistance*
3 *services object class), the Secretary of Defense shall apply*
4 *to the terms used for the definition of ‘advisory and assist-*
5 *ance services’ in paragraph (2)(A) of that section the follow-*
6 *ing meanings:*

7 “(1) *MANAGEMENT AND PROFESSIONAL SUPPORT*
8 *SERVICES.—The term ‘management and professional*
9 *support services’ (used in clause (i) of section*
10 *1105(g)(2)(A) of title 31) means services that provide*
11 *engineering or technical support, assistance, advice,*
12 *or training for the efficient and effective management*
13 *and operation of organizations, activities, or systems.*
14 *Those services—*

15 “(A) *are closely related to the basic respon-*
16 *sibilities and mission of the using organization;*
17 *and*

18 “(B) *include efforts that support or contrib-*
19 *ute to improved organization or program man-*
20 *agement, logistics management, project monitor-*
21 *ing and reporting, data collection, budgeting, ac-*
22 *counting, auditing, and administrative or tech-*
23 *nical support for conferences and training pro-*
24 *grams.*

1 “(2) *STUDIES, ANALYSES, AND EVALUATIONS.*—
2 *The term ‘studies, analyses, and evaluations’ (used in*
3 *clause (ii) of section 1105(g)(2)(A) of title 31) means*
4 *services that provide organized, analytic assessments*
5 *to understand or evaluate complex issues to improve*
6 *policy development, decisionmaking, management, or*
7 *administration and that result in documents contain-*
8 *ing data or leading to conclusions or recommenda-*
9 *tions. Those services may include databases, models,*
10 *methodologies, and related software created in support*
11 *of a study, analysis, or evaluation.*

12 “(3) *ENGINEERING AND TECHNICAL SERVICES.*—
13 *The term ‘engineering and technical services’ (used in*
14 *clause (iii) of section 1105(g)(2)(A) of title 31) means*
15 *services that take the form of advice, assistance, train-*
16 *ing, or hands-on training necessary to maintain and*
17 *operate fielded weapon systems, equipment, and com-*
18 *ponents (including software when applicable) at de-*
19 *sign or required levels of effectiveness.*

20 “(c) *PROPER CLASSIFICATION OF ADVISORY AND AS-*
21 *SISTANCE SERVICES.*—*Before the submission to the Office*
22 *of Management and Budget of the proposed Department of*
23 *Defense budget for inclusion in the President’s budget for*
24 *a fiscal year pursuant to section 1105 of title 31, the Sec-*
25 *retary of Defense, acting through the Under Secretary of*

1 *Defense (Comptroller), shall review all Department of De-*
2 *fense services expected to be performed as contract services*
3 *during the fiscal year for which that budget is to be submit-*
4 *ted in order to ensure that those services that are advisory*
5 *and assistance services (as defined in accordance with sub-*
6 *section (b)) are in fact properly classified, in accordance*
7 *with that subsection, in the advisory and assistance services*
8 *object class.*

9 “(d) *INFORMATION ON SERVICE CONTRACTS.—In car-*
10 *rying out the annual review under subsection (c) of Depart-*
11 *ment of Defense services expected to be performed as con-*
12 *tract services during the next fiscal year, the Secretary (act-*
13 *ing through the Under Secretary (Comptroller)) shall con-*
14 *duct an assessment of the total non-Federal effort that re-*
15 *sulted from the performance of all contracts for such services*
16 *during the preceding fiscal year and the total non-Federal*
17 *effort that resulted, or that is expected to result, from the*
18 *performance of all contracts for such services during the*
19 *current fiscal year and the next fiscal year. The assessment*
20 *shall include determination of the following for each such*
21 *year:*

22 “(1) *The amount expended or expected to be ex-*
23 *pended for non-Federal contract services, shown for*
24 *the Department of Defense as a whole and displayed*

1 *by contract services object class for each DOD organi-*
2 *zation.*

3 “(2) *The amount expended or expected to be ex-*
4 *pended for contract services competed under OMB*
5 *Circular A–76 or a similar process, shown for the De-*
6 *partment of Defense as a whole and displayed by con-*
7 *tract services object class for each DOD organization.*

8 “(3) *The number of private sector workyears per-*
9 *formed or expected to be performed in connection with*
10 *the performance of non-Federal contract services,*
11 *shown for the Department of Defense as a whole and*
12 *displayed by contract services object class for each*
13 *DOD organization.*

14 “(4) *Any other information that the Secretary*
15 *(acting through the Under Secretary) determines to be*
16 *relevant and of value.*

17 “(e) *REPORT TO CONGRESS.—The Secretary shall sub-*
18 *mit to Congress each year, not later than 30 days after the*
19 *date on which the budget for the next fiscal year is submit-*
20 *ted pursuant to section 1105 of title 31, a report containing*
21 *the information derived from the assessment under sub-*
22 *section (d).*

23 “(f) *ASSESSMENT BY COMPTROLLER GENERAL.—(1)*
24 *The Comptroller General shall conduct a review of the re-*

1 *port of the Secretary of Defense under subsection (e) each*
2 *year and shall—*

3 “(A) *assess the methodology used by the Sec-*
4 *retary in obtaining the information submitted to*
5 *Congress in that report; and*

6 “(B) *assess the information submitted to Con-*
7 *gress in that report.*

8 “(2) *Not later than 120 days after the date on which*
9 *the Secretary submits to Congress the report required under*
10 *subsection (e) for any year, the Comptroller General shall*
11 *submit to Congress the Comptroller General’s report con-*
12 *taining the results of the review for that year under para-*
13 *graph (1).*

14 “(g) *DEFINITIONS.—In this section:*

15 “(1) *The term ‘contract services’ means all serv-*
16 *ices that are reported to the Office of Management*
17 *and Budget pursuant to OMB Circular A–11 (relat-*
18 *ing to preparation and submission of budget esti-*
19 *mates) in budget object classes that are designated in*
20 *the Object Class 25 series.*

21 “(2) *The term ‘advisory and assistance services*
22 *object class’ means those contract services constituting*
23 *the budget object class that is denominated ‘Advisory*
24 *and Assistance Service and designated (as the date of*
25 *the enactment of this section) as Object Class 25.1 (or*

1 *any similar object class established after the date of*
2 *the enactment of this section for the reporting of obli-*
3 *gations for advisory and assistance contract services).*

4 “(3) *The term ‘miscellaneous services object class’*
5 *means those contract services constituting the budget*
6 *object class that is denominated ‘Other Services (serv-*
7 *ices not otherwise specified in the 25 series)’ and des-*
8 *ignated (as the date of the enactment of this section)*
9 *as Object Class 25.2 (or any similar object class estab-*
10 *lished after the date of the enactment of this section*
11 *for the reporting of obligations for miscellaneous or*
12 *unspecified contract services).*

13 “(4) *The term ‘DOD organization’ means—*

14 “(A) *the Office of the Secretary of Defense;*

15 “(B) *each military department;*

16 “(C) *the Joint Chiefs of Staff and the uni-*
17 *fied and specified commands;*

18 “(D) *each Defense Agency; and*

19 “(E) *each Department of Defense Field Ac-*
20 *tivity.*

21 “(5) *The term ‘private sector workyear’ means*
22 *an amount of labor equivalent to the total number of*
23 *hours of labor that an individual employed on a full-*
24 *time equivalent basis by the Federal Government per-*
25 *forms in a given year.’”.*

1 (2) *The table of sections at the beginning of such chap-*
2 *ter is amended by inserting after the item relating to section*
3 *2211 the following new item:*

“2212. Obligations for contract services: reporting in budget object classes.”.

4 (b) *TRANSITION.—For the budget for fiscal year 2000,*
5 *and the reporting of information to the Office of Manage-*
6 *ment and Budget in connection with the preparation of that*
7 *budget, section 2212 of title 10, United States Code, as*
8 *added by subsection (a), shall be applied by substituting*
9 *“30 percent” in subsection (a) for “15 percent”.*

10 (c) *INITIAL CLASSIFICATION OF ADVISORY AND AS-*
11 *SISTANCE SERVICES.—Not later than February 1, 1999, the*
12 *Secretary of Defense, acting through the Under Secretary*
13 *of Defense (Comptroller), shall review all Department of De-*
14 *fense services performed or expected to be performed as con-*
15 *tract services during fiscal year 1999 in order to ensure*
16 *that those services that are advisory and assistance services*
17 *(as defined in accordance with subsection (b) of section*
18 *2212 of title 10, United States Code, as added by subsection*
19 *(a)) are in fact properly classified, in accordance with that*
20 *subsection, in the advisory and assistance services object*
21 *class (as defined in subsection (g)(2) of that section).*

22 (d) *FISCAL YEAR 1999 REDUCTION.—The total*
23 *amount that may be obligated by the Secretary of Defense*
24 *for contracted advisory and assistance services from*
25 *amounts appropriated for fiscal year 1999 is the amount*

1 *programmed for those services resulting from the review re-*
2 *ferred to in subsection (c) reduced by \$500,000,000.*

3 **SEC. 907. REPEAL OF REQUIREMENT RELATING TO ASSIGN-**
4 **MENT OF TACTICAL AIRLIFT MISSION TO RE-**
5 **SERVE COMPONENTS.**

6 *Section 1438 of the National Defense Authorization*
7 *Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat.*
8 *1689), as amended by section 1023 of the National Defense*
9 *Authorization Act for Fiscal Years 1992 and 1993 (Public*
10 *Law 102–190; 105 Stat. 1460), is repealed.*

11 **SEC. 908. REPEAL OF CERTAIN REQUIREMENTS RELATING**
12 **TO INSPECTOR GENERAL INVESTIGATIONS**
13 **OF REPRISAL COMPLAINTS.**

14 *(a) REPEAL OF REQUIREMENT OF NOTICE THAT IN-*
15 *VESTIGATION WILL TAKE MORE THAN 90 DAYS.—Sub-*
16 *section (e) of section 1034 of title 10, United States Code,*
17 *is amended—*

18 *(1) by striking out paragraph (3);*

19 *(2) by redesignating paragraph (4) as para-*
20 *graph (3).*

21 *(b) REPEAL OF REQUIREMENT FOR POST-DISPOSITION*
22 *INTERVIEW WITH COMPLAINANT.—Such section is further*
23 *amended by striking out subsection (h).*

1 **SEC. 909. CONSULTATION WITH COMMANDANT OF THE MA-**
2 **RINE CORPS REGARDING MARINE CORPS**
3 **AVIATION.**

4 (a) *IN GENERAL.*—Chapter 503 of title 10, United
5 States Code, is amended by adding at the end the following
6 new section:

7 **“§5026. Consultation with Commandant of the Ma-**
8 **rine Corps regarding Marine Corps avia-**
9 **tion**

10 *“The Secretary of the Navy shall require that the views*
11 *of the Commandant of the Marine Corps be obtained before*
12 *a milestone decision or other major decision is made by an*
13 *element of the Department of the Navy outside the Marine*
14 *Corps in a procurement matter, a research, development,*
15 *test, and evaluation matter, or a depot-level maintenance*
16 *matter that concerns Marine Corps aviation.”.*

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

*“5026. Consultation with Commandant of the Marine Corps regarding Marine
Corps aviation.”.*

20 **TITLE X—GENERAL PROVISIONS**

21 **Subtitle A—Financial Matters**

22 **SEC. 1001. TRANSFER AUTHORITY.**

23 (a) *AUTHORITY TO TRANSFER AUTHORIZATIONS.*—(1)
24 *Upon determination by the Secretary of Defense that such*

1 *action is necessary in the national interest, the Secretary*
2 *may transfer amounts of authorizations made available to*
3 *the Department of Defense in this division for fiscal year*
4 *1999 between any such authorizations for that fiscal year*
5 *(or any subdivisions thereof). Amounts of authorizations so*
6 *transferred shall be merged with and be available for the*
7 *same purposes as the authorization to which transferred.*

8 (2) *The total amount of authorizations that the Sec-*
9 *retary of Defense may transfer under the authority of this*
10 *section may not exceed \$2,000,000,000.*

11 (b) *LIMITATIONS.—The authority provided by this sec-*
12 *tion to transfer authorizations—*

13 (1) *may only be used to provide authority for*
14 *items that have a higher priority than the items from*
15 *which authority is transferred; and*

16 (2) *may not be used to provide authority for an*
17 *item that has been denied authorization by Congress.*

18 (c) *EFFECT ON AUTHORIZATION AMOUNTS.—A trans-*
19 *fer made from one account to another under the authority*
20 *of this section shall be deemed to increase the amount au-*
21 *thorized for the account to which the amount is transferred*
22 *by an amount equal to the amount transferred.*

23 (d) *NOTICE TO CONGRESS.—The Secretary shall*
24 *promptly notify Congress of each transfer made under sub-*
25 *section (a).*

1 **SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.**

2 (a) *STATUS OF CLASSIFIED ANNEX.*—*The Classified*
3 *Annex prepared by the Committee on National Security of*
4 *the House of Representatives to accompany H.R. 3616 of*
5 *the One Hundred Fifth Congress and transmitted to the*
6 *President is hereby incorporated into this Act.*

7 (b) *CONSTRUCTION WITH OTHER PROVISIONS OF*
8 *ACT.*—*The amounts specified in the Classified Annex are*
9 *not in addition to amounts authorized to be appropriated*
10 *by other provisions of this Act.*

11 (c) *LIMITATION ON USE OF FUNDS.*—*Funds appro-*
12 *priated pursuant to an authorization contained in this Act*
13 *that are made available for a program, project, or activity*
14 *referred to in the Classified Annex may only be expended*
15 *for such program, project, or activity in accordance with*
16 *such terms, conditions, limitations, restrictions, and re-*
17 *quirements as are set out for that program, project, or activ-*
18 *ity in the Classified Annex.*

19 (d) *DISTRIBUTION OF CLASSIFIED ANNEX.*—*The*
20 *President shall provide for appropriate distribution of the*
21 *Classified Annex, or of appropriate portions of the annex,*
22 *within the executive branch of the Government.*

23 **SEC. 1003. OUTLAY LIMITATIONS.**

24 (a) *DEPARTMENT OF DEFENSE.*—*The Secretary of De-*
25 *fense shall ensure that outlays of the Department of Defense*
26 *during fiscal year 1999 from amounts appropriated or oth-*

1 *erwise available to the Department of Defense for military*
2 *functions of the Department of Defense (including military*
3 *construction and military family housing) do not exceed*
4 *\$252,650,000,000.*

5 *(b) DEPARTMENT OF ENERGY.—The Secretary of En-*
6 *ergy shall ensure that outlays of the Department of Energy*
7 *during fiscal year 1999 from amounts appropriated or oth-*
8 *erwise made available to the Department of Energy for na-*
9 *tional security programs of that Department do not exceed*
10 *\$11,772,000,000.*

11 ***Subtitle B—Naval Vessels and***
12 ***Shipyards***

13 ***SEC. 1011. REVISION TO REQUIREMENT FOR CONTINUED***
14 ***LISTING OF TWO IOWA-CLASS BATTLESHIPS***
15 ***ON THE NAVAL VESSEL REGISTER.***

16 *In carrying out section 1011 of the National Defense*
17 *Authorization Act for Fiscal Year 1996 (Public Law 104–*
18 *106; 110 Stat. 421), the Secretary of the Navy shall list*
19 *on the Naval Vessel Register, and maintain on that register,*
20 *the following two Iowa-class battleships: the USS IOWA*
21 *(BB–61) and the USS WISCONSIN (BB–64).*

22 ***SEC. 1012. TRANSFER OF USS NEW JERSEY.***

23 *The Secretary of the Navy shall strike the USS NEW*
24 *JERSEY (BB–62) from the Naval Vessel Register and shall*
25 *transfer that vessel to a non-for-profit entity in accordance*

1 *with section 7306 of title 10, United States Code. The Sec-*
2 *retary shall require as a condition of the transfer of that*
3 *vessel that the transferee locate the vessel in the State of*
4 *New Jersey.*

5 **SEC. 1013. LONG-TERM CHARTER OF THREE VESSELS IN**
6 **SUPPORT OF SUBMARINE RESCUE, ESCORT,**
7 **AND TOWING.**

8 *The Secretary of the Navy may enter into contracts*
9 *in accordance with section 2401 of title 10, United States*
10 *Code, for the charter through September 30, 2003, of the*
11 *following vessels:*

12 (1) *The CAROLYN CHOUEST (United States*
13 *official number D102057).*

14 (2) *The KELLIE CHOUEST (United States of-*
15 *ficial number D1038519).*

16 (3) *The DOLORES CHOUEST (United States*
17 *official number D600288).*

18 **SEC. 1014. TRANSFER OF OBSOLETE ARMY TUGBOAT.**

19 *In carrying out section 1023 of the National Defense*
20 *Authorization Act for Fiscal Year 1998 (Public Law 105-*
21 *85; 111 Stat. 1876), the Secretary of the Army may sub-*
22 *stitute the obsolete, decommissioned tugboat Attleboro (LT-*
23 *1977) for the tugboat Normandy (LT-1971) as one of the*
24 *two obsolete tugboats authorized to be transferred by the*
25 *Secretary under that section.*

1 **SEC. 1015. LONG-TERM CHARTER CONTRACTS FOR ACQUI-**
2 **SION OF AUXILIARY VESSELS FOR THE DE-**
3 **PARTMENT OF DEFENSE.**

4 (a) *PROGRAM AUTHORIZATION.*—Chapter 631 of title
5 10, United States Code, is amended by adding at the end
6 the following new section:

7 **“§ 7233. Auxiliary vessels: authority for long-term**
8 **charter contracts**

9 “(a) *AUTHORIZED CONTRACTS.*—After September 30,
10 1998, the Secretary of the Navy, subject to subsection (b),
11 may enter into a contract for the long-term lease or charter
12 of a newly built surface vessel, under which the contractor
13 agrees to provide a crew for the vessel for the term of the
14 long-term lease or charter, for any of the following:

15 “(1) *The combat logistics force of the Navy.*

16 “(2) *The strategic sealift program of the Navy.*

17 “(3) *Other auxiliary support vessels for the De-*
18 *partment of Defense.*

19 “(b) *CONTRACTS REQUIRED TO BE AUTHORIZED BY*
20 *LAW.*—A contract may be entered into under this section
21 with respect to specific vessels only if the Secretary is spe-
22 cifically authorized by law to enter into such a contract
23 with respect to those vessels.

24 “(c) *FUNDS FOR CONTRACT PAYMENTS.*—The Sec-
25 retary may make payments for contracts entered into under
26 this section using funds available for obligation during the

1 *fiscal year for which the payments are required to be made.*
2 *Any such contract shall provide that the United States will*
3 *not be required to make a payment under the contract*
4 *(other than a termination payment, if required) before Oc-*
5 *tober 1, 2000.*

6 “(d) *TERM OF CONTRACT.*—*In this section, the term*
7 *‘long-term lease or charter’ means a lease, charter, service*
8 *contract, or conditional sale agreement with respect to a*
9 *vessel the term of which (including any option period) is*
10 *for a period of 20 years or more.*

11 “(e) *OPTION TO BUY.*—*A contract entered into under*
12 *the authority of this section may contain options for the*
13 *United States to purchase one or more of the vessels covered*
14 *by the contract at any time during, or at the end of, the*
15 *contract period (including any option period) upon pay-*
16 *ment of an amount not in excess of the unamortized portion*
17 *of the cost of the vessels plus amounts incurred in connec-*
18 *tion with the termination of the financing arrangements*
19 *associated with the vessels.*

20 “(f) *DOMESTIC CONSTRUCTION.*—*The Secretary shall*
21 *require in any contract entered into under this section that*
22 *each vessel to which the contract applies—*

23 “(1) *shall have been constructed in a shipyard*
24 *within the United States; and*

1 “(2) upon delivery, shall be documented under
2 the laws of the United States.

3 “(g) VESSEL CREWING.—The Secretary shall require
4 in any contract entered into under this section that the crew
5 of any vessel to which the contract applies be comprised
6 of private sector commercial mariners.

7 “(h) DOMESTIC CONSTRUCTION REQUIREMENT FOR
8 CERTAIN LEASES OF VESSELS.—(1) Notwithstanding sec-
9 tion 2400 or 2401a of this title or any other provision of
10 law, the Secretary of Defense may not enter into a contract
11 for the lease or charter of a vessel described in paragraph
12 (2) for a contract period in excess of 17 months (inclusive
13 of any option periods) unless the vessel is constructed in
14 a shipyard in the United States.

15 “(2) Paragraph (1) applies to vessels of the following
16 types:

17 “(A) Auxiliary support vessel.

18 “(B) Strategic sealift vessel.

19 “(C) Tank vessel.

20 “(D) Combat logistics force vessel.

21 “(i) CONTINGENT WAIVER OF OTHER PROVISIONS OF
22 LAW.—A contract authorized by this section may be entered
23 into without regard to section 2401 or 2401a of this title
24 if the Secretary of Defense makes the following findings
25 with respect to that contract:

1 “(1) *The need for the vessels or services to be pro-*
2 *vided under the contract is expected to remain sub-*
3 *stantially unchanged during the contemplated con-*
4 *tract or option period.*

5 “(2) *There is a reasonable expectation that*
6 *throughout the contemplated contract or option period*
7 *the Secretary of the Navy (or, if the contract is for*
8 *services to be provided to, and funded by, another*
9 *military department, the Secretary of that military*
10 *department) will request funding for the contract at*
11 *the level required to avoid contract cancellation.*

12 “(3) *The use of such contract or the exercise of*
13 *such option is in the interest of the national defense.*

14 “(j) *SOURCE OF FUNDS FOR TERMINATION LIABIL-*
15 *ITY.—If a contract entered into under this section is termi-*
16 *nated, the costs of such termination may be paid from—*

17 “(1) *amounts originally made available for per-*
18 *formance of the contract;*

19 “(2) *amounts currently available for operation*
20 *and maintenance of the type of vessels or services con-*
21 *cerned and not otherwise obligated; or*

22 “(3) *funds appropriated for those costs.”.*

23 “(b) *CLERICAL AMENDMENT.—The table of sections at*
24 *the beginning of such chapter is amended by adding at the*
25 *end the following new item:*

“7233. *Auxiliary vessels: authority for long-term charter contracts.”.*

1 ***Subtitle C—Matters Relating to***
2 ***Counter Drug Activities***

3 ***SEC. 1021. DEPARTMENT OF DEFENSE SUPPORT FOR***
4 ***COUNTER-DRUG ACTIVITIES.***

5 (a) *CONTINUATION OF AUTHORITY.*—Subsection (a) of
6 *section 1004 of the National Defense Authorization Act for*
7 *Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 374*
8 *note) is amended by striking out “through 1999” and in-*
9 *serting in lieu thereof “through 2000”.*

10 (b) *TYPES OF SUPPORT.*—Subsection (b)(4) of such
11 *section is amended by inserting before the period at the end*
12 *the following: “conducted by the Department of Defense or*
13 *a Federal, State, or local law enforcement agency, or a for-*
14 *ign law enforcement agency in the case of counter-drug ac-*
15 *tivities outside the United States”.*

16 (c) *UNSPECIFIED MINOR MILITARY CONSTRUCTION*
17 *PROJECTS.*—Such section is further amended by adding at
18 *the end the following new section:*

19 “(h) *UNSPECIFIED MINOR MILITARY CONSTRUCTION*
20 *PROJECTS.*—Section 2805 of title 10, United States Code,
21 *shall apply with respect to any unspecified minor military*
22 *construction project carried out using the authority pro-*
23 *vided under this section.”.*

1 **SEC. 1022. SUPPORT FOR COUNTER-DRUG OPERATION**
2 **CAPER FOCUS.**

3 (a) *SUPPORT REQUIRED.*—During fiscal year 1999,
4 the Secretary of Defense shall make available such surface
5 vessels of the Navy and maritime patrol aircraft and crews
6 of the Navy as may be necessary to conduct the final phase
7 of the counter-drug operation known as Caper Focus, which
8 targets the maritime movement of cocaine on vessels in the
9 eastern Pacific Ocean.

10 (b) *FISCAL YEAR 1999 FUNDING.*—Of the amount au-
11 thorized to be appropriated pursuant to section 301(20) for
12 drug interdiction and counter-drug activities, \$24,400,000
13 shall be available only for the purpose of conducting the
14 counter-drug operation known as Caper Focus.

15 **Subtitle D—Miscellaneous Report**
16 **Requirements and Repeals**

17 **SEC. 1031. ANNUAL REPORT ON RESOURCES ALLOCATED TO**
18 **SUPPORT AND MISSION ACTIVITIES.**

19 *Section 113 of title 10, United States Code, is amended*
20 *by adding at the end the following new subsection:*

21 *“(l) The Secretary shall include in the annual report*
22 *to Congress under subsection (c) the following:*

23 *“(1) A comparison of the amounts provided in*
24 *the defense budget for support and for mission activi-*
25 *ties for each of the preceding five years.*

1 “(2) *A comparison of the number of military*
2 *and civilian personnel, shown by major occupational*
3 *category, assigned to support positions and to mission*
4 *positions for each of the preceding five years.*

5 “(3) *An accounting, shown by service and by*
6 *major occupational category, of the number of mili-*
7 *tary and civilian personnel assigned to support posi-*
8 *tions during each of the preceding five years.*

9 “(4) *A listing of the number of military and ci-*
10 *vilian personnel assigned to management head-*
11 *quarters and headquarters support activities as a per-*
12 *centage of military end-strength for each of the pre-*
13 *ceding 10 years.”.*

14 ***Subtitle E—Other Matters***

15 ***SEC. 1041. CLARIFICATION OF LAND CONVEYANCE AUTHOR-*** 16 ***ITY, ARMED FORCES RETIREMENT HOME, DIS-*** 17 ***TRICT OF COLUMBIA.***

18 *(a) SALE REQUIRED.—Subsection (a) of section 1053*
19 *of the National Defense Authorization Act for Fiscal Year*
20 *1997 (Public Law 104–201; 110 Stat. 2650) is amended—*

21 *(1) by striking out “, by sale or otherwise,”; and*

22 *(2) by adding at the end the following new sen-*
23 *tence: “The conveyance of the real property shall be*
24 *made by sale to the highest bidder, except that the*

1 5520a(c) of the title 5, United States Code) of the legal proc-
2 ess received by the DOD section 5520a agent with respect
3 to that individual.

4 (b) DEFINITIONS.—For purposes of this section:

5 (1) DOD SECTION 459 AGENT.—The term “DOD
6 section 459 agent” means the agent or agents des-
7 ignated by the Secretary of Defense under subsection
8 (c)(1)(A) of section 459 of the Social Security Act (42
9 U.S.C. 659) to receive orders and accept service of
10 process in matters related to child support or ali-
11 mony.

12 (2) SECTION 459 NOTICE.—The term “section 459
13 notice” means, with respect to the Department of De-
14 fense, the notice required by subsection (c)(2)(A) of
15 section 459 of the Social Security Act (42 U.S.C. 659)
16 to be sent to an individual in writing upon the re-
17 ceipt by the DOD section 459 agent of notice or serv-
18 ice with respect to the individual’s child support or
19 alimony payment obligations.

20 (3) DOD SECTION 5520A AGENT.—The term
21 “DOD section 5520a agent” means a person who is
22 designated by law or regulation to accept service of
23 process to which the Department of Defense is subject
24 under section 5520a of title 5, United States Code

1 *(including the regulations promulgated under sub-*
2 *section (k) of that section).*

3 (4) *SECTION 5520A NOTICE.—The term “section*
4 *5520a notice” means, with respect to the Department*
5 *of Defense, the notice required by subsection (c) of sec-*
6 *tion 5520a of title 5, United States Code, to be sent*
7 *in writing to an employee (or, pursuant to the regu-*
8 *lations promulgated under subsection (k) of that sec-*
9 *tion, to a member of the Armed Forces) upon the re-*
10 *ceipt by the DOD section 5520a agent of legal process*
11 *covered by that section.*

12 (c) *ALTERNATIVE REQUIREMENTS.—The information*
13 *referred to in subsection (a) that is to be included as part*
14 *of a section 459 notice or section 5520a notice sent to an*
15 *individual (in lieu of sending with that notice a copy of*
16 *the notice or service received by the DOD section 459 agent*
17 *or the DOD section 5520a agent) is the following:*

18 (1) *A description of the pertinent court order,*
19 *notice to withhold, or other order, process, or interroga-*
20 *tory received by the DOD section 459 agent or the*
21 *DOD section 5520a agent.*

22 (2) *The identity of the court or judicial forum*
23 *involved and (in the case of a notice or process con-*
24 *cerning the ordering of a support or alimony obliga-*

1 *tion) the case number, the amount of the obligation,*
2 *and the name of the beneficiary.*

3 *(3) Information on how the individual may ob-*
4 *tain from the Department of Defense a copy of the no-*
5 *tice, service, or legal process, including an address*
6 *and telephone number that the individual may be*
7 *contact for the purpose of obtaining such a copy.*

8 *(d) REPORT.—Not later than April 1, 2001, the Sec-*
9 *retary shall submit to Congress a report describing the expe-*
10 *rience of the Department of Defense under the authority*
11 *provided by this section. The report shall include the follow-*
12 *ing:*

13 *(1) The number of section 459 notices provided*
14 *by the DOD section 459 agent during the period the*
15 *authority provided by this section was in effect.*

16 *(2) The number of individuals who requested the*
17 *DOD section 459 agent to provide to them a copy of*
18 *the actual notice or service.*

19 *(3) Any complaint the Secretary received by rea-*
20 *son of not having provided the actual notice or service*
21 *in the section 459 notice.*

22 *(4) The number of section 5520a notices provided*
23 *by the DOD section 5520a agent during the period*
24 *the authority provided by this section was in effect.*

1 (5) *The number of individuals who requested the*
2 *DOD section 5520a agent to provide to them a copy*
3 *of the actual legal process.*

4 (6) *Any complaint the Secretary received by rea-*
5 *son of not having provided the actual legal process in*
6 *the section 5520a notice.*

7 **SEC. 1043. TRAINING OF SPECIAL OPERATIONS FORCES**
8 **WITH FRIENDLY FOREIGN FORCES.**

9 (a) *TRAINING EXPENSES FOR WHICH PAYMENT MAY*
10 *BE MADE.*—*Subsection (a)(1) of section 2011 of title 10,*
11 *United States Code, is amended by striking out “and other*
12 *security forces”.*

13 (b) *PURPOSE OF TRAINING.*—*Subsection (b) of such*
14 *section is amended by striking out “primary”.*

15 (c) *REGULATIONS.*—*Subsection (c) of such section is*
16 *amended by inserting after the first sentence the following*
17 *new sentence: “The regulations shall require that training*
18 *activities may be carried out under this section only with*
19 *the prior approval of the Secretary of Defense.”.*

20 (d) *ELEMENTS OF ANNUAL REPORT.*—*Subsection (e)*
21 *of such section is amended by adding at the end the follow-*
22 *ing new paragraphs:*

23 *“(5) A summary of the expenditures under this*
24 *section resulting from the training for which expenses*
25 *were paid under this section.*

1 “(6) A discussion of the unique military train-
2 ing benefit to United States special operations forces
3 derived from the training activities for which ex-
4 penses were paid under this section.”.

5 **TITLE XI—DEPARTMENT OF**
6 **DEFENSE CIVILIAN PERSONNEL**

7 **SEC. 1101. AUTHORITY FOR RELEASE TO COAST GUARD OF**
8 **DRUG TEST RESULTS OF CIVIL SERVICE**
9 **MARINERS OF THE MILITARY SEALIFT COM-**
10 **MAND.**

11 (a) *IN GENERAL.*—Chapter 643 of title 10, United
12 States Code, is amended by adding at the end the following
13 new section:

14 **“§7479. Civil service mariners of Military Sealift**
15 **Command: release of drug test results to**
16 **Coast Guard**

17 “(a) *RELEASE OF DRUG TEST RESULTS TO COAST*
18 *GUARD.*—The Secretary of the Navy may release to the
19 Commandant of the Coast Guard the results of a drug test
20 of any employee of the Department of the Navy who is em-
21 ployed in any capacity on board a vessel of the Military
22 Sealift Command. Any such release shall be in accordance
23 with the standards and procedures applicable to the disclo-
24 sure and reporting to the Coast Guard of drug tests results

1 *and drug test records of individuals employed on vessels*
2 *documented under the laws of the United States.*

3 “(b) *WAIVER.—The results of a drug test of an em-*
4 *ployee may be released under subsection (a) without the*
5 *prior written consent of the employee that is otherwise re-*
6 *quired under section 503(e) of the Supplemental Appropria-*
7 *tions Act, 1987 (5 U.S.C. 7301 note).”.*

8 “(b) *CLERICAL AMENDMENT.—The table of sections at*
9 *the beginning of such chapter is amended by adding at the*
10 *end the following new item:*

“7479. Civil service mariners of Military Sealift Command: release of drug test results to Coast Guard.”.

11 **SEC. 1102. LIMITATIONS ON BACK PAY AWARDS.**

12 “(a) *In General.—Section 5596(b) of title 5, United*
13 *States Code, is amended—*

14 “(1) *by redesignating paragraph (4) as para-*
15 *graph (5); and*

16 “(2) *by inserting after paragraph (3) the follow-*
17 *ing new paragraph:*

18 “(4) *The pay, allowances, or differentials granted*
19 *under this section for the period for which an unjustified*
20 *or unwarranted personnel action was in effect shall not ex-*
21 *ceed that authorized by the applicable law, rule, regulations,*
22 *or collective bargaining agreement under which the unjusti-*
23 *fied or unwarranted personnel action is found, except that*
24 *in no case may pay, allowances, or differentials be granted*

1 *under this section for a period beginning more than 6 years*
 2 *before the date of the filing of a timely appeal or, absent*
 3 *such filing, the date of the administrative determination.”.*

4 (b) *CONFORMING AMENDMENT.*—Section 7121 of title
 5 5, *United States Code*, is amended by adding at the end
 6 *the following new subsection:*

7 “(h) *Settlements and awards under this chapter shall*
 8 *be subject to the limitations in section 5596(b)(4) of this*
 9 *title.”.*

10 **SEC. 1103. RESTORATION OF ANNUAL LEAVE ACCUMU-**
 11 **LATED BY CIVILIAN EMPLOYEES AT INSTAL-**
 12 **LATIONS IN THE REPUBLIC OF PANAMA TO**
 13 **BE CLOSED PURSUANT TO THE PANAMA**
 14 **CANAL TREATY OF 1977.**

15 *Section 6304(d)(3)(A) of title 5, United States Code,*
 16 *is amended by inserting “the closure of an installation of*
 17 *the Department of Defense in the Republic of Panama in*
 18 *accordance with the Panama Canal Treaty of 1977,” after*
 19 *“2687 note) during any period,”.*

20 **SEC. 1104. REPEAL OF PROGRAM PROVIDING PREFERENCE**
 21 **FOR EMPLOYMENT OF MILITARY SPOUSES IN**
 22 **MILITARY CHILD CARE FACILITIES.**

23 *Section 1792 of title 10, United States Code, is amend-*
 24 *ed—*

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

1 (2) by redesignating subsection (e) as subsection
2 (d).

3 **SEC. 1105. ELIMINATION OF RETAINED PAY AS BASIS FOR**
4 **DETERMINING LOCALITY-BASED ADJUST-**
5 **MENTS.**

6 Section 5302(8)(B) of title 5, United States Code, is
7 amended by inserting “(except a rate retained under sub-
8 section (a)(2) of that section)” after “section 5363”.

9 **SEC. 1106. OBSERVANCE OF CERTAIN HOLIDAYS AT DUTY**
10 **POSTS OUTSIDE THE UNITED STATES.**

11 Section 6103(b) of title 5, United States Code, is
12 amended by inserting after paragraph (2) the following new
13 paragraph:

14 “(3) Instead of a holiday that is designated
15 under subsection (a) to occur on a Monday, for an
16 employee at a duty post outside the United States
17 whose basic workweek is other than Monday through
18 Friday, and for whom Monday is a regularly sched-
19 uled workday, the legal public holiday is the first
20 workday of the workweek in which the Monday des-
21 ignated for the observance of such holiday under sub-
22 section (a) occurs.”.

1 **TITLE XII—MATTERS RELATING**
2 **TO OTHER NATIONS**

3 **SEC. 1201. LIMITATION ON FUNDS FOR PEACEKEEPING IN**
4 **THE REPUBLIC OF BOSNIA AND**
5 **HERZEGOVINA.**

6 (a) *LIMITATION.*—*The Secretary of Defense may not*
7 *expend from funds appropriated to the Department of De-*
8 *fense for fiscal year 1999 more than \$1,858,600,000 for the*
9 *purpose of providing for United States participation in*
10 *Bosnia peacekeeping operations.*

11 (b) *EMERGENCY EXCEPTION.*—*The Secretary may in-*
12 *crease the amount under subsection (a) by not more than*
13 *\$100,000,000 for the sole purpose of safeguarding United*
14 *States forces in the event of hostilities, imminent hostilities,*
15 *or other grave danger to their well-being. Such an increase*
16 *may become effective only upon submission by the Secretary*
17 *to Congress of a certification that such grave danger exists*
18 *and that such additional funds are required to meet imme-*
19 *diate security threats.*

20 (c) *REPORT.*—*Not later than April 1, 1999, the Sec-*
21 *retary of Defense shall submit to Congress a report with*
22 *respect to United States participation in Bosnia peacekeep-*
23 *ing operations. The report shall provide a detailed projec-*
24 *tion of any additional funding that will be required by the*

1 *Department of Defense to meet mission requirements for*
2 *such operations for the remainder of fiscal year 1999.*

3 (d) *PRESIDENTIAL AUTHORITY.*—*Nothing in this sec-*
4 *tion shall be deemed to restrict the authority of the Presi-*
5 *dent under the Constitution to protect the lives of United*
6 *States citizens.*

7 (e) *BOSNIA PEACEKEEPING OPERATIONS.*—*For pur-*
8 *poses of subsection (a), the term “Bosnia peacekeeping oper-*
9 *ations” means the operation designated as Operation Joint*
10 *Force, the operation designated as Operation Joint Endeav-*
11 *or, and any other operation under which United States*
12 *military forces participate in peacekeeping or peace en-*
13 *forcement activities in the Republic of Bosnia and*
14 *Herzegovina and any activity that is directly related to the*
15 *support of any such operation.*

16 **SEC. 1202. REPORTS ON THE MISSION OF UNITED STATES**
17 **FORCES IN REPUBLIC OF BOSNIA AND**
18 **HERZEGOVINA.**

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

20 (1) *In section 1202(1) of the National Defense*
21 *Authorization Act for Fiscal Year 1998 (Public Law*
22 *105–85; 111 Stat. 1929; approved November 18,*
23 *1997), it was stated to be the sense of Congress that*
24 *United States ground combat forces should not par-*

1 *ticipate in a follow-on force in the Republic of Bosnia*
2 *and Herzegovina after June 1998.*

3 (2) *On December 16, 1997, the President an-*
4 *nounced his support for the continued deployment of*
5 *United States ground combat forces in the Republic*
6 *of Bosnia and Herzegovina after June 30, 1998, as*
7 *part of a multinational peacekeeping force led by the*
8 *North Atlantic Treaty Organization (NATO).*

9 (3) *The President's decision to extend the pres-*
10 *ence of United States ground combat forces in the Re-*
11 *public of Bosnia and Herzegovina has changed the*
12 *mission of those forces in a fundamental manner.*

13 (4) *The President has in effect committed United*
14 *States ground combat forces in the Republic of Bosnia*
15 *and Herzegovina to providing a secure environment*
16 *for complete implementation of the civilian provisions*
17 *of the Dayton Accords.*

18 (5) *The Administration has not specified how*
19 *long such an achievement will take and, therefore, the*
20 *mission of United States ground combat forces in the*
21 *Republic of Bosnia and Herzegovina is of indefinite*
22 *duration.*

23 (b) *ANNUAL PRESIDENTIAL REPORT.—(1) The Presi-*
24 *dent shall submit to Congress an annual report on the pres-*
25 *ence of United States ground combat forces in the Republic*

1 *of Bosnia and Herzegovina. Each such report shall include*
2 *the following:*

3 (A) *The President's assessment of progress to-*
4 *ward the full implementation of the civilian goals of*
5 *the Dayton Accord, as specified in subsection (c).*

6 (B) *The expected duration of the deployment of*
7 *United States ground combat forces in the Republic*
8 *of Bosnia and Herzegovina in support of implementa-*
9 *tion of those goals.*

10 (C) *The percentage of those goals that have been*
11 *completed as of the date of the report, the percentage*
12 *that are expected to be completed within the next re-*
13 *porting period, and the expected time for completion*
14 *of the remaining tasks.*

15 (2) *The first report under this subsection shall be sub-*
16 *mitted not later than 90 days after the date of the enact-*
17 *ment of this Act, and subsequent reports shall be submitted*
18 *at yearly intervals thereafter. The requirement to submit*
19 *an annual report under this subsection terminates upon the*
20 *withdrawal of all United States ground combat forces from*
21 *the Republic of Bosnia and Herzegovina.*

22 (c) *BASIS FOR ASSESSMENT OF PROGRESS.—For pur-*
23 *poses of subsection (b)(1)(A), the President shall assess*
24 *whether progress is being made toward implementation of*

1 *the civilian goals of the Dayton Accords based upon assess-*
2 *ment of the following goals and associated matters:*

3 (1) *Accomplishment of military stability, as*
4 *measured by—*

5 (A) *the maintenance of the cease-fire be-*
6 *tween the former warring parties;*

7 (B) *the continued cantonment of heavy*
8 *weapons and the observance of arms limitations;*

9 (C) *the disbanding of special police;*

10 (D) *the termination of covert support to the*
11 *Srpska Demokratska Stranka party by the Fed-*
12 *eral Republic of Yugoslavia; and*

13 (E) *similar measures.*

14 (2) *Police and judicial reform, as measured by—*

15 (A) *the restructuring and ethnic integration*
16 *of local police;*

17 (B) *completion of human rights training by*
18 *local police forces;*

19 (C) *the demonstrated ability of local police*
20 *to deal effectively and impartially with civil dis-*
21 *turbances and disorder;*

22 (D) *the implementation of an effective judi-*
23 *cial reform program; and*

24 (E) *similar measures.*

1 (3) *Creation and implementation of effective na-*
2 *tional institutions untainted by ethnic separatism, as*
3 *measured by—*

4 (A) *the dissolution of previously outlawed*
5 *institutions;*

6 (B) *a functioning customs service with na-*
7 *tional control over customs revenues;*

8 (C) *transparency in national budgets and*
9 *disbursements; and*

10 (D) *similar measures.*

11 (4) *Media reform, as measured by—*

12 (A) *the divestiture of control of broadcast*
13 *networks from the control of political parties;*

14 (B) *opposition party access to media;*

15 (C) *the availability of alternative and inde-*
16 *pendent media throughout the Republic of Bos-*
17 *nia and Herzegovina; and*

18 (D) *similar measures.*

19 (5) *Democratization and reform of the electoral*
20 *process, as measured by—*

21 (A) *transparent functioning of local, entity,*
22 *and national governments;*

23 (B) *acceptance of binding arbitration for*
24 *the implementation of results in contested local*
25 *elections;*

1 (C) modification of electoral laws to meet
2 international and Organization for Security and
3 Cooperation in Europe (OSCE) standards;

4 (D) the free and fair conduct of the Septem-
5 ber 1998 national elections and subsequent elec-
6 tions; and

7 (E) similar measures.

8 (6) Return of refugees, as measured by—

9 (A) compliance of entity property laws with
10 the Dayton Accords;

11 (B) participation by entity governments in
12 orderly cross-ethnic returns;

13 (C) protection by local police of returnees;

14 (D) acceptance of substantial numbers of re-
15 turned refugees in major cities; and

16 (E) similar measures.

17 (7) Resolution of the status of Brcko, as meas-
18 ured by—

19 (A) the implementation of local election re-
20 sults;

21 (B) the functioning of an ethnically inte-
22 grated police force;

23 (C) ethnic reintegration of Brcko and the
24 surrounding region; and

25 (D) similar measures.

1 (8) *Compliance of persons indicted for war*
2 *crimes by the International Tribunal for the Former*
3 *Yugoslavia, as measured by—*

4 (A) *the termination of political, military,*
5 *and media control by war criminals;*

6 (B) *the assistance of local authorities in ap-*
7 *prehension of indictees;*

8 (C) *the cooperation of entity justice estab-*
9 *lishments in cooperating with the Tribunal; and*

10 (D) *similar measures.*

11 (9) *The ability of international organizations to*
12 *carry out their functions within the Republic of Bos-*
13 *nia and Herzegovina without military support, as*
14 *measured by—*

15 (A) *the ability of local authorities to carry*
16 *out demining programs;*

17 (B) *the ability of the Office of the High*
18 *Representative to enforce inter-entity agreements*
19 *without accompanying military shows of force;*
20 *and*

21 (C) *similar measures.*

22 (10) *Economic reconstruction and recovery, as*
23 *measured by—*

24 (A) *local currency circulating freely and its*
25 *use in official transactions;*

1 (B) an agreement reached on a permanent
2 national currency in use in all entities;

3 (C) the creation of privatization laws con-
4 sistent with the Dayton Accords;

5 (D) government control over sources of reve-
6 nue;

7 (E) substantial repair and functioning of
8 major infrastructure elements;

9 (F) an in-place International Monetary
10 Fund program; and

11 (G) similar measures.

12 (d) *SECRETARY OF DEFENSE REPORT.*—(1) Not later
13 than December 15, 1998, the Secretary of Defense shall sub-
14 mit to the congressional defense committees a report on the
15 effects of military operations in the Republic of Bosnia and
16 Herzegovina and the Balkans region on the capabilities of
17 United States military forces and, in particular, on the ca-
18 pability of United States military forces to conduct success-
19 fully two nearly simultaneous major theater wars as speci-
20 fied in current Defense Planning Guidance and in accord-
21 ance with the deployment timelines called for in the war
22 plans of the commanders of unified combatant commands.

23 (2) Whenever the number of United States ground com-
24 bat forces in the Republic of Bosnia and Herzegovina in-
25 creases or decreases by 10 percent or more compared to the

1 *number of such forces as of the most recent previous report*
2 *under this subsection, the Secretary shall submit an addi-*
3 *tional report as specified in paragraph (1). Any such addi-*
4 *tional report shall be submitted within 30 days of the date*
5 *on which the requirement to submit the report becomes effec-*
6 *tive under the preceding sentence.*

7 (3) *The Secretary shall include in each report under*
8 *this subsection information with respect to the effects of*
9 *military operations in the Republic of Bosnia and*
10 *Herzegovina and the Balkans region on the capabilities of*
11 *United States military forces to conduct successfully two*
12 *nearly simultaneous major theater wars as specified in cur-*
13 *rent Defense Planning Guidance and in accordance with*
14 *the deployment timelines called for in the war plans of the*
15 *commanders of unified combatant commands. Such infor-*
16 *mation shall include information on the effects of those op-*
17 *erations upon anticipated deployment plans for major thea-*
18 *ter wars in Southwest Asia or on the Korean peninsula in-*
19 *cluding the following:*

20 (A) *Deficiencies or delays in deployment of stra-*
21 *tegic lift, logistics support and infrastructure, ammu-*
22 *nition (including precision guided munitions) sup-*
23 *port forces, intelligence assets, follow-on forces used*
24 *for planned counteroffensives, and similar forces.*

1 (B) *Additional planned reserve component mobi-*
2 *lization, including specific units to be ordered to ac-*
3 *tive duty and required dates for activation of presi-*
4 *dential call-up authority.*

5 (C) *Specific plans and timelines for redeploy-*
6 *ment of United States forces from the Republic of*
7 *Bosnia and Herzegovina, the Balkans region, or sup-*
8 *porting forces in the region, to both the first and sec-*
9 *ond major theater war.*

10 (D) *Preventative actions or deployments involv-*
11 *ing United States forces in the Republic of Bosnia*
12 *and Herzegovina and the Balkans region that would*
13 *be taken in the event of a single theater war to deter*
14 *the outbreak of a second theater war.*

15 (E) *Specific plans and timelines to replace forces*
16 *deployed to the Republic of Bosnia and Herzegovina,*
17 *the Balkans region, or the surrounding region to*
18 *maintain United States military presence.*

19 (F) *An assessment, undertaken in consultation*
20 *with the Chairman of the Joint Chiefs of Staff and*
21 *the commanders of the unified combatant commands,*
22 *of the level of increased risk to successful conduct of*
23 *the major theater wars and the maintenance of secu-*
24 *rity and stability in the Republic of Bosnia and*
25 *Herzegovina and the Balkans region, by the require-*

1 *ment to redeploy forces from Bosnia and the Balkans*
2 *in the event of a major theater war.*

3 *(e) DEFINITION OF DAYTON ACCORDS.—For purposes*
4 *of this section, the term “Dayton Accords” means the Gen-*
5 *eral Framework Agreement for Peace in Bosnia and*
6 *Herzegovina, initialed by the parties in Dayton, Ohio, on*
7 *November 21, 1995, and signed in Paris on December 14,*
8 *1995.*

9 **SEC. 1203. REPORT ON MILITARY CAPABILITIES OF AN EX-**
10 **PANDED NATO ALLIANCE.**

11 *(a) REPORT.—The Secretary of Defense shall prepare*
12 *a report, in both classified and unclassified form, on the*
13 *planned future military capabilities of the North Atlantic*
14 *Treaty Organization (NATO) in light of the proposed inclu-*
15 *sion of Poland, the Czech Republic, and Hungary in the*
16 *NATO alliance. The report shall set forth—*

17 *(1) the tactical, operational, and strategic issues*
18 *that would be raised by the inclusion of Poland, the*
19 *Czech Republic, and Hungary in the NATO alliance;*

20 *(2) the required improvements to common alli-*
21 *ance military assets that would result from the inclu-*
22 *sion of those nations in the alliance;*

23 *(3) the planned improvements to national capa-*
24 *bilities of current NATO members that would be re-*

1 *quired by reason of the inclusion of those nations in*
2 *the alliance;*

3 (4) *the planned improvements to national capa-*
4 *bilities of the military forces of those candidate mem-*
5 *ber nations; and*

6 (5) *the additional requirements that would be*
7 *imposed on the United States by NATO expansion.*

8 (b) *MATTERS TO BE INCLUDED.—The report shall in-*
9 *clude the following:*

10 (1) *An assessment of the tactical and operational*
11 *capabilities of the military forces of each of the can-*
12 *didate member nations.*

13 (2) *An assessment of the capability of each can-*
14 *didate member nation to provide logistical, command*
15 *and control, and other vital infrastructure required*
16 *for alliance defense (as specified in Article V of the*
17 *NATO Charter), including a description in general*
18 *terms of alliance plans for reinforcing each candidate*
19 *member nation during a crisis or war and detailing*
20 *means for deploying both United States and other*
21 *NATO forces from current member states and from*
22 *the continental United States or other United States*
23 *bases worldwide and, in particular, describing plans*
24 *for ground reinforcement of Hungary.*

1 (3) *An assessment of the ability of current and*
2 *candidate alliance members to deploy and sustain*
3 *combat forces in alliance defense missions conducted*
4 *in the territory of any of the candidate member na-*
5 *tions, as specified in Article V of the NATO Charter.*

6 (4) *A description of projected defense programs*
7 *through 2009 (shown on an annual basis and cumu-*
8 *latively) of each current and candidate alliance mem-*
9 *ber nation, including planned investments in capa-*
10 *bilities relevant to Article V alliance defense and po-*
11 *tential alliance contingency operations and showing*
12 *both planned national efforts as well as planned alli-*
13 *ance common efforts and describing any disparities*
14 *in investments by current or candidate alliance mem-*
15 *ber nations.*

16 (5) *A detailed comparison and description of*
17 *any disparities in scope, methodology, assessments of*
18 *common alliance or national responsibilities, or any*
19 *other factor related to alliance capabilities between*
20 *(A) the report on alliance expansion costs prepared*
21 *by the Department of Defense (in the report submitted*
22 *to Congress in February 1998 entitled “Report to the*
23 *Congress on the Military Requirements and Costs of*
24 *NATO Enlargement”), and (B) the report on alliance*
25 *expansion costs prepared by NATO collectively and*

1 referred to as the “NATO estimate”, issued at Brus-
2 sels in November 1997.

3 (6) Any other factor that, in the judgment of the
4 Secretary of Defense, bears upon the strategic, oper-
5 ational, or tactical military capabilities of an ex-
6 panded NATO alliance.

7 (c) *SUBMISSION OF REPORT.*—The report shall be sub-
8 mitted to Congress not later than March 15, 1999.

9 **SEC. 1204. ONE-YEAR EXTENSION OF COUNTER-**
10 **PROLIFERATION AUTHORITIES FOR SUPPORT**
11 **OF UNITED NATIONS SPECIAL COMMISSION**
12 **ON IRAQ.**

13 (a) *AMOUNT AUTHORIZED FOR FISCAL YEAR 1999.*—
14 The total amount of assistance for fiscal year 1999 provided
15 by the Secretary of Defense under section 1505 of the Weap-
16 ons of Mass Destruction Control Act of 1992 (22 U.S.C.
17 5859a) that is provided in the form of funds, including
18 funds used for activities of the Department of Defense in
19 support of the United Nations Special Commission on Iraq,
20 may not exceed \$15,000,000.

21 (b) *EXTENSION OF AUTHORITY TO PROVIDE ASSIST-*
22 *ANCE.*—Subsection (f) of section 1505 of the Weapons of
23 Mass Destruction Control Act of 1992 (22 U.S.C. 5859a)
24 is amended by striking out “1998” and inserting in lieu
25 thereof “1999”.

1 **SEC. 1205. REPEAL OF LANDMINE MORATORIUM.**

2 *Section 580 of the Foreign Operations Appropriations*
3 *Act, 1996 (Public Law 104–107; 110 Stat 751), is repealed.*

4 **TITLE XIII—COOPERATIVE**
5 **THREAT REDUCTION WITH**
6 **STATES OF FORMER SOVIET**
7 **UNION**

8 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
9 **DUCTION PROGRAMS AND FUNDS.**

10 (a) *SPECIFICATION OF CTR PROGRAMS.*—*For pur-*
11 *poses of section 301 and other provisions of this Act, Coop-*
12 *erative Threat Reduction programs are the programs speci-*
13 *fied in subsection (b) of section 406 of title 10, United*
14 *States Code (as added by section 1305).*

15 (b) *FISCAL YEAR 1999 COOPERATIVE THREAT REDUC-*
16 *TION FUNDS DEFINED.*—*As used in this title, the term “fis-*
17 *cal year 1999 Cooperative Threat Reduction funds” means*
18 *the funds appropriated pursuant to the authorization of ap-*
19 *propriations in section 301 for Cooperative Threat Reduc-*
20 *tion programs.*

21 **SEC. 1302. FUNDING ALLOCATIONS.**

22 (a) *IN GENERAL.*—*Of the fiscal year 1999 Cooperative*
23 *Threat Reduction funds, not more than the following*
24 *amounts may be obligated for the purposes specified:*

1 (1) *Except as provided in paragraph (11), for*
2 *strategic offensive arms elimination in Russia,*
3 *\$142,400,000.*

4 (2) *Except as provided in paragraph (11), for*
5 *strategic nuclear arms elimination in Ukraine,*
6 *\$47,500,000.*

7 (3) *For activities to support warhead dismantlement*
8 *processing in Russia, \$9,400,000.*

9 (4) *For activities associated with chemical weapons*
10 *destruction in Russia, \$35,000,000.*

11 (5) *For weapons transportation security in Russia,*
12 *\$10,300,000.*

13 (6) *For planning, design, and construction of a*
14 *storage facility for Russian fissile material,*
15 *\$60,900,000.*

16 (7) *For weapons storage security in Russia,*
17 *\$41,700,000.*

18 (8) *For development of a cooperative program*
19 *with the Government of Russia to eliminate the production*
20 *of weapons grade plutonium at Russian reactors,*
21 *\$29,800,000.*

22 (9) *For biological weapons proliferation prevention*
23 *activities in Russia, \$2,000,000.*

24 (10) *For activities designated as Other Assess-*
25 *ments/Administrative Support \$7,000,000.*

1 (11) *For strategic arms elimination in Russia or*
2 *Ukraine, \$31,400,000.*

3 (b) *LIMITED AUTHORITY TO VARY INDIVIDUAL*
4 *AMOUNTS.—(1) If the Secretary of Defense determines that*
5 *it is necessary to do so in the national interest, the Sec-*
6 *retary may, subject to paragraphs (2) and (3), obligate*
7 *amounts for the purposes stated in any of the paragraphs*
8 *of subsection (a) in excess of the amount specified for those*
9 *purposes in that paragraph. However, the total amount ob-*
10 *ligated for the purposes stated in the paragraphs in sub-*
11 *section (a) may not by reason of the use of the authority*
12 *provided in the preceding sentence exceed the sum of the*
13 *amounts specified in those paragraphs.*

14 (2) *An obligation for the purposes stated in any of the*
15 *paragraphs in subsection (a) in excess of the amount speci-*
16 *fied in that paragraph may be made using the authority*
17 *provided in paragraph (1) only after—*

18 (A) *the Secretary submits to Congress notifica-*
19 *tion of the intent to do so together with a complete*
20 *discussion of the justification for doing so; and*

21 (B) *15 days have elapsed following the date of*
22 *the notification.*

23 (3) *The Secretary may not, under the authority pro-*
24 *vided in paragraph (1), obligate amounts appropriated for*
25 *the purposes stated in any of paragraphs (3) through (10)*

1 of subsection (a) in excess of 115 percent of the amount stat-
2 ed in those paragraphs.

3 **SEC. 1303. PROHIBITION ON USE OF FUNDS FOR SPECIFIED**
4 **PURPOSES.**

5 (a) *IN GENERAL.*—No fiscal year 1999 Cooperative
6 Threat Reduction funds, and no funds appropriated for Co-
7 operative Threat Reduction programs for any prior fiscal
8 year and remaining available for obligation, may be obli-
9 gated or expended for any of the following purposes:

10 (1) *Conducting with Russia any peacekeeping*
11 *exercise or other peacekeeping-related activity.*

12 (2) *Provision of housing.*

13 (3) *Provision of assistance to promote environ-*
14 *mental restoration.*

15 (4) *Provision of assistance to promote job re-*
16 *training.*

17 (5) *Programs other than the programs specified*
18 *in subsection (b) of section 406 of title 10, United*
19 *States Code (as added by section 1305).*

20 (b) *LIMITATION WITH RESPECT TO DEFENSE CONVER-*
21 *SION ASSISTANCE.*—None of the funds appropriated pursu-
22 ant to this Act may be obligated or expended for the provi-
23 sion of assistance to Russia or any other state of the former
24 Soviet Union to promote defense conversion.

1 **SEC. 1304. LIMITATION ON USE OF FUNDS FOR CHEMICAL**
2 **WEAPONS DESTRUCTION FACILITY.**

3 *No fiscal year 1999 Cooperative Threat Reduction*
4 *funds authorized to be obligated in section 1302(a)(4) for*
5 *activities associated with chemical weapons destruction in*
6 *Russia, and no funds appropriated for Cooperative Threat*
7 *Reduction programs for any prior fiscal year and remain-*
8 *ing available for obligation, may be used for construction*
9 *of a chemical weapons destruction facility.*

10 **SEC. 1305. LIMITATION ON OBLIGATION OF FUNDS FOR A**
11 **SPECIFIED PERIOD.**

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

15 **“§406. Use of Cooperative Threat Reduction program**
16 **funds: limitation**

17 *“(a) IN GENERAL.—In carrying out Cooperative*
18 *Threat Reduction programs during any fiscal year, the Sec-*
19 *retary of Defense may use funds appropriated for those pro-*
20 *grams only to the extent that those funds were appropriated*
21 *for that fiscal year or for either of the 2 preceding fiscal*
22 *years.*

23 *“(b) DEFINITION OF COOPERATIVE THREAT REDUC-*
24 *TION PROGRAMS.—In this section, the term ‘Cooperative*
25 *Threat Reduction programs’ means the following programs*
26 *with respect to states of the former Soviet Union:*

1 “(1) *Programs to facilitate the elimination, and*
2 *the safe and secure transportation and storage, of nu-*
3 *clear, chemical, and other weapons of mass destruc-*
4 *tion and their delivery vehicles.*

5 “(2) *Programs to facilitate the safe and secure*
6 *storage of fissile materials derived from the elimi-*
7 *nation of nuclear weapons.*

8 “(3) *Programs to prevent the proliferation of*
9 *weapons of mass destruction, components, and tech-*
10 *nology and expertise related to such weapons.*

11 “(4) *Programs to expand military-to-military*
12 *and defense contacts.”.*

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

 “406. *Use of Cooperative Threat Reduction program funds: limitation.”.*

15 (b) *EFFECTIVE DATE.*—*The limitation described in*
16 *section 406 of title 10, United States Code, as added by*
17 *subsection (a), shall apply with respect to fiscal years begin-*
18 *ning with fiscal year 1999.*

19 **SEC. 1306. REQUIREMENT TO SUBMIT BREAKDOWN OF**
20 **AMOUNTS REQUESTED BY PROJECT CAT-**
21 **EGORY.**

22 *The Secretary of Defense shall submit to Congress on*
23 *an annual basis, not later than 30 days after the date that*
24 *the President submits to Congress the budget of the United*
25 *States Government for the following fiscal year—*

1 (1) a breakdown, with respect to the appropria-
2 tions requested for Cooperative Threat Reduction pro-
3 grams for the fiscal year after the fiscal year in which
4 the breakdown is submitted, of the amounts requested
5 for each project category under each Cooperative
6 Threat Reduction program element; and

7 (2) a breakdown, with respect to appropriations
8 for Cooperative Threat Reduction programs for the
9 fiscal year in which the breakdown is submitted, of
10 the amounts obligated or expended, or planned to be
11 obligated or expended, for each project category under
12 each Cooperative Threat Reduction program element.

13 **SEC. 1307. LIMITATION ON USE OF FUNDS UNTIL COMPLE-**
14 **TION OF FISCAL YEAR 1998 REQUIREMENTS.**

15 (a) *USE OF FUNDS FOR PROGRAMS RELATED TO*
16 *START II TREATY.*—No fiscal year 1999 Cooperative Threat
17 *Reduction funds may be obligated or expended for strategic*
18 *offensive arms elimination projects in Russia related to the*
19 *START II Treaty (as defined in section 1302(f) of the Na-*
20 *tional Defense Authorization Act for Fiscal Year 1998 (Pub-*
21 *lic Law 105–85; 111 Stat. 1948)) until 30 days after the*
22 *date on which the Secretary of Defense submits to Congress*
23 *the certification described in section 1404 of the National*
24 *Defense Authorization Act for Fiscal Year 1998 (Public*
25 *Law 105–85; 111 Stat. 1960).*

1 **(b) USE OF FUNDS FOR CHEMICAL WEAPONS DE-**
2 **STRUCTION FACILITY.**—No fiscal year 1999 Cooperative
3 Threat Reduction funds may be obligated or expended for
4 activities relating to a chemical weapons destruction facil-
5 ity until 15 days after the date that is the later of the dates
6 described in section 1405 of the National Defense Authoriza-
7 tion Act for Fiscal Year 1998 (Public Law 105–85; 111
8 Stat. 1960).

9 **(c) USE OF FUNDS FOR DESTRUCTION OF CHEMICAL**
10 **WEAPONS.**—No funds authorized to be appropriated under
11 this or any other Act for fiscal year 1999 for Cooperative
12 Threat Reduction programs may be obligated or expended
13 for chemical weapons destruction activities until the Presi-
14 dent submits to Congress the written certification described
15 in section 1406(b) of the National Defense Authorization
16 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
17 1961).

18 **(d) USE OF FUNDS FOR STORAGE FACILITY FOR RUS-**
19 **SIAN FISSILE MATERIAL.**—No fiscal year 1999 Cooperative
20 Threat Reduction funds may be obligated or expended for
21 planning, design, or construction of a storage facility for
22 Russian fissile material until 15 days after the date that
23 is the later of the dates described in section 1407 of the Na-
24 tional Defense Authorization Act for Fiscal Year 1998 (Pub-
25 lic Law 105–85; 111 Stat. 1962).

1 (e) *USE OF FUNDS FOR WEAPONS STORAGE SECUR-*
2 *RITY.*—*No fiscal year 1999 Cooperative Threat Reduction*
3 *funds intended for weapons storage security activities in*
4 *Russia may be obligated or expended until 15 days after*
5 *the date that the Secretary of Defense submits to Congress*
6 *the report on the status of negotiations between the United*
7 *States and Russia described in section 1408 of the National*
8 *Defense Authorization Act for Fiscal Year 1998 (Public*
9 *Law 105–85; 111 Stat. 1962).*

10 **SEC. 1308. REPORT ON BIOLOGICAL WEAPONS PROGRAMS**
11 **IN RUSSIA.**

12 (a) *REPORT.*—*Not later than December 31, 1998, the*
13 *Secretary of Defense shall submit to the congressional de-*
14 *fense committees a report, in classified and unclassified*
15 *forms, containing—*

16 (1) *an assessment of the extent of compliance by*
17 *Russia with international agreements relating to the*
18 *control of biological weapons; and*

19 (2) *a detailed evaluation of the potential politi-*
20 *cal and military costs and benefits of collaborative bi-*
21 *ological pathogen research efforts by the United States*
22 *and Russia.*

23 (b) *CONTENT OF REPORT.*—*The report required under*
24 *subsection (a) shall include the following:*

1 (1) *An evaluation of the extent of the control and*
2 *oversight by the Government of Russia over the mili-*
3 *tary and civilian-military biological warfare pro-*
4 *grams formerly controlled or overseen by states of the*
5 *former Soviet Union.*

6 (2) *The extent and scope of continued biological*
7 *warfare research, development, testing, and produc-*
8 *tion in Russia, including the sites where such activity*
9 *is occurring and the types of activity being conducted.*

10 (3) *An assessment of compliance by Russia with*
11 *the terms of the Biological Weapons Convention.*

12 (4) *An identification and assessment of the*
13 *measures taken by Russia to comply with the obliga-*
14 *tions assumed under the Joint Statement on Biologi-*
15 *cal Weapons, agreed to by the United States, the*
16 *United Kingdom, and Russia on September 14, 1992.*

17 (5) *A description of the extent to which Russia*
18 *has permitted individuals from the United States or*
19 *other countries to visit military and nonmilitary bio-*
20 *logical research, development, testing, and production*
21 *sites in order to resolve ambiguities regarding activi-*
22 *ties at such sites.*

23 (6) *A description of the information provided by*
24 *Russia about its biological weapons dismantlement ef-*
25 *forts to date.*

1 (7) *An assessment of the accuracy and com-*
2 *prehensiveness of declarations by Russia regarding its*
3 *biological weapons activities.*

4 (8) *An identification of collaborative biological*
5 *research projects carried out by the United States and*
6 *Russia for which Cooperative Threat Reduction funds*
7 *have been used.*

8 (9) *An evaluation of the political and military*
9 *utility of prior, existing, and prospective cooperative*
10 *biological pathogen research programs carried out be-*
11 *tween the United States and Russia, and an assess-*
12 *ment of the impact of such programs on increasing*
13 *Russian military transparency with respect to bio-*
14 *logical weapons activities.*

15 (10) *An assessment of the political and military*
16 *utility of the long-term collaborative program advo-*
17 *cated by the National Academy of Sciences in its Oc-*
18 *tober 27, 1997 report, "Controlling Dangerous Patho-*
19 *gens: A Blueprint for U.S.-Russian Cooperation".*

20 **SEC. 1309. LIMITATION ON USE OF FUNDS FOR BIOLOGICAL**
21 **WEAPONS PROLIFERATION PREVENTION AC-**
22 **TIVITIES IN RUSSIA.**

23 *No fiscal year 1999 Cooperative Threat Reduction*
24 *funds may be obligated or expended for biological weapons*

1 *proliferation prevention activities in Russia until 15 days*
2 *after the date that is the later of the following:*

3 (1) *The date on which the Secretary of Defense*
4 *submits to Congress a certification that no Coopera-*
5 *tive Threat Reduction funds provided for cooperative*
6 *research activities at biological research institutes in*
7 *Russia have been used—*

8 (A) *to support activities that have resulted*
9 *in the development of a new strain of anthrax;*
10 *or*

11 (B) *for any purpose inconsistent with the*
12 *objectives of providing such assistance.*

13 (2) *The date on which the Secretary submits to*
14 *the congressional defense committees notification that*
15 *the United States has examined and tested the new*
16 *strain of anthrax reportedly developed at the State*
17 *Research Center for Applied Microbiology in*
18 *Obolensk, Russia.*

19 **SEC. 1310. LIMITATION ON USE OF CERTAIN FUNDS FOR**
20 **STRATEGIC ARMS ELIMINATION IN RUSSIA**
21 **OR UKRAINE.**

22 *No fiscal year 1999 Cooperative Threat Reduction*
23 *funds authorized to be obligated in section 1302(a)(11) for*
24 *strategic arms elimination in Russia or Ukraine may be*
25 *obligated or expended until 30 days after the date that the*

1 *Secretary of Defense submits to the congressional defense*
 2 *committees notification on how the Secretary plans to use*
 3 *such funds.*

4 **SEC. 1311. AVAILABILITY OF FUNDS.**

5 *Funds appropriated pursuant to the authorization of*
 6 *appropriations in section 301 for Cooperative Threat Re-*
 7 *duction programs shall be available for obligation for three*
 8 *fiscal years.*

9 **DIVISION B—MILITARY CON-**
 10 **STRUCTION AUTHORIZA-**
 11 **TIONS**

12 **SEC. 2001. SHORT TITLE.**

13 *This division may be cited as the “Military Construc-*
 14 *tion Authorization Act for Fiscal Year 1999”.*

15 **TITLE XXI—ARMY**

16 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 17 **ACQUISITION PROJECTS.**

18 *(a) INSIDE THE UNITED STATES.—Using amounts ap-*
 19 *propriated pursuant to the authorization of appropriations*
 20 *in section 2104(a)(1), the Secretary of the Army may ac-*
 21 *quire real property and carry out military construction*
 22 *projects for the installations and locations inside the United*
 23 *States, and in the amounts, set forth in the following table:*

Army: Inside the United States

State	Installation or location	Amount
<i>Alabama</i>	<i>Anniston Army Depot</i>	<i>\$3,550,000</i>
	<i>Fort Rucker</i>	<i>\$4,300,000</i>

Army: Inside the United States—Continued

State	Installation or location	Amount
	<i>Redstone Arsenal</i>	\$1,550,000
<i>California</i>	<i>Fort Irwin</i>	\$14,800,000
<i>Georgia</i>	<i>Fort Benning</i>	\$28,600,000
<i>Hawaii</i>	<i>Schofield Barracks</i>	\$67,500,000
<i>Illinois</i>	<i>Rock Island Arsenal</i>	\$5,300,000
<i>Indiana</i>	<i>Crane Army Ammunition Activity</i>	\$7,100,000
<i>Kansas</i>	<i>Fort Riley</i>	\$3,600,000
<i>Kentucky</i>	<i>Blue Grass Army Depot</i>	\$5,300,000
	<i>Fort Campbell</i>	\$41,000,000
	<i>Fort Knox</i>	\$23,000,000
<i>Louisiana</i>	<i>Fort Polk</i>	\$8,300,000
<i>Maryland</i>	<i>Fort Detrick</i>	\$3,550,000
<i>Missouri</i>	<i>Fort Leonard Wood</i>	\$28,200,000
<i>New Jersey</i>	<i>Fort Monmouth</i>	\$7,600,000
	<i>Picatinny Arsenal</i>	\$8,400,000
<i>New York</i>	<i>Fort Drum</i>	\$4,650,000
	<i>United States Military Academy, West Point</i>	\$85,000,000
<i>North Carolina</i>	<i>Fort Bragg</i>	\$95,900,000
<i>Oklahoma</i>	<i>Fort Sill</i>	\$13,800,000
	<i>McAlester Army Ammunition Plant</i>	\$10,800,000
<i>Texas</i>	<i>Fort Bliss</i>	\$4,100,000
	<i>Fort Hood</i>	\$32,500,000
	<i>Fort Sam Houston</i>	\$21,800,000
<i>Utah</i>	<i>Tooele Army Depot</i>	\$3,900,000
<i>Virginia</i>	<i>National Ground Intelligence Center, Charlottesville</i>	\$46,200,000
	<i>Fort Eustis</i>	\$36,531,000
<i>Washington</i>	<i>Fort Lewis</i>	\$18,200,000
<i>CONUS Classified</i>	<i>Classified Location</i>	\$4,600,000
	<i>Total</i>	\$639,631,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropri-
3 ations in section 2104(a)(2), the Secretary of the Army may
4 acquire real property and carry out military construction
5 projects for the locations outside the United States, and in
6 the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
<i>Belgium</i>	<i>80th Area Support Group</i>	\$6,300,000
<i>Germany</i>	<i>Schweinfurt</i>	\$18,000,000
	<i>Wurzburg</i>	\$4,250,000
<i>Korea</i>	<i>Camp Casey</i>	\$13,400,000
	<i>Camp Castle</i>	\$18,226,000
	<i>Camp Humphreys</i>	\$8,500,000
	<i>Camp Stanley</i>	\$5,800,000
<i>Kwajalein</i>	<i>Kwajalein Atoll</i>	\$48,600,000

Army: Outside the United States—Continued

Country	Installation or location	Amount
	<i>Total</i>	\$123,076,000

1 **SEC. 2102. FAMILY HOUSING.**

2 (a) *CONSTRUCTION AND ACQUISITION.*—Using
 3 amounts appropriated pursuant to the authorization of ap-
 4 propriations in section 2104(a)(5)(A), the Secretary of the
 5 Army may construct or acquire family housing units (in-
 6 cluding land acquisition) at the installations, for the pur-
 7 poses, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or location	Purpose	Amount
<i>Alabama</i>	<i>Redstone Arsenal</i>	<i>118 Units</i>	\$14,000,000
<i>Hawaii</i>	<i>Schofield Barracks</i>	<i>64 Units</i>	\$14,700,000
<i>North Carolina</i>	<i>Fort Bragg</i>	<i>170 Units</i>	\$19,800,000
<i>Texas</i>	<i>Fort Hood</i>	<i>154 Units</i>	\$21,600,000
<i>Virginia</i>	<i>Fort Lee</i>	<i>80 Units</i>	\$13,000,000
		<i>Total</i>	\$83,100,000

8 (b) *PLANNING AND DESIGN.*—Using amounts appro-
 9 priated pursuant to the authorization of appropriations in
 10 section 2104(a)(5)(A), the Secretary of the Army may carry
 11 out architectural and engineering services and construction
 12 design activities with respect to the construction or im-
 13 provement of family housing units in an amount not to
 14 exceed \$6,350,000.

15 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 16 **UNITS.**

17 Subject to section 2825 of title 10, United States Code,
 18 and using amounts appropriated pursuant to the author-

1 ization of appropriations in section 2104(a)(5)(A), the Sec-
2 retary of the Army may improve existing military family
3 housing units in an amount not to exceed \$37,429,000.

4 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

5 (a) *IN GENERAL.*—Funds are hereby authorized to be
6 appropriated for fiscal years beginning after September 30,
7 1998, for military construction, land acquisition, and mili-
8 tary family housing functions of the Department of the
9 Army in the total amount of \$2,010,036,000 as follows:

10 (1) *For military construction projects inside the*
11 *United States authorized by section 2101(a),*
12 *\$535,631,000.*

13 (2) *For military construction projects outside the*
14 *United States authorized by section 2101(b),*
15 *\$87,076,000.*

16 (3) *For unspecified minor construction projects*
17 *authorized by section 2805 of title 10, United States*
18 *Code, \$5,000,000.*

19 (4) *For architectural and engineering services*
20 *and construction design under section 2807 of title*
21 *10, United States Code, \$63,792,000.*

22 (5) *For military family housing functions:*

23 (A) *For construction and acquisition, plan-*
24 *ning and design, and improvement of military*
25 *family housing and facilities, \$126,879,000.*

1 (B) *For support of military family housing*
2 *(including the functions described in section*
3 *2833 of title 10, United States Code),*
4 *\$1,097,697,000.*

5 (6) *For the Homeowners Assistance Program as*
6 *authorized by section 2832 of title 10, United States*
7 *Code, \$7,500,000.*

8 (7) *For the construction of the missile software*
9 *engineering annex, phase II, Redstone Arsenal, Ala-*
10 *bama, authorized by section 2101(a) of the Military*
11 *Construction Authorization Act for Fiscal Year 1998*
12 *(division B of Public Law 105–85; 111 Stat. 1966),*
13 *\$13,600,000.*

14 (8) *For the construction of a disciplinary bar-*
15 *racks, phase II, Fort Leavenworth, Kansas, author-*
16 *ized by section 2101(a) of the Military Construction*
17 *Authorization Act for Fiscal Year 1998, \$29,000,000.*

18 (9) *For the construction of the whole barracks*
19 *complex renewal, Fort Sill, Oklahoma, authorized by*
20 *section 2101(a) of the Military Construction Author-*
21 *ization Act for Fiscal Year 1998, \$20,500,000.*

22 (10) *For rail yard expansion at Fort Carson,*
23 *Colorado, authorized by section 2101(a) of the Mili-*
24 *tary Construction Authorization Act for Fiscal Year*
25 *1998, \$23,000,000.*

1 (11) *For the construction of an aerial gunnery*
2 *range at Fort Drum, New York, authorized by section*
3 *2101(a) of the Military Construction Authorization*
4 *Act for Fiscal Year 1998, \$9,000,000.*

5 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
6 *PROJECTS.—Notwithstanding the cost variations author-*
7 *ized by section 2853 of title 10, United States Code, and*
8 *any other cost variation authorized by law, the total cost*
9 *of all projects carried out under section 2101 of this Act*
10 *may not exceed—*

11 (1) *the total amount authorized to be appro-*
12 *priated under paragraphs (1) and (2) of subsection*
13 *(a);*

14 (2) *\$16,000,000 (the balance of the amount au-*
15 *thorized under section 2101(a) for the construction of*
16 *a multipurpose digital training range at Fort Knox,*
17 *Kentucky);*

18 (3) *\$15,000,000 (the balance of the amount au-*
19 *thorized under section 2101(a) for the construction of*
20 *a railhead facility at Fort Hood, Texas);*

21 (4) *\$73,000,000 (the balance of the amount au-*
22 *thorized under section 2101(a) for the construction of*
23 *a cadet development center at the United States Mili-*
24 *tary Academy, West Point, New York); and*

1 (5) \$36,000,000 (the balance of the amount au-
2 thorized under section 2101(b) for the construction of
3 a powerplant on Roi Namur Island at Kwajalein
4 Atoll, Kwajalein).

5 (c) *ADJUSTMENTS.*—The total amount authorized to be
6 appropriated pursuant to paragraphs (1) through (11) of
7 subsection (a) is the sum of the amounts authorized to be
8 appropriated in such paragraphs, reduced by—

9 (1) \$2,639,000, which represents the combination
10 of project savings in military family housing con-
11 struction resulting from favorable bids, reduced over-
12 head costs, and cancellations due to force structure
13 changes; and

14 (2) \$6,000,000, which represents the combination
15 of project savings in military construction resulting
16 from favorable bids, reduced overhead costs, and can-
17 cellations due to force structure changes.

18 **SEC. 2105. INCREASE IN FISCAL YEAR 1998 AUTHORIZATION**
19 **FOR MILITARY CONSTRUCTION PROJECTS AT**
20 **FORT DRUM, NEW YORK, AND FORT SILL,**
21 **OKLAHOMA.**

22 (a) *INCREASE.*—The table in section 2101(a) of the
23 Military Construction Authorization Act for Fiscal Year
24 1998 (division B of Public Law 105–85; 111 Stat. 1967)
25 is amended—

1 (1) *in the item relating to Fort Drum, New*
2 *York, by striking out “\$24,400,000” in the amount*
3 *column and inserting in lieu thereof “\$24,900,000”;*

4 (2) *in the item relating to Fort Sill, Oklahoma,*
5 *by striking out “\$25,000,000” in the amount column*
6 *and inserting in lieu thereof “\$28,500,000”; and*

7 (3) *by striking out the amount identified as the*
8 *total in the amount column and inserting in lieu*
9 *thereof “\$602,750,000”.*

10 (b) *CONFORMING AMENDMENT.—Section 2104 of that*
11 *Act (111 Stat. 1968) is amended—*

12 (1) *in subsection (a)—*

13 (A) *in the matter preceding paragraph (1),*
14 *by striking out “\$2,010,466,000” and inserting*
15 *in lieu thereof “\$2,013,966,000”; and*

16 (B) *in paragraph (1), by striking out*
17 *“\$435,350,000” and inserting in lieu thereof*
18 *“\$438,850,000”; and*

19 (2) *in subsection (b)(8), by striking out*
20 *“\$8,500,000” and inserting in lieu thereof*
21 *“\$9,000,000”.*

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

<i>State</i>	<i>Installation or location</i>	<i>Amount</i>
<i>Arizona</i>	<i>Marine Corps Air Station, Yuma</i>	\$11,010,000
	<i>Naval Observatory Detachment, Flagstaff</i> ..	\$990,000
<i>California</i>	<i>Marine Corps Air Station, Miramar</i>	\$29,570,000
	<i>Marine Corps Base, Camp Pendleton</i>	\$40,430,000
	<i>Naval Air Station, Lemoore</i>	\$20,640,000
	<i>Naval Air Warfare Center Weapons Division, China Lake.</i>	\$10,140,000
	<i>Naval Facility, San Clemente Island</i>	\$8,350,000
<i>District of Columbia</i>	<i>Naval Submarine Base, San Diego</i>	\$11,400,000
	<i>Naval District, Washington</i>	\$790,000
<i>Florida</i>	<i>Naval Air Station, Key West</i>	\$3,730,000
	<i>Naval Air Station, Jacksonville</i>	\$1,500,000
	<i>Naval Air Station, Whiting Field</i>	\$1,400,000
	<i>Naval Station, Mayport</i>	\$6,163,000
<i>Georgia</i>	<i>Marine Corps Logistics Base, Albany</i>	\$2,800,000
	<i>Naval Submarine Base, Kings Bay</i>	\$2,550,000
<i>Hawaii</i>	<i>Fleet and Industrial Supply Center, Pearl Harbor</i>	\$9,730,000
	<i>Marine Corps Air Station, Kaneohe Bay</i> ..	\$27,410,000
	<i>Naval Communications & Telecommunications Area Master Station Eastern Pacific, Wahiawa</i>	\$1,970,000
	<i>Naval Shipyard, Pearl Harbor</i>	\$11,400,000
	<i>Naval Station, Pearl Harbor</i>	\$18,180,000
	<i>Naval Submarine Base, Pearl Harbor</i>	\$8,060,000
	<i>Navy Public Works Center, Pearl Harbor</i> ..	\$28,967,000
	<i>Naval Training Center, Great Lakes</i>	\$20,280,000
<i>Illinois</i>	<i>Naval Surface Warfare Center, Crane</i>	\$11,110,000
	<i>Naval Surface Warfare Center, Indian Head Division, Indian Head</i>	\$13,270,000
<i>Indiana</i>	<i>Naval Air Station, Meridian</i>	\$3,280,000
	<i>Naval Construction Battalion Center Gulfport</i>	\$10,670,000
<i>North Carolina</i>	<i>Marine Corps Air Station, Cherry Point</i> ...	\$6,040,000
	<i>Marine Corps Base, Camp LeJeune</i>	\$14,600,000
<i>Pennsylvania</i>	<i>Naval Surface Warfare Center Ship Systems Engineering Station, Philadelphia</i>	\$2,410,000
<i>Rhode Island</i>	<i>Naval Education and Training Center, Newport</i>	\$5,630,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
South Carolina	Naval Undersea Warfare Center Division, Newport	\$9,140,000
	Marine Corps Air Station, Beaufort	\$1,770,000
	Marine Corps Reserve Detachment Parris Island	\$15,990,000
Texas	Naval Weapons Station, Charleston	\$9,737,000
	Naval Station, Ingleside	\$12,200,000
Virginia	Fleet and Industrial Supply Center, Nor- folk (Crane Island)	\$1,770,000
	Fleet Training Center, Norfolk	\$5,700,000
	Naval Air Station, Oceana	\$6,400,000
	Naval Shipyard, Norfolk, Portsmouth	\$6,180,000
	Naval Station, Norfolk	\$45,530,000
	Naval Surface Warfare Center, Dahlgren ..	\$15,680,000
	Tactical Training Group Atlantic, Dam Neck	\$2,430,000
Washington	Naval Shipyard, Puget Sound	\$4,300,000
	Strategic Weapons Facility Pacific, Brem- erton	\$2,750,000
	Total	\$484,047,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204(a)(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the installations and locations outside the
6 United States, and in the amounts, set forth in the following
7 table:

Navy: Outside the United States

Country	Installation or location	Amount
Greece	Naval Support Activity, Souda Bay	\$5,260,000
Guam	Naval Activities, Guam	\$10,310,000
Italy	Naval Support Activity, Naples	\$18,270,000
United Kingdom	Joint Maritime Communications Center, St. Maugan	\$2,010,000
	Total	\$35,850,000

8 SEC. 2202. FAMILY HOUSING.

9 (a) *CONSTRUCTION AND ACQUISITION.*—Using
10 amounts appropriated pursuant to the authorization of ap-
11 propriations in section 2204(a)(5)(A), the Secretary of the

1 Navy may construct or acquire family housing units (in-
 2 cluding land acquisition) at the installations, for the pur-
 3 poses, and in the amounts set forth in the following table:

Navy: Family Housing

<i>State</i>	<i>Installation or loca- tion</i>	<i>Purpose</i>	<i>Amount</i>
<i>California</i>	<i>Naval Air Station, Lemoore</i>	<i>162 Units</i>	<i>\$30,379,000</i>
<i>Hawaii</i>	<i>Navy Public Works Center, Pearl Harbor</i>	<i>150 Units</i>	<i>\$29,125,000</i>
		<i>Total</i>	<i>\$59,504,000</i>

4 (b) *PLANNING AND DESIGN.*—Using amounts appro-
 5 priated pursuant to the authorization of appropriations in
 6 section 2204(a)(5)(A), the Secretary of the Navy may carry
 7 out architectural and engineering services and construction
 8 design activities with respect to the construction or im-
 9 provement of military family housing units in an amount
 10 not to exceed \$15,618,000.

11 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 12 **UNITS.**

13 Subject to section 2825 of title 10, United States Code,
 14 and using amounts appropriated pursuant to the author-
 15 ization of appropriations in section 2204(a)(5)(A), the Sec-
 16 retary of the Navy may improve existing military family
 17 housing units in an amount not to exceed \$221,991,000.

18 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

19 (a) *IN GENERAL.*—Funds are hereby authorized to be
 20 appropriated for fiscal years beginning after September 30,
 21 1998, for military construction, land acquisition, and mili-

1 *tary family housing functions of the Department of the*
2 *Navy in the total amount of \$1,776,726,000 as follows:*

3 *(1) For military construction projects inside the*
4 *United States authorized by section 2201(a),*
5 *\$470,547,000.*

6 *(2) For military construction projects outside the*
7 *United States authorized by section 2201(b),*
8 *\$35,850,000.*

9 *(3) For unspecified minor construction projects*
10 *authorized by section 2805 of title 10, United States*
11 *Code, \$8,900,000.*

12 *(4) For architectural and engineering services*
13 *and construction design under section 2807 of title*
14 *10, United States Code, \$60,346,000.*

15 *(5) For military family housing functions:*

16 *(A) For construction and acquisition, plan-*
17 *ning and design, and improvement of military*
18 *family housing and facilities, \$297,113,000.*

19 *(B) For support of military housing (in-*
20 *cluding functions described in section 2833 of*
21 *title 10, United States Code), \$915,293,000.*

22 *(b) LIMITATION ON TOTAL COST OF CONSTRUCTION*
23 *PROJECTS.—Notwithstanding the cost variations author-*
24 *ized by section 2853 of title 10, United States Code, and*
25 *any other cost variation authorized by law, the total cost*

1 of all projects carried out under section 2201 of this Act
2 may not exceed—

3 (1) the total amount authorized to be appro-
4 priated under paragraphs (1) and (2) of subsection
5 (a); and

6 (2) \$13,500,000 (the balance of the amount au-
7 thorized under section 2202(a) for the construction of
8 a berthing pier at Naval Station, Norfolk, Virginia.

9 (c) *ADJUSTMENT.*—The total amount authorized to be
10 appropriated pursuant to paragraphs (1) through (5) of
11 subsection (a) is the sum of the amounts authorized to be
12 appropriated in such paragraphs, reduced by—

13 (1) \$6,323,000 which represents the combination
14 of project savings in military family housing con-
15 struction resulting from favorable bids, reduced over-
16 head costs, and cancellations due to force structure
17 changes; and

18 (2) \$5,000,000 which represents the combination
19 of project savings in military construction resulting
20 from favorable bids, reduced overhead costs, and can-
21 cellations due to force structure changes.

1 **SEC. 2205. AUTHORIZATION TO ACCEPT ROAD CONSTRUCTION PROJECT, MARINE CORPS BASE, CAMP**
 2 **LEJEUNE, NORTH CAROLINA.**

4 *The Secretary of the Navy may accept from the State*
 5 *of North Carolina, a road construction project valued at*
 6 *approximately \$2,000,000, which is to be constructed at*
 7 *Marine Corps Base, Camp Lejeune, North Carolina, in ac-*
 8 *cordance with plans and specifications acceptable to the*
 9 *Secretary of the Navy.*

10 **TITLE XXIII—AIR FORCE**

11 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 12 **LAND ACQUISITION PROJECTS.**

13 *(a) INSIDE THE UNITED STATES.—Using amounts ap-*
 14 *propriated pursuant to the authorization of appropriations*
 15 *in section 2304(a)(1), the Secretary of the Air Force may*
 16 *acquire real property and carry out military construction*
 17 *projects for the installations and locations inside the United*
 18 *States, and in the amounts, set forth in the following table:*

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	\$19,398,000
Alaska	Eielson Air Force Base	\$4,352,000
Arizona	Luke Air Force Base	\$3,400,000
California	Edwards Air Force Base	\$10,361,000
	Travis Air Force Base	\$4,250,000
	Vandenberg Air Force Base	\$18,709,000
Colorado	Falcon Air Force Station	\$9,601,000
	United States Air Force Academy	\$4,413,000
District of Columbia	Bolling Air Force Base	\$2,948,000
Florida	Eglin Air Force Base	\$20,437,000
	Eglin Auxiliary Field 9	\$3,837,000
	MacDill Air Force Base	\$9,808,000
	Tyndall Air Force Base	\$3,600,000
Georgia	Robins Air Force Base	\$11,894,000
Hawaii	Hickam Air Force Base	\$5,890,000
Idaho	Mountain Home Air Force Base	\$16,397,000
Kansas	McConnell Air Force Base	\$4,450,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
Maryland	Andrews Air Force Base	\$4,448,000
Mississippi	Keesler Air Force Base	\$35,526,000
Nevada	Indian Springs Air Force Auxiliary Air Field	\$15,013,000
	Nellis Air Force Base	\$6,378,000
New Jersey	McGuire Air Force Base	\$6,044,000
New Mexico	Holloman Air Force Base	\$11,100,000
	Kirtland Air Force Base	\$1,774,000
North Carolina	Seymour Johnson Air Force Base	\$6,100,000
North Dakota	Grand Forks Air Force Base	\$2,686,000
Ohio	Wright-Patterson Air Force Base	\$22,000,000
Oklahoma	Altus Air Force Base	\$5,300,000
	Tinker Air Force Base	\$25,385,000
	Vance Air Force Base	\$6,223,000
South Carolina	Charleston Air Force Base	\$24,330,000
South Dakota	Ellsworth Air Force Base	\$6,500,000
Tennessee	Arnold Air Force Base	\$11,600,000
Texas	Brooks Air Force Base	\$7,000,000
	Dyess Air Force Base	\$3,350,000
	Lackland Air Force Base	\$14,930,000
	Laughlin Air Force Base	\$7,315,000
	Randolph Air Force Base	\$3,166,000
Washington	Fairchild Air Force Base	\$13,820,000
	McChord Air Force Base	\$51,847,000
	<i>Total</i>	\$445,580,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropri-
3 ations in section 2304(a)(2), the Secretary of the Air Force
4 may acquire real property and carry out military construc-
5 tion projects for the installations and locations outside the
6 United States, and in the amounts, set forth in the following
7 table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Spangdahlem Air Base	\$13,967,000
Korea	Kunsan Air Base	\$5,958,000
	Osan Air Base	\$7,496,000
Turkey	Incirlik Air Base	\$2,949,000
United Kingdom	Royal Air Force, Lakenheath	\$15,838,000
	Royal Air Force, Mildenhall	\$24,960,000
	<i>Total</i>	\$71,168,000

1 **SEC. 2302. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using
 3 amounts appropriated pursuant to the authorization of ap-
 4 propriations in section 2304(a)(5)(A), the Secretary of the
 5 Air Force may construct or acquire family housing units
 6 (including land acquisition) at the installations, for the
 7 purposes, and in the amounts set forth in the following
 8 table:

Air Force: Family Housing

State	Installation or loca- tion	Purpose	Amount
Alabama	Maxwell Air Force Base	143 Units	\$16,300,000
Alaska	Eielson Air Force Base	46 Units	\$12,932,000
California	Edwards Air Force Base	48 Units	\$12,580,000
	Vandenberg Air Force Base ..	95 Units	\$18,499,000
Delaware	Dover Air Force Base	55 Units	\$8,998,000
Florida	MacDill Air Force Base	48 Units	\$7,609,000
	Patrick Air Force Base	46 Units	\$9,692,000
	Tyndall Air Force Base	122 Units	\$14,500,000
Nebraska	Offutt Air Force Base	Ancillary Facility	\$870,000
	Offutt Air Force Base	Ancillary Facility	\$900,000
	Offutt Air Force Base	90 Units	\$12,212,000
Nevada	Nellis Air Force Base	60 Units	\$10,550,000
New Mexico	Kirtland Air Force Base	37 Units	\$6,400,000
Ohio	Wright-Patterson Air Force Base	40 Units	\$5,600,000
Texas	Dyess Air Force Base	64 Units	\$9,415,000
	Sheppard Air Force Base	65 Units	\$7,000,000
Washington	Fairchild Air Force Base	Ancillary Facility	\$1,692,000
	Fairchild Air Force Base	14 Units	\$2,300,000
		Total	\$158,049,000

9 (b) PLANNING AND DESIGN.—Using amounts appro-
 10 priated pursuant to the authorization of appropriations in
 11 section 2304(a)(5)(A), the Secretary of the Air Force may
 12 carry out architectural and engineering services and con-
 13 struction design activities with respect to the construction
 14 or improvement of military family housing units in an
 15 amount not to exceed \$11,342,000.

1 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 *Subject to section 2825 of title 10, United States Code,*
4 *and using amounts appropriated pursuant to the author-*
5 *ization of appropriations in section 2304(a)(5)(A), the Sec-*
6 *retary of the Air Force may improve existing military fam-*
7 *ily housing units in an amount not to exceed \$81,778,000.*

8 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
9 **FORCE.**

10 *(a) IN GENERAL.—Funds are hereby authorized to be*
11 *appropriated for fiscal years beginning after September 30,*
12 *1998, for military construction, land acquisition, and mili-*
13 *tary family housing functions of the Department of the Air*
14 *Force in the total amount of \$1,577,264,000 as follows:*

15 *(1) For military construction projects inside the*
16 *United States authorized by section 2301(a),*
17 *\$445,580,000.*

18 *(2) For military construction projects outside the*
19 *United States authorized by section 2301(b),*
20 *\$71,168,000.*

21 *(3) For unspecified minor construction projects*
22 *authorized by section 2805 of title 10, United States*
23 *Code, \$7,135,000.*

24 *(4) For architectural and engineering services*
25 *and construction design under section 2807 of title*
26 *10, United States Code, \$37,592,000.*

1 (5) *For military housing functions:*

2 (A) *For construction and acquisition, plan-*
3 *ning and design, and improvement of military*
4 *family housing and facilities, \$251,169,000.*

5 (B) *For support of military family housing*
6 *(including the functions described in section*
7 *2833 of title 10, United States Code),*
8 *\$785,204,000.*

9 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
10 *PROJECTS.—Notwithstanding the cost variations author-*
11 *ized by section 2853 of title 10, United States Code, and*
12 *any other cost variation authorized by law, the total cost*
13 *of all projects carried out under section 2301 of this Act*
14 *may not exceed the total amount authorized to be appro-*
15 *priated under paragraphs (1) and (2) of subsection (a).*

16 (c) *ADJUSTMENT.—The total amount authorized to be*
17 *appropriated pursuant to paragraphs (1) through (5) of*
18 *subsection (a) is the sum of the amounts authorized to be*
19 *appropriated in such paragraphs, reduced by—*

20 (1) *\$9,584,000 which represents the combination*
21 *of project savings in military family housing con-*
22 *struction resulting from favorable bids, reduced over-*
23 *head costs, and cancellations due to force structure*
24 *changes; and*

1 (2) \$11,000,000 which represents the combina-
2 tion of project savings in military construction result-
3 ing from favorable bids, reduced overhead costs, and
4 cancellations due to force structure changes.

5 **TITLE XXIV—DEFENSE**
6 **AGENCIES**

7 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRU-**
8 **CTION AND LAND ACQUISITION PROJECTS.**

9 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
10 propriated pursuant to the authorization of appropriations
11 in section 2404(a)(1), the Secretary of Defense may acquire
12 real property and carry out military construction projects
13 for the installations and locations inside the United States,
14 and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount	
<i>Chemical Demilitarization</i>	<i>Aberdeen Proving Ground, Maryland</i>	\$186,350,000	
	<i>Newport Army Depot, Indiana</i>	\$191,550,000	
<i>Defense Logistics Agency</i>	<i>Defense Fuel Support Point, Fort Sill, Oklahoma</i>	\$3,500,000	
	<i>Defense Fuel Support Point, Jacksonville Annex, Mayport, Florida</i>	\$11,020,000	
	<i>Defense Fuel Support Point, Jacksonville, Florida</i>	\$11,000,000	
	<i>Defense General Supply Center, Richmond (DLA), Virginia</i>	\$10,500,000	
	<i>Defense Fuels Supply Center, Camp Shelby, Mississippi</i>	\$5,300,000	
	<i>Defense Fuels Supply Center, Elmendorf Air Force Base, Alaska</i>	\$19,500,000	
	<i>Defense Fuels Supply Center, Pope Air Force Base, North Carolina</i>	\$4,100,000	
	<i>Various Locations</i>	\$1,300,000	
	<i>Defense Medical Facilities Office</i>	<i>Barksdale Air Force Base, Louisiana</i>	\$3,450,000
		<i>Beale Air Force Base, California</i>	\$3,500,000
<i>Carlisle Barracks, Pennsylvania</i>		\$4,678,000	
<i>Cheatham Annex, Virginia</i>		\$11,300,000	
<i>Eduards Air Force Base, California</i> ..		\$6,000,000	
<i>Elgin Air Force Base, Florida</i>		\$9,200,000	
<i>Fort Bragg, North Carolina</i>		\$6,500,000	
<i>Fort Hood, Texas</i>	\$14,100,000		

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
	<i>Fort Stewart/Hunter Army Air Field, Georgia</i>	\$10,400,000
	<i>Grand Forks Air Force Base, North Dakota</i>	\$5,600,000
	<i>Holloman Air Force Base, New Mexico</i>	\$1,300,000
	<i>Keesler Air Force Base, Mississippi ...</i>	\$700,000
	<i>Marine Corps Air Station, Camp Pendleton, California.. ..</i>	\$6,300,000
	<i>McChord Air Force Base, Washington</i>	\$20,000,000
	<i>Moody Air Force Base, Georgia</i>	\$11,000,000
	<i>Naval Air Station, Pensacola, Florida</i>	\$25,400,000
	<i>Naval Hospital, Bremerton, Washington</i>	\$28,000,000
	<i>Naval Hospital, Great Lakes, Illinois</i>	\$7,100,000
	<i>Naval Station, San Diego, California</i>	\$1,350,000
	<i>Naval Submarine Base, Bangor, Washington</i>	\$5,700,000
	<i>Travis Air Force Base, California</i>	\$1,700,000
<i>Defense Education Activity</i>	<i>Marine Corps Base, Camp LeJeune, North Carolina</i>	\$16,900,000
	<i>United States Military Academy, West Point, New York</i>	\$2,840,000
<i>National Security Agency</i>	<i>Fort Meade, Maryland</i>	\$668,000
<i>Special Operations Command</i>	<i>Elgin Auxiliary Field 3, Florida</i>	\$7,310,000
	<i>Elgin Auxiliary Field 9, Florida</i>	\$2,400,000
	<i>Fort Campbell, Kentucky</i>	\$15,000,000
	<i>MacDill Air Force Base, Florida</i>	\$8,400,000
	<i>Naval Amphibious Base, Coronado, California</i>	\$3,600,000
	<i>Stennis Space Center, Mississippi</i>	\$5,500,000
	<i>Total</i>	\$690,016,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 *appropriated pursuant to the authorization of appropri-*
3 *tions in section 2404(a)(2), the Secretary of Defense may*
4 *acquire real property and carry out military construction*
5 *projects for the installations and locations outside the*
6 *United States, and in the amounts, set forth in the following*
7 *table:*

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
<i>Ballistic Missile Defense Orga- nization</i>	<i>Kwajalein Atoll, Kwajalein</i>	\$4,600,000
<i>Defense Logistics Agency</i>	<i>Lajes Field, Azores, Portugal</i>	\$7,700,000
<i>Defense Medical Facilities Of- fice</i>	<i>Naval Air Station, Sigonella, Italy</i>	\$5,300,000

Defense Agencies: Outside the United States—Continued

Agency	Installation or location	Amount
<i>Defense Education Activity</i>	<i>Royal Air Force, Lakenheath, United Kingdom</i>	\$10,800,000
	<i>Fort Buchanan, Puerto Rico</i>	\$8,805,000
	<i>Naval Activities, Guam</i>	\$13,100,000
<i>Special Operations Command</i>	<i>Naval Station, Roosevelt Roads, Puerto Rico</i>	\$9,600,000
	<i>Total</i>	\$59,905,000

1 SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING**2 UNITS.**

3 *Subject to section 2825 of title 10, United States Code,*
4 *and using amounts appropriated pursuant to the author-*
5 *ization of appropriation in section 2404(a)(11)(A), the Sec-*
6 *retary of Defense may improve existing military family*
7 *housing units in an amount not to exceed \$345,000.*

8 SEC. 2403. ENERGY CONSERVATION PROJECTS.

9 *Using amounts appropriated pursuant to the author-*
10 *ization of appropriations in section 2404(a)(9), the Sec-*
11 *retary of Defense may carry out energy conservation*
12 *projects under section 2865 of title 10, United States Code.*

13 SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE**14 AGENCIES.**

15 *(a) IN GENERAL.—Funds are hereby authorized to be*
16 *appropriated for fiscal years beginning after September 30,*
17 *1998, for military construction, land acquisition, and mili-*
18 *tary family housing functions of the Department of Defense*
19 *(other than the military departments), in the total amount*
20 *of \$2,386,023,000 as follows:*

1 (1) *For military construction projects inside the*
2 *United States authorized by section 2401(a),*
3 *\$369,966,000.*

4 (2) *For military construction projects outside the*
5 *United States authorized by section 2401(a),*
6 *\$59,905,000.*

7 (3) *For construction of the Ammunition Demili-*
8 *tarization Facility, Pine Bluff Arsenal, Arkansas au-*
9 *thorized by section 2401 of the Military Construction*
10 *Authorization Act for Fiscal Year 1995 (division B of*
11 *Public Law 103-337; 108 Stat. 3040), as amended by*
12 *section 2407 of the Military Construction Authoriza-*
13 *tion Act for Fiscal Year 1996 (division B of Public*
14 *Law 104-106; 110 Stat. 539), section 2408 of the*
15 *Military Construction Authorization Act for Fiscal*
16 *Year 1998 (division B of Public Law 105-85; 111*
17 *Stat. 1982), and section 2405 of this Act,*
18 *\$16,500,000.*

19 (4) *For construction of the Ammunition Demili-*
20 *tarization Facility, Umatilla Army Depot, Oregon,*
21 *authorized by section 2401 of the Military Construc-*
22 *tion Authorization Act for Fiscal Year 1995, as*
23 *amended by section 2407 of the Military Construction*
24 *Authorization Act for Fiscal Year 1996, section 2408*
25 *of the Military Construction Authorization Act for*

1 *Fiscal Year 1998, and section 2405 of this Act,*
2 *\$50,950,000.*

3 (5) *For military construction projects at Ports-*
4 *mouth Naval Hospital, Virginia, hospital replace-*
5 *ment, authorized by section 2401(a) of the Military*
6 *Construction Authorization Act for Fiscal Years 1990*
7 *and 1991 (division B of Public Law 101–189; 106*
8 *Stat. 1640), as amended by section 2406 of this Act,*
9 *\$17,954,000.*

10 (6) *For unspecified minor construction projects*
11 *under section 2805 of title 10, United States Code,*
12 *\$16,094,000.*

13 (7) *For contingency construction projects of the*
14 *Secretary of Defense under section 2804 of title 10,*
15 *United States Code, \$4,890,000.*

16 (8) *For architectural and engineering services*
17 *and construction design under section 2807 of title*
18 *10, United States Code, \$39,866,000.*

19 (9) *For energy conservation projects authorized*
20 *by section 2404, \$46,950,000.*

21 (10) *For base closure and realignment activities*
22 *as authorized by the Defense Base Closure and Re-*
23 *alignment Act of 1990 (part A of title XXIX of Public*
24 *Law 101–510; 10 U.S.C. 2687 note), \$1,730,704,000.*

25 (11) *For military family housing functions:*

1 (A) *For improvement of military family*
2 *housing and facilities, \$345,000.*

3 (B) *For support of military housing (in-*
4 *cluding functions described in section 2833 of*
5 *title 10, United States Code), \$36,899,000 of*
6 *which not more than \$31,139,000 may be obli-*
7 *gated or expended for the leasing of military*
8 *family housing units worldwide.*

9 (C) *For credit to the Department of Defense*
10 *Family Housing Improvement Fund established*
11 *by section 2883(a)(1) of title 10, United States*
12 *Code, \$7,000,000.*

13 (b) *LIMITATION OF TOTAL COST OF CONSTRUCTION*
14 *PROJECTS.—Notwithstanding the cost variation authorized*
15 *by section 2853 of title 10, United States Code, and any*
16 *other cost variations authorized by law, the total cost of*
17 *all projects carried out under section 2401 of this Act may*
18 *not exceed—*

19 (1) *the total amount authorized to be appro-*
20 *priated under paragraphs (1) and (2) of subsection*
21 *(a);*

22 (2) *\$162,050,000 (the balance of the amount au-*
23 *thorized under section 2401(a) for the construction of*
24 *the Ammunition Demilitarization Facility at New-*
25 *port Army Depot, Indiana); and*

1 (3) \$158,000,000 (the balance of the amount au-
2 thorized under section 2401(a) for the construction of
3 the Ammunition Demilitarization Facility at Aber-
4 deen Proving Ground, Maryland).

5 (c) *ADJUSTMENT.*—The total amount authorized to be
6 appropriated pursuant to paragraphs (1) through (11) of
7 subsection (a) is the sum of the amounts authorized to be
8 appropriated in such paragraphs, reduced by \$12,000,000,
9 which represents the combination of project savings in mili-
10 tary construction resulting from favorable bids, reduced
11 overhead costs, and cancellations due to force structure
12 changes.

13 **SEC. 2405. INCREASE IN FISCAL YEAR 1995 AUTHORIZATION**
14 **FOR MILITARY CONSTRUCTION PROJECTS AT**
15 **PINE BLUFF ARSENAL, ARKANSAS, AND**
16 **UMATILLA ARMY DEPOT, OREGON.**

17 The table in section 2401 of the Military Construction
18 Authorization Act for Fiscal Year 1995 (division B of Pub-
19 lic Law 103–337; 108 Stat. 3040), as amended by section
20 2407 of the Military Construction Authorization Act for
21 Fiscal Year 1996 (division B of Public Law 104–106; 110
22 Stat. 539) and section 2408 of the Military Construction
23 Authorization Act for Fiscal Year 1998 (division B of Pub-
24 lic Law 105–85; 111 Stat. 1982), under the agency heading

1 *relating to Chemical Weapons and Munitions Destruction,*
2 *is amended—*

3 (1) *in the item relating to Pine Bluff Arsenal,*
4 *Arkansas, by striking out \$134,000,000” in the*
5 *amount column and inserting in lieu thereof*
6 *“\$154,400,000”; and*

7 (2) *in the item relating to Umatilla Army*
8 *Depot, Oregon, by striking out “\$187,000,000” in the*
9 *amount column and inserting in lieu thereof*
10 *“\$193,377,000”.*

11 **SEC. 2406. INCREASE IN FISCAL YEAR 1990 AUTHORIZATION**
12 **FOR MILITARY CONSTRUCTION PROJECT AT**
13 **PORTSMOUTH NAVAL HOSPITAL, VIRGINIA.**

14 (a) *INCREASE.—The table in section 2401(a) of the*
15 *Military Construction Authorization Act for Fiscal Years*
16 *1990 and 1991 (division B of Public Law 100–189; 103*
17 *Stat. 1640) is amended in the item relating to Portsmouth*
18 *Naval Hospital, Virginia, by striking out “\$330,000,000”*
19 *and inserting in lieu thereof “\$351,354,000”.*

20 (b) *CONFORMING AMENDMENT.—Section 2405(b)(2) of*
21 *that Act (103 Stat. 1642) is amended by striking out*
22 *“\$321,500,000” and inserting in lieu thereof*
23 *“\$342,854,000”.*

1 **TITLE XXV—NORTH ATLANTIC**
2 **TREATY ORGANIZATION SE-**
3 **CURITY INVESTMENT PRO-**
4 **GRAM**

5 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
6 **ACQUISITION PROJECTS.**

7 *The Secretary of Defense may make contributions for*
8 *the North Atlantic Treaty Organization Security Invest-*
9 *ment program as provided in section 2806 of title 10,*
10 *United States Code, in an amount not to exceed the sum*
11 *of the amount authorized to be appropriated for this pur-*
12 *pose in section 2502 and the amount collected from the*
13 *North Atlantic Treaty Organization as a result of construc-*
14 *tion previously financed by the United States.*

15 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

16 *Funds are hereby authorized to be appropriated for fis-*
17 *cal years beginning after September 30, 1998, for contribu-*
18 *tions by the Secretary of Defense under section 2806 of title*
19 *10, United States Code, for the share of the United States*
20 *of the cost of projects for the North Atlantic Treaty Organi-*
21 *zation Security Investment program authorized by section*
22 *2501, in the amount of \$169,000,000.*

1 **TITLE XXVI—GUARD AND**
2 **RESERVE FORCES FACILITIES**

3 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
4 **TION AND LAND ACQUISITION PROJECTS.**

5 (a) *AUTHORIZATION OF APPROPRIATIONS.*—There are
6 authorized to be appropriated for fiscal years beginning
7 after September 30, 1998, for the costs of acquisition, archi-
8 tectural and engineering services, and construction of facili-
9 ties for the Guard and Reserve Forces, and for contributions
10 therefor, under chapter 1803 of title 10, United States Code
11 (including the cost of acquisition of land for those facilities),
12 the following amounts:

13 (1) *For the Department of the Army—*

14 (A) *for the Army National Guard of the*
15 *United States, \$70,338,000; and*

16 (B) *for the Army Reserve, \$84,608,000.*

17 (2) *For the Department of the Navy, for the*
18 *Naval and Marine Corps Reserve, \$33,721,000.*

19 (3) *For the Department of the Air Force—*

20 (A) *for the Air National Guard of the*
21 *United States, \$97,701,000; and*

22 (B) *for the Air Force Reserve, \$35,371,000.*

23 (b) *ADJUSTMENT.*—(1) *The amount authorized to be*
24 *appropriated pursuant to subsection (a)(1)(A) is reduced*
25 *by \$2,000,000, which represents the combination of project*

1 *savings in military construction resulting from favorable*
2 *bids, reduced overhead costs, and cancellations due to force*
3 *structure changes.*

4 (2) *The amount authorized to be appropriated pursu-*
5 *ant to subsection (a)(3)(A) is reduced by \$4,000,000, which*
6 *represents the combination of project savings in military*
7 *construction resulting from favorable bids, reduced overhead*
8 *costs, and cancellations due to force structure changes.*

9 **SEC. 2602. ARMY RESERVE CONSTRUCTION PROJECT, SALT**

10 **LAKE CITY, UTAH.**

11 (a) *COST SHARE REQUIREMENT.*—*With regard to the*
12 *military construction project for the Army Reserve concern-*
13 *ing construction of a reserve center and organizational*
14 *maintenance shop at an appropriate site in, or in the vicin-*
15 *ity of, Salt Lake City, Utah, to be carried out using funds*
16 *appropriated pursuant to the authorization of appropria-*
17 *tions in section 2601(a)(1)(B), the Secretary of the Army*
18 *shall enter into an agreement with the State of Utah under*
19 *which the State agrees to provide financial or in-kind con-*
20 *tributions in connection with the project.*

21 (b) *REPEAL OF SUPERSEDED AUTHORITY.*—(1) *Sec-*
22 *tion 2603 of the Military Construction Authorization Act*
23 *for Fiscal Year 1998 (division B of Public Law 105–85;*
24 *111 Stat. 1983) is repealed.*

1 (2) Section 2601(a)(1)(B) of such Act is amended by
2 striking out “\$66,267,000” and inserting in lieu thereof
3 “\$53,553,000”.

4 **TITLE XXVII—EXPIRATION AND**
5 **EXTENSION OF AUTHORIZA-**
6 **TIONS**

7 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
8 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
9 **LAW.**

10 (a) *EXPIRATION OF AUTHORIZATIONS AFTER THREE*
11 *YEARS.*—*Except as provided in subsection (b), all author-*
12 *izations contained in titles XXI through XXVI for military*
13 *construction projects, land acquisition, family housing*
14 *projects and facilities, and contributions to the North At-*
15 *lantic Treaty Organization Security Investment program*
16 *(and authorizations of appropriations therefor) shall expire*
17 *on the later of—*

18 (1) *October 1, 2001; or*

19 (2) *the date of enactment of an Act authorizing*
20 *fun*ds for military construction for fiscal year 2002.

21 (b) *EXCEPTION.*—*Subsection (a) shall not apply to au-*
22 *thorizations for military construction projects, land acqui-*
23 *sition, family housing projects and facilities, and contribu-*
24 *tions to the North Atlantic Treaty Organization Security*
25 *Investment program (and authorizations of appropriations*

1 therefor), for which appropriated funds have been obligated
 2 before the later of—

- 3 (1) October 1, 2001; or
- 4 (2) the date of enactment of an Act authorizing
- 5 funds for fiscal year 2002 for military construction
- 6 projects, land acquisition, family housing projects
- 7 and facilities, or contributions to the North Atlantic
- 8 Treaty Organization Security Investment program.

9 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 10 **FISCAL YEAR 1996 PROJECTS.**

11 (a) *EXTENSIONS.*—Notwithstanding section 2701 of
 12 the Military Construction Authorization Act for Fiscal Year
 13 1996 (division B of Public Law 104–106; 110 Stat. 541),
 14 authorizations for the projects set forth in the tables in sub-
 15 section (b), as provided in sections 2201, 2302, or 2601 of
 16 that Act, shall remain in effect until October 1, 1999, or
 17 the date of enactment of an Act authorizing funds for mili-
 18 tary construction for fiscal year 2000, whichever is later.

19 (b) *TABLES.*—The tables referred to in subsection (a)
 20 are as follows:

Navy: Extension of 1996 Project Authorization

<i>State</i>	<i>Installation or loca- tion</i>	<i>Project</i>	<i>Amount</i>
<i>Puerto Rico</i>	<i>Naval Station Roosevelt Roads</i>	<i>Housing Office</i>	<i>\$710,000</i>

Air Force: Extension of 1996 Project Authorization

State	Installation or location	Project	Amount
<i>Texas</i>	<i>Lackland Air Force Base</i>	<i>Family Housing (67 units)</i>	\$6,200,000

Army National Guard: Extension of 1996 Project Authorization

State	Installation or location	Project	Amount
<i>Mississippi</i>	<i>Camp Shelby</i>	<i>Multipurpose Range Complex (Phase I)</i>	\$5,000,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATION OF FISCAL YEAR**2 **1995 PROJECT.**

3 (a) *EXTENSION.*—Notwithstanding section 2701 of the
4 *Military Construction Authorization Act for Fiscal Year*
5 *1995 (division B of Public Law 103–337; 108 Stat. 3046),*
6 *the authorization for the project set forth in the table in*
7 *subsection (b), as provided in section 2201 of that Act and*
8 *extended by section 2702 of the Military Construction Au-*
9 *thorization Act for Fiscal Year 1998 (division B of Public*
10 *Law 105–85; 111 Stat. 1985), shall remain in effect until*
11 *October 1, 1999, or the date of enactment of an Act author-*
12 *izing funds for military construction for fiscal year 2000,*
13 *whichever is later.*

14 (b) *TABLE.*—The table referred to in subsection (a) is
15 *as follows:*

Navy: Extension of 1995 Project Authorization

State	Installation or location	Project	Amount
<i>Maryland</i>	<i>Indian Head Naval Surface Warfare Center</i>	<i>Denitrification/ Acid Mixing Facility</i>	\$6,400,000

1 **SEC. 2704. EFFECTIVE DATE.**

2 *Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall*
 3 *take effect on the later of—*

4 *(1) October 1, 1998; or*

5 *(2) the date of enactment of this Act.*

6 **TITLE XXVIII—GENERAL**
 7 **PROVISIONS**

8 ***Subtitle A—Military Construction***
 9 ***Program and Military Family***
 10 ***Housing Changes***

11 **SEC. 2801. DEFINITION OF ANCILLARY SUPPORTING FACILI-**
 12 ***TIES UNDER THE ALTERNATIVE AUTHORITY***
 13 ***FOR ACQUISITION AND IMPROVEMENT OF***
 14 ***MILITARY HOUSING.***

15 *Section 2871(1) of title 10, United States Code, is*
 16 *amended by inserting after “including” the following: “fa-*
 17 *cilities to provide or support elementary or secondary edu-*
 18 *cation.”.*

19 ***Subtitle B—Real Property and***
 20 ***Facilities Administration***

21 **SEC. 2811. RESTORATION OF DEPARTMENT OF DEFENSE**
 22 ***LANDS USED BY ANOTHER FEDERAL AGENCY.***

23 *(a) INCLUSION OF RESTORATION AS CONTRACT*
 24 *TERM.—Section 2691 of title 10, United States Code, is*
 25 *amended by adding at the end the following new subsection:*

1 “(c) *As a condition of any lease, permit, license, or*
2 *other grant of access entered into by the Secretary of a mili-*
3 *tary department with another Federal agency authorizing*
4 *the other agency to use lands under the control of the Sec-*
5 *retary, the Secretary may require the other agency to agree*
6 *to remove any improvements and to take any other action*
7 *necessary in the judgment of the Secretary to restore the*
8 *land used by the agency to the condition the land was in*
9 *before its use by the agency. In lieu of performing the work*
10 *itself, the Federal agency may elect, with the consent of the*
11 *Secretary, to reimburse the Secretary for the costs incurred*
12 *by the military department to perform the removal and res-*
13 *toration work.”.*

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

16 **“§2691. Restoration of land used by permit or lease”.**

17 (2) *The table of sections at the beginning of chapter*
18 *159 of title 10, United States Code, is amended by striking*
19 *the item relating to section 2691 and inserting in lieu there-*
20 *of the following new item:*

“2691. Restoration of land used by permit or lease.”.

1 **SEC. 2812. OUTDOOR RECREATION DEVELOPMENT ON MILI-**
2 **TARY INSTALLATIONS FOR DISABLED VETER-**
3 **ANS, MILITARY DEPENDENTS WITH DISABIL-**
4 **ITIES, AND OTHER PERSONS WITH DISABIL-**
5 **ITIES.**

6 (a) *ACCESS ENHANCEMENT.*—Section 103 of the Sikes
7 Act (16 U.S.C. 670c) is amended by adding at the end the
8 following new subsections:

9 “(b) *ACCESS FOR DISABLED VETERANS, MILITARY*
10 *DEPENDENTS WITH DISABILITIES, AND OTHER PERSONS*
11 *WITH DISABILITIES.*—(1) *In developing facilities and con-*
12 *ducting programs for public outdoor recreation at military*
13 *installations, consistent with the primary military mission*
14 *of the installations, the Secretary of Defense shall ensure,*
15 *to the maximum extent practicable, that outdoor recreation*
16 *opportunities (including fishing, hunting, trapping, wild-*
17 *life viewing, boating, and camping) made available to the*
18 *public also provide equal access for persons described in*
19 *paragraph (2) when topographic, vegetative, and water re-*
20 *sources allow equal access without substantial modification*
21 *to the natural environment.*

22 “(2) *Persons referred to in paragraph (1) are disabled*
23 *veterans, military dependents with disabilities, and other*
24 *persons with disabilities.*

25 “(3) *The Secretary of Defense shall carry out this sub-*
26 *section in consultation with the Secretary of Veterans Af-*

1 *fairs, national service, military, and veterans organiza-*
2 *tions, and sporting organizations in the private sector that*
3 *participate in outdoor recreation projects for persons de-*
4 *scribed in paragraph (2).*

5 “(c) *ACCEPTANCE OF DONATIONS.—In connection*
6 *with the facilities and programs for public outdoor recre-*
7 *ation at military installations, in particular the require-*
8 *ment under subsection (b) to provide equal access for per-*
9 *sons described in paragraph (2) of such subsection, the Sec-*
10 *retary of Defense may accept—*

11 “(1) *the voluntary services of individuals and or-*
12 *ganizations; and*

13 “(2) *donations of money or property, whether*
14 *real, personal, mixed, tangible, or intangible.*

15 “(d) *TREATMENT OF VOLUNTEERS.—A volunteer*
16 *under subsection (c) shall not be considered to be a Federal*
17 *employee and shall not be subject to the provisions of law*
18 *relating to Federal employment, including those relating to*
19 *hours of work, rates of compensation, leave, unemployment*
20 *compensation, and Federal employee benefits, except that—*

21 “(1) *for the purposes of the tort claims provi-*
22 *sions of chapter 171 of title 28, United States Code,*
23 *the volunteer shall be considered to be a Federal em-*
24 *ployee; and*

1 *not adversely affect the national security of the*
2 *United States.*

3 **(b) LIST OF LIKELY SYSTEMS FOR CONVEYANCE.**—*The*
4 *report submitted by the Secretary of a military department*
5 *under subsection (a) shall also contain a list of the utility*
6 *systems, including the locations of the utility systems, that,*
7 *as of the date of the submission of the report, the Secretary*
8 *considers are likely to be conveyed under the authority of*
9 *section 2688 of title 10, United States Code.*

10 ***Subtitle C—Defense Base Closure***
11 ***and Realignment***

12 ***SEC. 2821. PAYMENT OF STIPULATED PENALTIES ASSESSED***
13 ***UNDER THE COMPREHENSIVE ENVIRON-***
14 ***MENTAL RESPONSE, COMPENSATION, AND LI-***
15 ***ABILITY ACT OF 1980 IN CONNECTION WITH***
16 ***MCCLELLAN AIR FORCE BASE, CALIFORNIA.***

17 **(a) SOURCE OF PAYMENT.**—*Notwithstanding sub-*
18 *section (b) of section 2906(a) of the Defense Base Closure*
19 *and Realignment Act of 1990 (part A of Title XXIX of Pub-*
20 *lic Law 101–510; 10 U.S.C. 2687 note), the Secretary of*
21 *Defense may use amounts in the Department of Defense*
22 *Base Closure Account 1990 established under subsection (a)*
23 *of such section to pay stipulated penalties assessed under*
24 *the Comprehensive Environmental Response Compensation*

1 *and Liability Act (42 U.S.C. 9601 et seq.) against McClel-*
 2 *lan Air Force Base, California.*

3 (b) *AMOUNT OF PAYMENT.*—*The amount expended*
 4 *under the authority of subsection (a) may not exceed*
 5 *\$15,000.*

6 **SEC. 2822. ELIMINATION OF WAIVER AUTHORITY REGARD-**
 7 **ING PROHIBITION AGAINST CERTAIN CON-**
 8 **VEYANCES OF PROPERTY AT NAVAL STATION,**
 9 **LONG BEACH, CALIFORNIA.**

10 *Section 2826 of the Military Construction Authoriza-*
 11 *tion Act for Fiscal Year 1998 (division B of Public Law*
 12 *105–85; 111 Stat. 2001) is amended by striking out sub-*
 13 *section (e).*

14 ***Subtitle D—Land Conveyances***

15 ***PART I—ARMY CONVEYANCES***

16 **SEC. 2831. LAND CONVEYANCE, ARMY RESERVE CENTER,**
 17 **MASSENA, NEW YORK.**

18 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
 19 *Army may convey, without consideration, to the Village of*
 20 *Massena, New York (in this section referred to as the “Vil-*
 21 *lage”), all right, title, and interest of the United States in*
 22 *and to a parcel of real property (including improvements*
 23 *thereon) consisting of the Army Reserve Center in Massena,*
 24 *New York, for the purpose of permitting the Village to de-*

1 *velop the parcel for public benefit, including the develop-*
2 *ment of municipal office space.*

3 (b) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
4 *and legal description of the real property to be conveyed*
5 *under subsection (a) shall be determined by a survey satis-*
6 *factory to the Secretary. The cost of the survey shall be borne*
7 *by the Village.*

8 (c) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
9 *retary may require such additional terms and conditions*
10 *in connection with the conveyance under subsection (a) as*
11 *the Secretary considers appropriate to protect the interests*
12 *of the United States.*

13 **SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER,**
14 **OGDENSBURG, NEW YORK.**

15 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
16 *Army may convey, without consideration, to the City of*
17 *Ogdensburg, New York (in this section referred to as the*
18 *“City”), all right, title, and interest of the United States*
19 *in and to a parcel of real property (including improvements*
20 *thereon) consisting of the Army Reserve Center in*
21 *Ogdensburg, New York, for the purpose of permitting the*
22 *City to develop the parcel for public benefit, including the*
23 *development of municipal office space.*

24 (b) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
25 *and legal description of the real property to be conveyed*

1 *under subsection (a) shall be determined by a survey satis-*
2 *factory to the Secretary. The cost of the survey shall be borne*
3 *by the City.*

4 *(c) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
5 *retary may require such additional terms and conditions*
6 *in connection with the conveyance under subsection (a) as*
7 *the Secretary considers appropriate to protect the interests*
8 *of the United States.*

9 **SEC. 2833. LAND CONVEYANCE, ARMY RESERVE CENTER,**
10 **JAMESTOWN, OHIO.**

11 *(a) CONVEYANCE AUTHORIZED.—The Secretary of the*
12 *Army may convey, without consideration, to the Greeneview*
13 *Local School District of Jamestown, Ohio, all right, title,*
14 *and interest of the United States in and to a parcel of excess*
15 *Federal real property, including improvements thereon,*
16 *that is located at 5693 Plymouth Road in Jamestown, Ohio,*
17 *and contains an Army Reserve Center.*

18 *(b) PURPOSE OF CONVEYANCE.—The purpose of the*
19 *conveyance under subsection (a) is to permit the Greeneview*
20 *Local School District to retain and use the conveyed prop-*
21 *erty for the benefit of the students of Greeneview schools.*

22 *(c) DESCRIPTION OF PROPERTY.—The exact acreage*
23 *and legal description of the real property to be conveyed*
24 *under subsection (a) shall be determined by a survey satis-*

1 *factory to the Secretary. The cost of the survey shall be borne*
2 *by the Greeneview Local School District.*

3 (d) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
4 *retary may require such additional terms and conditions*
5 *in connection with the conveyance under subsection (a) as*
6 *the Secretary considers appropriate to protect the interests*
7 *of the United States.*

8 **SEC. 2834. LAND CONVEYANCE, STEWART ARMY SUB-POST,**
9 **NEW WINDSOR, NEW YORK.**

10 (a) *CONVEYANCE AUTHORIZED.—The Secretary of the*
11 *Army may convey, without consideration, to the Town of*
12 *New Windsor, New York (in this section referred to as the*
13 *“Town”), all right, title, and interest of the United States*
14 *in and to a parcel of real property, including any improve-*
15 *ments thereon, consisting of approximately 291 acres at the*
16 *Stewart Army Sub-Post in New Windsor, New York.*

17 (b) *EXCLUSION.—The real property to be conveyed*
18 *under subsection (a) does not include any portion of the*
19 *approximately 89.2-acre parcel at Stewart Army Sub-Post*
20 *that is proposed for transfer to the jurisdiction and control*
21 *of the Marine Corps or the approximately 22-acre parcel*
22 *at Stewart Army Sub-Post that is proposed for transfer to*
23 *the jurisdiction and control of the Army Reserve.*

24 (c) *DESCRIPTION OF PROPERTY.—The exact acreage*
25 *and legal description of the real property to be conveyed*

1 *under subsection (a) shall be determined by a survey satis-*
2 *factory to the Secretary. The cost of the survey shall be borne*
3 *by the Town.*

4 *(d) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
5 *retary may require such additional terms and conditions*
6 *in connection with the conveyance under subsection (a) as*
7 *the Secretary considers appropriate to protect the interests*
8 *of the United States.*

9 **SEC. 2835. LAND CONVEYANCE, INDIANA ARMY AMMUNI-**
10 **TION PLANT, CHARLESTOWN, INDIANA.**

11 *(a) CONVEYANCE AUTHORIZED.—The Secretary of the*
12 *Army may convey to the Indiana Army Ammunition Plant*
13 *Reuse Authority (in this section referred to as the “Reuse*
14 *Authority”)* *all right, title, and interest of the United States*
15 *in and to a parcel of real property, including improvements*
16 *thereon, consisting of approximately 4660 acres located at*
17 *the Indiana Army Ammunition Plant, Charlestown, Indi-*
18 *ana, for the purpose of developing the parcel as an indus-*
19 *trial park to replace all or part of the economic activity*
20 *lost at the inactivated plant.*

21 *(b) CONSIDERATION.—Except as provided in sub-*
22 *section (d), as consideration for the conveyance under sub-*
23 *section (a), the Reuse Authority shall pay to the Secretary*
24 *an amount equal to the fair market value of the conveyed*
25 *property as of the time of the conveyance, determined by*

1 *the Secretary in accordance with Federal appraisal stand-*
2 *ards and procedures.*

3 (c) *TIME FOR PAYMENT.*—*The consideration required*
4 *under subsection (b) shall be paid by the Reuse Authority*
5 *at the end of the 10-year period beginning on the date on*
6 *which the conveyance under subsection (a) is completed.*

7 (d) *EFFECT OF RECONVEYANCE OR LEASE.*—(1) *If,*
8 *during the 10-year period specified in subsection (c), the*
9 *Reuse Authority reconveys all or any part of the property*
10 *conveyed under subsection (a), the Reuse Authority shall*
11 *pay to the United States an amount equal to the fair mar-*
12 *ket value of the reconveyed property as of the time of the*
13 *reconveyance, excluding the value of any improvements*
14 *made to the property by the Reuse Authority, determined*
15 *by the Secretary in accordance with Federal appraisal*
16 *standards and procedures.*

17 (2) *The Secretary may treat a lease of the property*
18 *within such 10-year period as a reconveyance if the Sec-*
19 *retary determines that the lease is being used to avoid ap-*
20 *plication of paragraph (1).*

21 (e) *DEPOSIT OF PROCEEDS.*—*The Secretary shall de-*
22 *posit any proceeds received under subsection (b) or (d) in*
23 *the special account established pursuant to section*
24 *204(h)(2) of the Federal Property and Administrative Serv-*
25 *ices Act of 1949 (40 U.S.C. 485(h)(2)).*

1 (f) *ADMINISTRATIVE EXPENSES.*—*In connection with*
2 *the conveyance under subsection (a), the Secretary may ac-*
3 *cept amounts provided by the Reuse Authority or other per-*
4 *sons to cover administrative expenses incurred by the Sec-*
5 *retary in making the conveyance. Amounts received under*
6 *this subsection for administrative expenses shall be credited*
7 *to the appropriation, fund, or account from which the ex-*
8 *penses were paid and shall be available, to the extent pro-*
9 *vided in appropriation Acts, for the same purposes and sub-*
10 *ject to the same limitations as other funds in such appro-*
11 *priation, fund, or account.*

12 (g) *DESCRIPTION OF PROPERTY.*—*The property to be*
13 *conveyed under subsection (a) includes the administrative*
14 *area of the Indiana Army Ammunition Plant as well as*
15 *open space in the southern end of the plant. The exact acre-*
16 *age and legal description of the property to be conveyed*
17 *shall be determined by a survey satisfactory to the Sec-*
18 *retary. The cost of the survey shall be borne by the Reuse*
19 *Authority.*

20 (h) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
21 *retary may require such additional terms and conditions*
22 *in connection with the conveyance under subsection (a) as*
23 *the Secretary considers appropriate to protect the interests*
24 *of the United States.*

1 (i) *ADDITIONAL CONVEYANCE FOR RECREATIONAL*
2 *PURPOSES.*—*Section 2858(a) of the National Defense Au-*
3 *thorization Act for Fiscal Year 1996 (Public Law 104–106;*
4 *110 Stat. 571), as amended by section 2838 of the National*
5 *Defense Authorization Act for Fiscal Year 1998 (Public*
6 *Law 105–85; 111 Stat. 2006), is further amended by adding*
7 *at the end the following new paragraph:*

8 “(3) *The Secretary may also convey to the State, with-*
9 *out consideration, another parcel of real property at the In-*
10 *diana Army Ammunition Plant consisting of approxi-*
11 *mately 2,000 acres of additional riverfront property in*
12 *order to connect the parcel conveyed under paragraph (2)*
13 *with the parcels of Charlestown State Park conveyed to the*
14 *State under paragraph (1) and title II of the Defense Au-*
15 *thorization Amendments and Base Closure and Realign-*
16 *ment Act (Public Law 100–526; 10 U.S.C. 2687 note).”.*

17 **SEC. 2836. LAND CONVEYANCE, VOLUNTEER ARMY AMMUNI-**
18 **TION PLANT, CHATTANOOGA, TENNESSEE.**

19 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
20 *Army may convey to Hamilton County, Tennessee (in this*
21 *section referred to as the “County”), all right, title, and*
22 *interest of the United States in and to a parcel of real prop-*
23 *erty, including improvements thereon, consisting of ap-*
24 *proximately 1033 acres located at the Volunteer Army Am-*
25 *munition Plant, Chattanooga, Tennessee, for the purpose of*

1 *developing the parcel as an industrial park to replace all*
2 *or part of the economic activity lost at the inactivated*
3 *plant.*

4 **(b) CONSIDERATION.**—*Except as provided in sub-*
5 *section (d), as consideration for the conveyance under sub-*
6 *section (a), the County shall pay to the Secretary an*
7 *amount equal to the fair market value of the conveyed prop-*
8 *erty as of the time of the conveyance, determined by the*
9 *Secretary in accordance with Federal appraisal standards*
10 *and procedures.*

11 **(c) TIME FOR PAYMENT.**—*The consideration required*
12 *under subsection (b) shall be paid by the County at the end*
13 *of the 10-year period beginning on the date on which the*
14 *conveyance under subsection (a) is completed.*

15 **(d) EFFECT OF RECONVEYANCE OR LEASE.**—*(1) If,*
16 *during the 10-year period specified in subsection (c), the*
17 *County reconveys all or any part of the property conveyed*
18 *under subsection (a), the County shall pay to the United*
19 *States an amount equal to the fair market value of the re-*
20 *conveyed property as of the time of the reconveyance, ex-*
21 *cluding the value of any improvements made to the prop-*
22 *erty by the County, determined by the Secretary in accord-*
23 *ance with Federal appraisal standards and procedures.*

24 **(2)** *The Secretary may treat a lease of the property*
25 *within such 10-year period as a reconveyance if the Sec-*

1 *retary determines that the lease is being used to avoid ap-*
2 *plication of paragraph (1).*

3 *(e) DEPOSIT OF PROCEEDS.—The Secretary shall de-*
4 *posit any proceeds received under subsection (b) or (d) in*
5 *the special account established pursuant to section*
6 *204(h)(2) of the Federal Property and Administrative Serv-*
7 *ices Act of 1949 (40 U.S.C. 485(h)(2)).*

8 *(f) EFFECT ON EXISTING LEASES.—The conveyance of*
9 *the real property under subsection (a) shall not affect the*
10 *terms or length of any contract entered into by the Sec-*
11 *retary before the date of the enactment of this Act with re-*
12 *gard to the property to be conveyed.*

13 *(g) ADMINISTRATIVE EXPENSES.—In connection with*
14 *the conveyance under subsection (a), the Secretary may ac-*
15 *cept amounts provided by the County or other persons to*
16 *cover administrative expenses incurred by the Secretary in*
17 *making the conveyance. Amounts received under this sub-*
18 *section for administrative expenses shall be credited to the*
19 *appropriation, fund, or account from which the expenses*
20 *were paid and shall be available, to the extent provided in*
21 *appropriation Acts, for the same purposes and subject to*
22 *the same limitations as other funds in such appropriation,*
23 *fund, or account.*

24 *(h) DESCRIPTION OF PROPERTY.—The exact acreage*
25 *and legal description of the property to be conveyed under*

1 subsection (a) shall be determined by a survey satisfactory
2 to the Secretary. The cost of the survey shall be borne by
3 the County.

4 (i) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
5 retary may require such additional terms and conditions
6 in connection with the conveyance under subsection (a) as
7 the Secretary considers appropriate to protect the interests
8 of the United States.

9 **SEC. 2837. RELEASE OF REVERSIONARY INTEREST OF**
10 **UNITED STATES IN FORMER REDSTONE ARMY**
11 **ARSENAL PROPERTY CONVEYED TO ALABAMA**
12 **SPACE SCIENCE EXHIBIT COMMISSION.**

13 (a) *RELEASE AUTHORIZED.*—The Secretary of the
14 Army may release, without consideration and to such extent
15 as the Secretary considers appropriate to protect the inter-
16 ests of the United States, the reversionary interests of the
17 United States in the real property described in subsection
18 (b), which were retained by the United States when the
19 property was conveyed to the Alabama Space Science Ex-
20 hibit Commission, an agency of the State of Alabama. The
21 release shall be executed in the manner provided in this sec-
22 tion.

23 (b) *DESCRIPTION OF PROPERTY.*—The real property
24 referred to in this section is the real property conveyed to

1 *the Alabama Space Science Exhibit Commission under the*
2 *authority of the following provisions of law:*

3 (1) *The first section of Public Law 90–276 (82*
4 *Stat. 68).*

5 (2) *Section 813 of the Military Construction Au-*
6 *thorization Act, 1980 (Public Law 96–125; 93 Stat.*
7 *952).*

8 (3) *Section 813 of the Military Construction Au-*
9 *thorization Act, 1984 (Public Law 98–115; 97 Stat.*
10 *790).*

11 (c) *RELEASE, WAIVER, OR CONVEYANCE OF OTHER*
12 *RIGHTS, TERMS, AND CONDITIONS.—As part of the release*
13 *under subsection (a), the Secretary may release, waive, or*
14 *convey, without consideration and to such extent as the Sec-*
15 *retary considers appropriate to protect the interests of the*
16 *United States—*

17 (1) *any and all other rights retained by the*
18 *United States in and to the real property described*
19 *in subsection (b) when the property was conveyed to*
20 *the Alabama Space Science Exhibit Commission; and*

21 (2) *any and all terms and conditions and re-*
22 *strictions on the use of the real property imposed as*
23 *part of the conveyances described in subsection (b).*

24 (d) *CONDITIONS ON RELEASE, WAIVER, OR CONVEY-*
25 *ANCE.—(1) The Secretary may execute the release under*

1 subsection (a) or a release, waiver, or conveyance under sub-
2 section (c) only after—

3 (A) the Secretary approves of the master plan
4 prepared by the Alabama Space Science Exhibit
5 Commission, as such plan may exist or be revised
6 from time to time, for development of the real prop-
7 erty described in subsection (b); and

8 (2) the installation commander at Redstone Ar-
9 senal, Alabama, certifies to the Secretary that the re-
10 lease, waiver, or conveyance is consistent with the
11 master plan.

12 (2) A new facility or structure may not be constructed
13 on the real property described in subsection (b) unless the
14 facility or structure is included in the master plan, which
15 has been approved and certified as provided in paragraph
16 (1).

17 (e) *INSTRUMENT OF RELEASE, WAIVER, OR CONVEY-*
18 *ANCE.*—In making a release, waiver, or conveyance author-
19 ized by this section, the Secretary shall execute and file in
20 the appropriate office or offices a deed of release, amended
21 deed, or other appropriate instrument effectuating the re-
22 lease, waiver, or conveyance.

23 (f) *EFFECT OF RELEASE.*—Except as provided in sub-
24 section (g), upon release of any reversionary interest under
25 this section, the right, title and interest of the Alabama

1 *Space Science Exhibit Commission in and to the real prop-*
2 *erty described in subsection (b) shall, to the extent of the*
3 *release, no longer be subject to the conditions prescribed in*
4 *the provisions of law specified in such subsection. Except*
5 *as provided in subsection (g), the Alabama Space Science*
6 *Exhibit Commission may use the real property for any such*
7 *purpose or purposes as it considers appropriate consistent*
8 *with the master plan approved and certified as provided*
9 *in subsection (d), and the real property may be conveyed*
10 *by the Alabama Space Science Exhibit Commission without*
11 *restriction and unencumbered by any claims or rights of*
12 *the United States with respect to the property, subject to*
13 *such rights, terms, and conditions of the United States pre-*
14 *viously imposed on the real property and not conveyed or*
15 *released by the Secretary under subsection (c).*

16 *(g) EXCEPTIONS.—(1) Conveyance of the drainage and*
17 *utility easement reserved to the United States pursuant to*
18 *section 813(b)(3) of the Military Construction Authoriza-*
19 *tion Act, 1984 (Public Law 98–115; 97 Stat. 791), is not*
20 *authorized under this section.*

21 *(2) In no event may title to any portion of the real*
22 *property described in subsection (b) be conveyed by the Ala-*
23 *bama Space Science Exhibit Commission or any future*
24 *deed holder of the real property to any person other than*
25 *an agency, instrumentality, political subdivision, municipi-*

1 *pal corporation, or public corporation of the State of Ala-*
2 *bama, and the land use of such conveyed property may not*
3 *be changed without the approval of the Secretary.*

4 **PART II—NAVY CONVEYANCES**

5 **SEC. 2841. EASEMENT, MARINE CORPS BASE, CAMP PENDLE-**
6 **TON, CALIFORNIA.**

7 (a) *EASEMENT AUTHORIZED.*—*The Secretary of the*
8 *Navy may grant an easement, in perpetuity, to the Foothill/*
9 *Eastern Transportation Corridor Agency (in this section*
10 *referred to as the “Agency”)* *over a parcel of real property*
11 *at Marine Corps Base, Camp Pendleton, California, con-*
12 *sisting of approximately 340 acres to permit the Recipient*
13 *of the easement to construct, operate, and maintain a re-*
14 *stricted access highway. The area covered by the easement*
15 *shall include slopes and all necessary incidents thereto.*

16 (b) *CONSIDERATION.*—*As consideration for the convey-*
17 *ance of the easement under subsection (a), the Agency shall*
18 *pay to the United States an amount equal to the fair mar-*
19 *ket value of the easement, as determined by an independent*
20 *appraisal satisfactory to the Secretary and paid for by the*
21 *Agency.*

22 (c) *USE OF PROCEEDS.*—*In such amounts as are pro-*
23 *vided in advance in appropriation Acts, the Secretary shall*
24 *use the funds paid by the Agency under subsection (b) to*

1 *carry out one or more of the following programs at Camp*
2 *Pendleton:*

3 (1) *Enhancement of access from Red, White, and*
4 *Green Beach under the I-5 interstate highway and*
5 *railroad crossings to inland areas.*

6 (2) *Improvement of roads and bridge structures*
7 *in the range and training area.*

8 (3) *Realignment of Basilone Road.*

9 (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
10 *and legal description of the easement to be conveyed under*
11 *subsection (a) shall be determined by a survey satisfactory*
12 *to the Secretary. The cost of the survey shall be borne by*
13 *the Agency.*

14 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
15 *retary may require such additional terms and conditions*
16 *in connection with the easement under subsection (a) as the*
17 *Secretary considers appropriate to protect the interests of*
18 *the United States.*

19 **SEC. 2842. LAND CONVEYANCE, NAVAL RESERVE READI-**
20 **NESS CENTER, PORTLAND, MAINE.**

21 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
22 *Navy may convey to the Gulf of Maine Aquarium Develop-*
23 *ment Corporation, Portland, Maine (in this section referred*
24 *to as the “Corporation”), all right, title, and interest of the*
25 *United States in and to a parcel of real property, including*

1 *improvements thereon and any appurtenant interest in sub-*
2 *merged lands thereon, consisting of approximately 3.72*
3 *acres in Portland, Maine, which is the site of the Naval*
4 *Reserve Readiness Center, Portland, Maine.*

5 (b) *PURPOSE.*—*The purpose of the conveyance under*
6 *subsection (a) is to facilitate economic development in ac-*
7 *cordance with the plan of the Corporation for the construc-*
8 *tion of an aquarium and marine research facility in Port-*
9 *land, Maine.*

10 (c) *CONSIDERATION.*—(1) *As consideration for the con-*
11 *veyance authorized by subsection (a), the Corporation shall*
12 *provide for such facilities as the Secretary determines ap-*
13 *propriate for the Naval Reserve to replace the facilities con-*
14 *veyed under that subsection.*

15 (2) *To provide the replacement facilities, the Corpora-*
16 *tion may—*

17 (A) *convey to the United States a parcel of real*
18 *property determined by the Secretary to be an appro-*
19 *priate location for the facilities and design and con-*
20 *struct the facilities on the conveyed parcel; or*

21 (B) *design and construct the facilities on such*
22 *parcel of real property under the jurisdiction of the*
23 *Secretary as the Secretary shall specify.*

24 (3) *The Secretary shall select the form in which the*
25 *consideration under paragraph (2) will be provided.*

1 (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
2 *and legal description of the real property to be conveyed*
3 *under subsection (a), and of the real property, if any, to*
4 *be conveyed under subsection (c), shall be determined by*
5 *surveys satisfactory to the Secretary. The cost of the surveys*
6 *shall be borne by the Corporation.*

7 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
8 *retary may require such additional terms and conditions*
9 *in connection with the conveyance under subsection (a) as*
10 *the Secretary considers appropriate to protect the interest*
11 *of the United States.*

12 **PART III—AIR FORCE CONVEYANCES**

13 **SEC. 2851. LAND CONVEYANCE, LAKE CHARLES AIR FORCE**
14 **STATION, LOUISIANA.**

15 (a) *CONVEYANCES AUTHORIZED.*—*The Secretary of*
16 *the Air Force may convey, without consideration, to*
17 *McNeese State University of Louisiana (in this section re-*
18 *ferred to as the “University”) all right, title, and interest*
19 *of the United States in and to a parcel of real property*
20 *(including improvements thereon) consisting of approxi-*
21 *mately 4.38 at Lake Charles Air Force Station, Louisiana,*
22 *for the purpose of permitting the University to use the par-*
23 *cel for educational purposes and agricultural research.*

24 (b) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
25 *and legal description of the real property to be conveyed*

1 *under subsection (a) shall be determined by a survey satis-*
2 *factory to the Secretary. The cost of the survey shall be borne*
3 *by the University.*

4 *(c) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
5 *retary may require such additional terms and conditions*
6 *in connection with the conveyance under subsection (a) as*
7 *the Secretary considers appropriate to protect the interests*
8 *of the United States.*

9 **SEC. 2852. LAND CONVEYANCE, AIR FORCE HOUSING FACIL-**
10 **ITY, LA JUNTA, COLORADO.**

11 *(a) CONVEYANCE REQUIRED.—The Secretary of the*
12 *Air Force may convey, without consideration, to the City*
13 *of La Junta, Colorado (in this section referred to as the*
14 *“City”), all right, title, and interest of the United States*
15 *in and to the unused Air Force housing facility, consisting*
16 *of approximately 28 acres and improvements thereon, lo-*
17 *cated within the southern most boundary of the City.*

18 *(b) PURPOSE OF CONVEYANCE.—The purpose of the*
19 *conveyance under subsection (a) is to permit the city to de-*
20 *velop the conveyed property for housing and educational*
21 *purposes.*

22 *(c) DESCRIPTION OF PROPERTY.—The exact acreage*
23 *and legal description of the property to be conveyed under*
24 *subsection (a) shall be determined by a survey satisfactory*

1 *to the Secretary. The cost of the survey shall be borne by*
2 *the City.*

3 (d) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
4 *retary may require such additional terms and conditions*
5 *in connection with the conveyance under subsection (a) as*
6 *the Secretary considers appropriate to protect the interests*
7 *of the United States.*

8 ***Subtitle E—Other Matters***

9 ***SEC. 2861. REPEAL OF PROHIBITION ON JOINT USE OF*** 10 ***GRAY ARMY AIRFIELD, FORT HOOD, TEXAS,*** 11 ***WITH CIVIL AVIATION.***

12 *Section 319 of the National Defense Authorization Act*
13 *for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 3855)*
14 *is repealed.*

15 ***SEC. 2862. DESIGNATION OF BUILDING CONTAINING NAVY*** 16 ***AND MARINE CORPS RESERVE CENTER, AU-*** 17 ***GUSTA, GEORGIA.***

18 *The building containing the Navy and Marine Corps*
19 *Reserve Center located at 2869 Central Avenue in Augusta,*
20 *Georgia, shall be known and designated as the “A. James*
21 *Dyess Building”.*

22 ***SEC. 2863. EXPANSION OF ARLINGTON NATIONAL CEME-*** 23 ***TERY.***

24 (a) *LAND TRANSFER, NAVY ANNEX, ARLINGTON, VIR-*
25 *GINIA.—*

1 (1) *IN GENERAL.*—*The Secretary of Defense shall*
2 *provide for the transfer to the Secretary of the Army*
3 *of administrative jurisdiction over the following par-*
4 *cels of land situated in Arlington, Virginia:*

5 (A) *Certain lands which comprise approxi-*
6 *mately 26 acres bounded by Columbia Pike to*
7 *the south and east, Oak Street to the west, and*
8 *the boundary wall of Arlington National Ceme-*
9 *tery to the north including Southgate Road.*

10 (B) *Certain lands which comprise approxi-*
11 *mately 8 acres bounded by Shirley Memorial*
12 *Boulevard (Interstate 395) to the south, property*
13 *of the Virginia Department of Transportation to*
14 *the west, Columbia Pike to the north, and Joyce*
15 *Street to the east.*

16 (C) *Certain lands which comprise approxi-*
17 *mately 2.5 acres bounded by Shirley Memorial*
18 *Boulevard (Interstate 395) to the south, Joyce*
19 *Street to the west, Columbia Pike to the north,*
20 *and the cloverleaf interchange of Route 100 and*
21 *Columbia Pike to the east.*

22 (2) *USE OF LAND.*—*The Secretary of the Army*
23 *shall incorporate the parcels of land transferred under*
24 *paragraph (1) into Arlington National Cemetery.*

1 (3) *REMEDICATION OF LAND FOR CEMETERY*
2 *USE.*—*Before the transfer of administrative jurisdic-*
3 *tion over the parcels of land under paragraph (1), the*
4 *Secretary of Defense shall provide for the removal of*
5 *any improvements on the parcels of land and, in con-*
6 *sultation with the Superintendent of Arlington Na-*
7 *tional Cemetery, the preparation of the land for use*
8 *for interment of remains of individuals in Arlington*
9 *National Cemetery.*

10 (4) *REPORT.*—*Not later than 180 days after the*
11 *date of the enactment of this Act, the Secretary of De-*
12 *fense shall submit to Congress a report explaining in*
13 *detail the measures required to prepare the land for*
14 *use as a part of Arlington National Cemetery.*

15 (5) *DEADLINE.*—*The Secretary of Defense shall*
16 *complete the transfer of administrative jurisdiction*
17 *over the parcels of land under this subsection not later*
18 *than the earlier of—*

19 (A) *January 1, 2010; or*

20 (B) *the date when those parcels are no*
21 *longer required (as determined by the Secretary)*
22 *for use as temporary office space due to the ren-*
23 *ovation of the Pentagon.*

24 (b) *MODIFICATION OF BOUNDARY OF ARLINGTON NA-*
25 *TIONAL CEMETERY.*—.

1 (1) *IN GENERAL.*—*The Secretary of the Army*
2 *shall modify the boundary of Arlington National*
3 *Cemetery to include the following parcels of land situ-*
4 *ated in Fort Myer, Arlington, Virginia:*

5 (A) *Certain lands which comprise approxi-*
6 *mately 5 acres bounded by the Fort Myer Post*
7 *Traditional Chapel to the southwest, McNair*
8 *Road to the northwest, the Vehicle Maintenance*
9 *Complex to the northeast, and the masonry wall*
10 *of Arlington National Cemetery to the southeast.*

11 (B) *Certain lands which comprise approxi-*
12 *mately 3 acres bounded by the Vehicle Mainte-*
13 *nance Complex to the southwest, Jackson Avenue*
14 *to the northwest, the water pumping station to*
15 *the northeast, and the masonry wall of Arlington*
16 *National Cemetery to the southeast.*

17 (2) *REPORT.*—*Not later than 180 days after the*
18 *date of the enactment of this Act, the Secretary of the*
19 *Army shall submit to Congress a report describing*
20 *additional parcels of land located in Fort Myer, Ar-*
21 *lington, Virginia, that may be suitable for use to ex-*
22 *pand Arlington National Cemetery.*

23 (3) *SURVEY.*—*The Secretary of the Army may*
24 *determine the exact acreage and legal description of*

1 *the parcels of land described in paragraph (1) by a*
 2 *survey.*

3 **SEC. 2864. REPORTING REQUIREMENTS UNDER DEM-**
 4 **ONSTRATION PROJECT FOR PURCHASE OF**
 5 **FIRE, SECURITY, POLICE, PUBLIC WORKS,**
 6 **AND UTILITY SERVICES FROM LOCAL GOV-**
 7 **ERNMENT AGENCIES.**

8 *Section 816(b) of the National Defense Authorization*
 9 *Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat.*
 10 *2820) is amended by striking out “and 1998” and inserting*
 11 *in lieu thereof “through 2000”.*

12 ***DIVISION C—DEPARTMENT OF***
 13 ***ENERGY NATIONAL SECURITY***
 14 ***AUTHORIZATIONS AND***
 15 ***OTHER AUTHORIZATIONS***
 16 ***TITLE XXXI—DEPARTMENT OF***
 17 ***ENERGY NATIONAL SECURITY***
 18 ***PROGRAMS***
 19 ***Subtitle A—National Security***
 20 ***Programs Authorizations***

21 **SEC. 3101. WEAPONS ACTIVITIES.**

22 *(a) IN GENERAL.—Funds are hereby authorized to be*
 23 *appropriated to the Department of Energy for fiscal year*
 24 *1999 for weapons activities in carrying out programs nec-*

1 *essary for national security in the amount of*
2 *\$4,142,100,000, to be allocated as follows:*

3 *(1) STOCKPILE STEWARDSHIP.—Funds are here-*
4 *by authorized to be appropriated to the Department*
5 *of Energy for fiscal year 1999 for stockpile steward-*
6 *ship in carrying out weapons activities necessary for*
7 *national security programs in the amount of*
8 *\$2,138,375,000, to be allocated as follows:*

9 *(A) For core stockpile stewardship,*
10 *\$1,591,375,000, to be allocated as follows:*

11 *(i) For operation and maintenance,*
12 *\$1,475,832,000.*

13 *(ii) For plant projects (including*
14 *maintenance, restoration, planning, con-*
15 *struction, acquisition, modification of fa-*
16 *ilities, and the continuation of projects au-*
17 *thorized in prior years, and land acquisi-*
18 *tion related thereto), \$115,543,000, to be al-*
19 *located as follows:*

20 *Project 99–D–102, rehabilitation*
21 *of maintenance facility, Lawrence*
22 *Livermore National Laboratory, Liver-*
23 *more, California, \$6,500,000.*

24 *Project 99–D–103, isotope sciences*
25 *facility, Lawrence Livermore National*

1 *Laboratory, Livermore, California,*
2 *\$4,000,000.*

3 *Project 99–D–104, protection of*
4 *real property (roof reconstruction,*
5 *Phase II), Lawrence Livermore Na-*
6 *tional Laboratory, Livermore, Califor-*
7 *nia, \$7,300,000.*

8 *Project 99–D–105, central health*
9 *physics calibration facility, Los Ala-*
10 *mos National Laboratory, Los Alamos,*
11 *New Mexico, \$3,900,000.*

12 *Project 99–D–106, model valida-*
13 *tion and system certification test cen-*
14 *ter, Sandia National Laboratories, Al-*
15 *buquerque, New Mexico, \$1,600,000.*

16 *Project 99–D–107, joint computa-*
17 *tional engineering laboratory, Sandia*
18 *National Laboratories, Albuquerque,*
19 *New Mexico, \$1,800,000.*

20 *Project 99–D–108, renovate exist-*
21 *ing roadways, Nevada Test Site, Ne-*
22 *vada, \$2,000,000.*

23 *Project 97–D–102, dual-axis radi-*
24 *ographic hydrotest facility, Los Alamos*

1 *National Laboratory, Los Alamos, New*
2 *Mexico, \$36,000,000.*

3 *Project 96–D–102, stockpile stew-*
4 *ardship facilities revitalization, Phase*
5 *VI, various locations, \$20,423,000.*

6 *Project 96–D–103, ATLAS, Los*
7 *Alamos National Laboratory, Los Ala-*
8 *mos, New Mexico, \$6,400,000.*

9 *Project 96–D–104, processing and*
10 *environmental technology laboratory,*
11 *Sandia National Laboratories, Albu-*
12 *querque, New Mexico, \$18,920,000.*

13 *Project 96–D–105, contained fir-*
14 *ing facility addition, Lawrence Liver-*
15 *more National Laboratory, Livermore,*
16 *California, \$6,700,000.*

17 *(B) For inertial fusion, \$498,000,000, to be*
18 *allocated as follows:*

19 *(i) For operation and maintenance,*
20 *\$213,800,000.*

21 *(ii) For the following plant project (in-*
22 *cluding maintenance, restoration, planning,*
23 *construction, acquisition, and modification*
24 *of facilities, and land acquisition related*

1 thereto), \$284,200,000, to be allocated as fol-
2 lows:

3 Project 96–D–111, national igni-
4 tion facility, Lawrence Livermore Na-
5 tional Laboratory, Livermore, Califor-
6 nia, \$284,200,000.

7 (C) For technology partnership and edu-
8 cation, \$49,000,000, to be allocated as follows:

9 (i) For technology partnership,
10 \$40,000,000.

11 (ii) For education, \$9,000,000.

12 (2) STOCKPILE MANAGEMENT.—Funds are here-
13 by authorized to be appropriated to the Department
14 of Energy for fiscal year 1999 for stockpile manage-
15 ment in carrying out weapons activities necessary for
16 national security programs in the amount of
17 \$2,134,625,000, to be allocated as follows:

18 (A) For operation and maintenance,
19 \$2,019,303,000.

20 (B) For plant projects (including mainte-
21 nance, restoration, planning, construction, ac-
22 quisition, modification of facilities, and the con-
23 tinuation of projects authorized in prior years,
24 and land acquisition related thereto),
25 \$115,322,000, to be allocated as follows:

1 *Project 99–D–122, rapid reactivation,*
2 *various locations, \$11,200,000.*

3 *Project 99–D–123, replace mechanical*
4 *utility systems Y–12, Oak Ridge, Tennessee,*
5 *\$1,900,000.*

6 *Project 99–D–125, replace boilers and*
7 *controls, Kansas City Plant, Kansas City,*
8 *Missouri, \$1,000,000.*

9 *Project 99–D–127, stockpile manage-*
10 *ment restructuring initiative, Kansas City*
11 *Plant, Kansas City, Missouri, \$13,700,000.*

12 *Project 99–D–128, stockpile manage-*
13 *ment restructuring initiative, Pantex con-*
14 *solidation, Amarillo, Texas, \$1,108,000.*

15 *Project 99–D–132, stockpile manage-*
16 *ment restructuring initiative, nuclear mate-*
17 *rial safeguards and security upgrades*
18 *project, Los Alamos National Laboratory,*
19 *Los Alamos, New Mexico, \$9,700,000.*

20 *Project 98–D–123, stockpile manage-*
21 *ment restructuring initiative, tritium fac-*
22 *tory modernization and consolidation, Sa-*
23 *vannah River Site, Aiken, South Carolina,*
24 *\$27,500,000.*

1 *Project 98–D–124, stockpile manage-*
2 *ment restructuring initiative, Y–12 Plant*
3 *consolidation, Oak Ridge, Tennessee,*
4 *\$10,700,000.*

5 *Project 97–D–122, nuclear materials*
6 *storage facility renovation, Los Alamos Na-*
7 *tional Laboratory, Los Alamos, New Mex-*
8 *ico, \$9,164,000.*

9 *Project 97–D–123, structural upgrades,*
10 *Kansas City Plant, Kansas City, Missouri,*
11 *\$6,400,000.*

12 *Project 96–D–122, sewage treatment*
13 *quality upgrade (STQU), Pantex Plant,*
14 *Amarillo, Texas, \$3,700,000.*

15 *Project 95–D–102, chemistry and met-*
16 *allurgy research (CMR) upgrades project,*
17 *Los Alamos National Laboratory, Los Ala-*
18 *mos, New Mexico, \$16,000,000.*

19 *Project 93–D–122, life safety upgrades,*
20 *Y–12 Plant, Oak Ridge, Tennessee,*
21 *\$3,250,000.*

22 (3) *PROGRAM DIRECTION.—Funds are hereby*
23 *authorized to be appropriated to the Department of*
24 *Energy for fiscal year 1999 for program direction in*

1 *carrying out weapons activities necessary for national*
2 *security programs in the amount of \$240,000,000.*

3 **(b) ADJUSTMENTS.—**

4 **(1) CONSTRUCTION.—***The total amount author-*
5 *ized to be appropriated pursuant to paragraphs*
6 *(1)(A)(ii), (1)(B)(ii), and (2)(B) of subsection (a) is*
7 *the sum of the amounts authorized to be appropriated*
8 *in those paragraphs, reduced by the sum of*
9 *\$30,000,000.*

10 **(2) NON-CONSTRUCTION.—***The total amount au-*
11 *thorized to be appropriated pursuant to paragraphs*
12 *(1)(A)(i), (1)(B)(i), (1)(C), (2)(A), and (3) of sub-*
13 *section (a) is the sum of the amounts authorized to*
14 *be appropriated in those paragraphs, reduced by the*
15 *sum of \$340,900,000, to be derived from use of prior*
16 *year balances.*

17 **SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND**
18 **WASTE MANAGEMENT.**

19 **(a) IN GENERAL.—***Funds are hereby authorized to be*
20 *appropriated to the Department of Energy for fiscal year*
21 *1999 for environmental restoration and waste management*
22 *in carrying out programs necessary for national security*
23 *in the amount of \$5,706,650,000, to be allocated as follows:*

24 **(1) CLOSURE PROJECTS.—***For closure projects*
25 *carried out in accordance with section 3143 of the*

1 *National Defense Authorization Act for Fiscal Year*
2 *1997 (Public Law 104–201; 110 Stat. 2836; 42*
3 *U.S.C. 7274n) in the amount of \$1,046,240,000.*

4 (2) *PRIVATIZATION.—For privatization projects*
5 *in carrying out environmental restoration and waste*
6 *management activities necessary for national security*
7 *programs in the amount of \$286,857,000.*

8 (3) *SITE PROJECT AND COMPLETION.—For site*
9 *project and completion in carrying out environmental*
10 *restoration and waste management activities nec-*
11 *essary for national security programs in the amount*
12 *of \$1,085,253,000, to be allocated as follows:*

13 (A) *For operation and maintenance,*
14 *\$886,090,000.*

15 (B) *For plant projects (including mainte-*
16 *nance, restoration, planning, construction, ac-*
17 *quisition, modification of facilities, and the con-*
18 *tinuation of projects authorized in prior years,*
19 *and land acquisition related thereto),*
20 *\$199,163,000, to be allocated as follows:*

21 *Project 99–D–402, tank farm support*
22 *services, F&H areas, Savannah River Site,*
23 *Aiken, South Carolina, \$2,745,000.*

1 *Project 99-D-404, health physics in-*
2 *strumentation laboratory, Idaho National*
3 *Engineering Laboratory, Idaho, \$950,000.*

4 *Project 98-D-401, H-tank farm storm*
5 *water systems upgrade, Savannah River*
6 *Site, Aiken, South Carolina, \$3,120,000.*

7 *Project 98-D-453, plutonium sta-*
8 *bilization and handling system for pluto-*
9 *onium finishing plant, Richland, Washing-*
10 *ton, \$26,814,000.*

11 *Project 98-D-700, road rehabilitation,*
12 *Idaho National Engineering Laboratory,*
13 *Idaho, \$7,710,000.*

14 *Project 97-D-450, Actinide packaging*
15 *and storage facility, Savannah River Site,*
16 *Aiken, South Carolina, \$79,184,000.*

17 *Project 97-D-470, environmental mon-*
18 *itoring laboratory, Savannah River Site,*
19 *Aiken, South Carolina, \$7,000,000.*

20 *Project 96-D-406, spent nuclear fuels*
21 *canister storage and stabilization facility,*
22 *Richland, Washington, \$38,680,000.*

23 *Project 96-D-408, waste management*
24 *upgrades, Kansas City Plant, Kansas City,*

1 *Missouri, and Savannah River Site, Aiken,*
2 *South Carolina, \$4,512,000.*

3 *Project 96–D–464, electrical and util-*
4 *ity systems upgrade, Idaho Chemical Proc-*
5 *essing Plant, Idaho National Engineering*
6 *Laboratory, Idaho, \$11,544,000.*

7 *Project 96–D–471, chlorofluorocarbon*
8 *heating, ventilation, and air conditioning*
9 *and chiller retrofit, Savannah River Site,*
10 *Aiken, South Carolina, \$8,000,000.*

11 *Project 95–D–456, security facilities*
12 *consolidation, Idaho Chemical Processing*
13 *Plant, Idaho National Engineering Labora-*
14 *tory, Idaho, \$485,000.*

15 *Project 92–D–140, F&H canyon ex-*
16 *haust upgrades, Savannah River Site,*
17 *Aiken, South Carolina, \$3,667,000.*

18 *Project 86–D–103, decontamination*
19 *and waste treatment facility, Lawrence*
20 *Livermore National Laboratory, Livermore,*
21 *California, \$4,752,000.*

22 (4) *POST-2006 COMPLETION.—For post-2006*
23 *project completion in carrying out environmental res-*
24 *toration and waste management activities necessary*

1 *for national security programs in the amount of*
2 *\$2,765,451,000, to be allocated as follows:*

3 *(A) For operation and maintenance,*
4 *\$2,684,195,000.*

5 *(B) For plant projects (including mainte-*
6 *nance, restoration, planning, construction, ac-*
7 *quisition, modification of facilities, and the con-*
8 *tinuation of projects authorized in prior years,*
9 *and land acquisition related thereto),*
10 *\$81,256,000, to be allocated as follows:*

11 *Project 99–D–403, privatization phase*
12 *I infrastructure support, Richland, Wash-*
13 *ington, \$14,800,000.*

14 *Project 97–D–402, tank farm restora-*
15 *tion and safe operations, Richland, Wash-*
16 *ington, \$22,723,000.*

17 *Project 96–D–408, waste management*
18 *upgrades, Richland, Washington, \$171,000.*

19 *Project 94–D–407, initial tank re-*
20 *trieval systems, Richland, Washington,*
21 *\$32,860,000.*

22 *Project 93–D–187, high-level waste re-*
23 *moval from filled waste tanks, Savannah*
24 *River Site, Aiken, South Carolina,*
25 *\$10,702,000.*

1 (5) *SCIENCE AND TECHNOLOGY.*—*For science*
2 *and technology in carrying out environmental res-*
3 *toration and waste management activities necessary*
4 *for national security programs in the amount of*
5 *\$270,750,000.*

6 (6) *PROGRAM DIRECTION.*—*For program direc-*
7 *tion in carrying out environmental restoration and*
8 *waste management activities necessary for national*
9 *security programs in the amount of \$346,199,000.*

10 (b) *ADJUSTMENT.*—*The total amount authorized to be*
11 *appropriated pursuant to paragraphs (1), (3)(A), (4)(A),*
12 *(5), and (6) of subsection (a) is the sum of the amounts*
13 *authorized to be appropriated in those paragraphs, reduced*
14 *by the sum of \$94,100,000, to be derived from use of prior*
15 *year balances.*

16 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

17 (a) *IN GENERAL.*—*Funds are hereby authorized to be*
18 *appropriated to the Department of Energy for fiscal year*
19 *1999 for other defense activities in carrying out programs*
20 *necessary for national security in the amount of*
21 *\$1,720,760,000, to be allocated as follows:*

22 (1) *NONPROLIFERATION AND NATIONAL SECUR-*
23 *ITY.*—*For nonproliferation and national security,*
24 *\$693,900,000, to be allocated as follows:*

1 (A) *For verification and control technology,*
2 \$500,500,000, to be allocated as follows:

3 (i) *For nonproliferation and verifica-*
4 *tion research and development,*
5 \$210,000,000.

6 (ii) *For arms control, \$256,900,000.*

7 (iii) *For intelligence, \$33,600,000.*

8 (B) *For nuclear safeguards and security,*
9 \$53,200,000.

10 (C) *For security investigations,*
11 \$30,000,000.

12 (D) *For emergency management,*
13 \$21,300,000.

14 (E) *For program direction, \$88,900,000.*

15 (2) *WORKER AND COMMUNITY TRANSITION AS-*
16 *SISTANCE.—For worker and community transition*
17 *assistance, \$45,000,000, to be allocated as follows:*

18 (A) *For worker and community transition,*
19 \$41,000,000.

20 (B) *For program direction, \$4,000,000.*

21 (3) *FISSILE MATERIALS CONTROL AND DISPOSI-*
22 *TION.—For fissile materials control and disposition,*
23 \$168,960,000, to be allocated as follows:

24 (A) *For operation and maintenance,*
25 \$111,372,000.

1 (B) For program direction, \$4,588,000.

2 (C) For plant projects (including maintenance,
3 restoration, planning, construction, acquisition,
4 modification of facilities, and the continuation of projects
5 authorized in prior years, and land acquisition related thereto),
6 \$53,000,000, to be allocated as follows:

7 Project 99–D–141, pit disassembly and
8 conversion facility, various locations,
9 \$25,000,000.

10 Project 99–D–143, mixed oxide fuel
11 fabrication facility, various locations,
12 \$28,000,000.

13 (4) ENVIRONMENT, SAFETY, AND HEALTH.—For
14 environment, safety, and health, defense, \$94,000,000,
15 to be allocated as follows:

16 (A) For the Office of Environment, Safety,
17 and Health (Defense), \$89,231,000.

18 (B) For program direction, \$4,769,000.

19 (5) OFFICE OF HEARINGS AND APPEALS.—For
20 the Office of Hearings and Appeals, \$2,400,000.

21 (6) INTERNATIONAL NUCLEAR SAFETY.—For
22 international nuclear safety, \$35,000,000.

23 (7) NAVAL REACTORS.—For naval reactors,
24 \$681,500,000, to be allocated as follows:
25

1 (A) *For naval reactors development,*
2 \$661,400,000, to be allocated as follows:

3 (i) *For operation and maintenance,*
4 \$639,600,000.

5 (ii) *For plant projects (including*
6 *maintenance, restoration, planning, con-*
7 *struction, acquisition, modification of fa-*
8 *ilities, and the continuation of projects au-*
9 *thorized in prior years, and land acquisi-*
10 *tion related thereto), \$21,800,000, to be allo-*
11 *cated as follows:*

12 *GPN-101 general plant projects,*
13 *various locations, \$9,000,000.*

14 *Project 98-D-200, site laboratory/*
15 *facility upgrade, various locations,*
16 *\$7,000,000.*

17 *Project 90-N-102, expended core*
18 *facility dry cell project, Naval Reactors*
19 *Facility, Idaho, \$5,800,000.*

20 (B) *For program direction, \$20,100,000.*

21 (b) *ADJUSTMENT.—The total amount authorized to be*
22 *appropriated pursuant to this section is the sum of the*
23 *amounts authorized to be appropriated in paragraphs (1)*
24 *through (7) of subsection (a) reduced by the sum of*
25 *\$20,000,000.*

1 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

2 *Funds are hereby authorized to be appropriated to the*
3 *Department of Energy for fiscal year 1999 for payment to*
4 *the Nuclear Waste Fund established in section 302(c) of the*
5 *Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in*
6 *the amount of \$190,000,000.*

7 ***Subtitle B—Recurring General***
8 ***Provisions***

9 **SEC. 3121. REPROGRAMMING.**

10 *(a) IN GENERAL.—Until the Secretary of Energy sub-*
11 *mits to the congressional defense committees the report re-*
12 *ferred to in subsection (b) and a period of 30 days has*
13 *elapsed after the date on which such committees receive the*
14 *report, the Secretary may not use amounts appropriated*
15 *pursuant to this title for any program—*

16 *(1) in amounts that exceed, in a fiscal year—*

17 *(A) 110 percent of the amount authorized*
18 *for that program by this title; or*

19 *(B) \$1,000,000 more than the amount au-*
20 *thorized for that program by this title; or*

21 *(2) which has not been presented to, or requested*
22 *of, Congress.*

23 *(b) REPORT.—(1) The report referred to in subsection*
24 *(a) is a report containing a full and complete statement*
25 *of the action proposed to be taken and the facts and cir-*
26 *cumstances relied upon in support of such proposed action.*

1 (2) *In the computation of the 30-day period under sub-*
2 *section (a), there shall be excluded any day on which either*
3 *House of Congress is not in session because of an adjourn-*
4 *ment of more than 3 days to a day certain.*

5 (c) *LIMITATIONS.—(1) In no event may the total*
6 *amount of funds obligated pursuant to this title exceed the*
7 *total amount authorized to be appropriated by this title.*

8 (2) *Funds appropriated pursuant to this title may not*
9 *be used for an item for which Congress has specifically de-*
10 *nied funds.*

11 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

12 (a) *IN GENERAL.—The Secretary of Energy may carry*
13 *out any construction project under the general plant*
14 *projects authorized by this title if the total estimated cost*
15 *of the construction project does not exceed \$5,000,000.*

16 (b) *REPORT TO CONGRESS.—If, at any time during*
17 *the construction of any general plant project authorized by*
18 *this title, the estimated cost of the project is revised because*
19 *of unforeseen cost variations and the revised cost of the*
20 *project exceeds \$5,000,000, the Secretary shall immediately*
21 *furnish a complete report to the congressional defense com-*
22 *mittees explaining the reasons for the cost variation.*

23 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

24 (a) *IN GENERAL.—(1) Except as provided in para-*
25 *graph (2), construction on a construction project may not*

1 *be started or additional obligations incurred in connection*
2 *with the project above the total estimated cost, whenever the*
3 *current estimated cost of the construction project, which is*
4 *authorized by section 3101, 3102, or 3103, or which is in*
5 *support of national security programs of the Department*
6 *of Energy and was authorized by any previous Act, exceeds*
7 *by more than 25 percent the higher of—*

8 *(A) the amount authorized for the project; or*

9 *(B) the amount of the total estimated cost for the*
10 *project as shown in the most recent budget justifica-*
11 *tion data submitted to Congress.*

12 *(2) An action described in paragraph (1) may be taken*
13 *if—*

14 *(A) the Secretary of Energy has submitted to the*
15 *congressional defense committees a report on the ac-*
16 *tions and the circumstances making such action nec-*
17 *essary; and*

18 *(B) a period of 30 days has elapsed after the*
19 *date on which the report is received by the commit-*
20 *tees.*

21 *(3) In the computation of the 30-day period under*
22 *paragraph (2), there shall be excluded any day on which*
23 *either House of Congress is not in session because of an*
24 *adjournment of more than 3 days to a day certain.*

1 (b) *EXCEPTION.*—Subsection (a) shall not apply to
2 any construction project which has a current estimated cost
3 of less than \$5,000,000.

4 **SEC. 3124. FUND TRANSFER AUTHORITY.**

5 (a) *TRANSFER TO OTHER FEDERAL AGENCIES.*—The
6 Secretary of Energy may transfer funds authorized to be
7 appropriated to the Department of Energy pursuant to this
8 title to other Federal agencies for the performance of work
9 for which the funds were authorized. Funds so transferred
10 may be merged with and be available for the same purposes
11 and for the same period as the authorizations of the Federal
12 agency to which the amounts are transferred.

13 (b) *TRANSFER WITHIN DEPARTMENT OF ENERGY.*—
14 (1) Subject to paragraph (2), the Secretary of Energy may
15 transfer funds authorized to be appropriated to the Depart-
16 ment of Energy pursuant to this title between any such au-
17 thorizations. Amounts of authorizations so transferred may
18 be merged with and be available for the same purposes and
19 for the same period as the authorization to which the
20 amounts are transferred.

21 (2) Not more than five percent of any such authoriza-
22 tion may be transferred between authorizations under para-
23 graph (1). No such authorization may be increased or de-
24 creased by more than five percent by a transfer under such
25 paragraph.

1 (c) *LIMITATION.*—*The authority provided by this sec-*
2 *tion to transfer authorizations—*

3 (1) *may only be used to provide funds for items*
4 *relating to activities necessary for national security*
5 *programs that have a higher priority than the items*
6 *from which the funds are transferred; and*

7 (2) *may not be used to provide funds for an item*
8 *for which Congress has specifically denied funds.*

9 (d) *NOTICE TO CONGRESS.*—*The Secretary of Energy*
10 *shall promptly notify the Committee on Armed Services of*
11 *the Senate and the Committee on National Security of the*
12 *House of Representatives of any transfer of funds to or from*
13 *authorizations under this title.*

14 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**
15 **TION DESIGN.**

16 (a) *REQUIREMENT FOR CONCEPTUAL DESIGN.*—(1)
17 *Subject to paragraph (2) and except as provided in para-*
18 *graph (3), before submitting to Congress a request for funds*
19 *for a construction project that is in support of a national*
20 *security program of the Department of Energy, the Sec-*
21 *retary of Energy shall complete a conceptual design for that*
22 *project.*

23 (2) *If the estimated cost of completing a conceptual*
24 *design for a construction project exceeds \$3,000,000, the*
25 *Secretary shall submit to Congress a request for funds for*

1 *the conceptual design before submitting a request for funds*
2 *for the construction project.*

3 (3) *The requirement in paragraph (1) does not apply*
4 *to a request for funds—*

5 (A) *for a construction project the total estimated*
6 *cost of which is less than \$5,000,000; or*

7 (B) *for emergency planning, design, and con-*
8 *struction activities under section 3126.*

9 (b) **AUTHORITY FOR CONSTRUCTION DESIGN.—(1)**
10 *Within the amounts authorized by this title, the Secretary*
11 *of Energy may carry out construction design (including ar-*
12 *chitectural and engineering services) in connection with*
13 *any proposed construction project if the total estimated cost*
14 *for such design does not exceed \$600,000.*

15 (2) *If the total estimated cost for construction design*
16 *in connection with any construction project exceeds*
17 *\$600,000, funds for such design must be specifically author-*
18 *ized by law.*

19 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
20 **SIGN, AND CONSTRUCTION ACTIVITIES.**

21 (a) **AUTHORITY.—***The Secretary of Energy may use*
22 *any funds available to the Department of Energy pursuant*
23 *to an authorization in this title, including those funds au-*
24 *thorized to be appropriated for advance planning and con-*
25 *struction design under sections 3101, 3102, and 3103, to*

1 *perform planning, design, and construction activities for*
2 *any Department of Energy national security program con-*
3 *struction project that, as determined by the Secretary, must*
4 *proceed expeditiously in order to protect public health and*
5 *safety, to meet the needs of national defense, or to protect*
6 *property.*

7 **(b) LIMITATION.**—*The Secretary may not exercise the*
8 *authority under subsection (a) in the case of any construc-*
9 *tion project until the Secretary has submitted to the con-*
10 *gressional defense committees a report on the activities that*
11 *the Secretary intends to carry out under this section and*
12 *the circumstances making such activities necessary.*

13 **(c) SPECIFIC AUTHORITY.**—*The requirement of section*
14 *3125(b)(2) does not apply to emergency planning, design,*
15 *and construction activities conducted under this section.*

16 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**
17 **RITY PROGRAMS OF THE DEPARTMENT OF**
18 **ENERGY.**

19 *Subject to the provisions of appropriations Acts and*
20 *section 3121, amounts appropriated pursuant to this title*
21 *for management and support activities and for general*
22 *plant projects are available for use, when necessary, in con-*
23 *nection with all national security programs of the Depart-*
24 *ment of Energy.*

1 **SEC. 3128. AVAILABILITY OF FUNDS.**

2 (a) *IN GENERAL.*—*Except as provided in subsection*
3 *(b), when so specified in an appropriations Act, amounts*
4 *appropriated for operation and maintenance or for plant*
5 *projects may remain available until expended.*

6 (b) *EXCEPTION FOR PROGRAM DIRECTION FUNDS.*—
7 *Amounts appropriated for program direction pursuant to*
8 *an authorization of appropriations in subtitle A shall re-*
9 *main available to be expended only until the end of fiscal*
10 *year 2000.*

11 **SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MAN-**
12 **AGEMENT FUNDS.**

13 (a) *TRANSFER AUTHORITY FOR DEFENSE ENVIRON-*
14 *MENTAL MANAGEMENT FUNDS.*—*The Secretary of Energy*
15 *shall provide the manager of each field office of the Depart-*
16 *ment of Energy with the authority to transfer defense envi-*
17 *ronmental management funds from a program or project*
18 *under the jurisdiction of the office to another such program*
19 *or project.*

20 (b) *LIMITATIONS.*—(1) *Only one transfer may be made*
21 *to or from any program or project under subsection (a) in*
22 *a fiscal year.*

23 (2) *The amount transferred to or from a program or*
24 *project under subsection (a) may not exceed \$5,000,000 in*
25 *a fiscal year.*

1 (3) *A transfer may not be carried out by a manager*
2 *of a field office under subsection (a) unless the manager*
3 *determines that the transfer is necessary to address a risk*
4 *to health, safety, or the environment or to assure the most*
5 *efficient use of defense environmental management funds at*
6 *the field office.*

7 (4) *Funds transferred pursuant to subsection (a) may*
8 *not be used for an item for which Congress has specifically*
9 *denied funds or for a new program or project that has not*
10 *been authorized by Congress.*

11 (c) *EXEMPTION FROM REPROGRAMMING REQUIRE-*
12 *MENTS.—The requirements of section 3121 shall not apply*
13 *to transfers of funds pursuant to subsection (a).*

14 (d) *NOTIFICATION.—The Secretary, acting through the*
15 *Assistant Secretary of Energy for Environmental Manage-*
16 *ment, shall notify Congress of any transfer of funds pursu-*
17 *ant to subsection (a) not later than 30 days after such*
18 *transfer occurs.*

19 (e) *DEFINITIONS.—In this section:*

20 (1) *The term “program or project” means, with*
21 *respect to a field office of the Department of Energy,*
22 *any of the following:*

23 (A) *A project listed in paragraph (3) or (4)*
24 *of section 3102.*

1 (B) A program referred to in paragraph
2 (3), (4), or (5) of section 3102.

3 (C) A project or program not described in
4 subparagraph (A) or (B) that is for environ-
5 mental restoration or waste management activi-
6 ties necessary for national security programs of
7 the Department, that is being carried out by the
8 office, and for which defense environmental man-
9 agement funds have been authorized and appro-
10 priated before the date of enactment of this Act.

11 (2) The term “defense environmental manage-
12 ment funds” means funds appropriated to the Depart-
13 ment of Energy pursuant to an authorization for car-
14 rying out environmental restoration and waste man-
15 agement activities necessary for national security pro-
16 grams.

17 (f) DURATION OF AUTHORITY.—The managers of the
18 field offices of the Department may exercise the authority
19 provided under subsection (a) during the period beginning
20 on October 1, 1998, and ending on September 30, 1999.

1 **Subtitle C—Program Authoriza-**
2 **tions, Restrictions, and Limita-**
3 **tions**

4 **SEC. 3131. PROHIBITION ON FEDERAL LOAN GUARANTEES**
5 **FOR DEFENSE ENVIRONMENTAL MANAGE-**
6 **MENT PRIVATIZATION PROJECTS.**

7 *Section 3132 of the National Defense Authorization*
8 *Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.*
9 *2034) is amended by adding at the end the following new*
10 *subsection:*

11 *“(g) PROHIBITION ON LOAN GUARANTEES.—The Sec-*
12 *retary of Energy may not guarantee any loan made by a*
13 *private sector entity to a contractor to pay for any costs*
14 *(including costs described in subsection (a)(3)) borne by the*
15 *contractor to carry out a contract entered into under this*
16 *section.”.*

17 **SEC. 3132. EXTENSION OF FUNDING PROHIBITION RELAT-**
18 **ING TO INTERNATIONAL COOPERATIVE**
19 **STOCKPILE STEWARDSHIP.**

20 *Section 3133(a) of the National Defense Authorization*
21 *Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.*
22 *2036) is amended by striking out “for fiscal year 1998”*
23 *and inserting in lieu thereof “for any fiscal year”.*

1 **SEC. 3133. USE OF CERTAIN FUNDS FOR MISSILE DEFENSE**
2 **TECHNOLOGY DEVELOPMENT.**

3 *Of the funds authorized to be appropriated pursuant*
4 *to section 3101, the Secretary of Energy shall make avail-*
5 *able not less than \$60,000,000 for the purpose of developing,*
6 *demonstrating, and testing hit-to-kill interceptor vehicles*
7 *for theater missile defense systems. The Secretary shall*
8 *carry out this section in cooperation with the Ballistic Mis-*
9 *sile Defense Organization of the Department of Defense.*

10 **SEC. 3134. SELECTION OF TECHNOLOGY FOR TRITIUM PRO-**
11 **DUCTION.**

12 *(a) SELECTION OF TECHNOLOGY.—(1) Subject to*
13 *paragraph (2), the Secretary of Energy shall select a pri-*
14 *mary technology for the production of tritium not later*
15 *than December 31, 1999.*

16 *(2) The Secretary may not select a primary technology*
17 *for the production of tritium until the date that is the later*
18 *of the following:*

19 *(A) The date occurring 30 days after the comple-*
20 *tion of the test program at the Watts Bar Nuclear*
21 *Station, Tennessee.*

22 *(B) The date on which the report required by*
23 *subsection (b) is submitted.*

24 *(b) REPORT.—The Secretary of Energy shall submit*
25 *to Congress a report on the results of the test program at*
26 *the Watts Bar Nuclear Station. The report shall include—*

1 (1) *data on any leakage of tritium from the test*
2 *rods;*

3 (2) *the amount of tritium produced during the*
4 *test; and*

5 (3) *any other technical findings resulting from*
6 *the test.*

7 **SEC. 3135. LIMITATION ON USE OF CERTAIN FUNDS AT HAN-**
8 **FORD SITE.**

9 (a) *LIMITATION.—(1) None of the funds described in*
10 *subsection (b) may be used unless the Secretary of Energy*
11 *certifies to Congress not later than 90 days after the date*
12 *of the enactment of this Act that the Department of Energy*
13 *does not intend to pay overhead costs that exceed more than*
14 *33 percent of total contract costs during fiscal year 1999*
15 *for the Project Hanford Management Contractors (at the*
16 *Hanford Site, Richland, Washington), including the prime*
17 *contractor and subcontractors at any tier (including Enter-*
18 *prise Company contractors).*

19 (2) *For purposes of paragraph (1), overhead costs in-*
20 *clude—*

21 (A) *indirect overhead costs, which include all ac-*
22 *tivities whose costs are spread across other accounts*
23 *of the contractor or site;*

1 (B) support service overhead costs, which include
2 activities or services for which programs pay per unit
3 used;

4 (C) all fee, awards, and other profit on indirect
5 and support service overhead costs, or fees that are
6 not attributable to performance on a single project;

7 (D) any portion of Enterprise Company costs for
8 which there is no competitive bid and which, under
9 the prior contract, had been an indirect or service
10 function; and

11 (E) all computer service and information man-
12 agement costs that had previously been reported in
13 indirect overhead or service center pool accounts.

14 (b) FUNDS.—The funds referred to in subsection (a)
15 are the following:

16 (1) \$12,000,000 for reactor decontamination and
17 decommissioning, as authorized to be appropriated by
18 section 3102 and allocated under subsection (a)(4)(A).

19 (2) \$18,000,000 for single-shell tank drainage, as
20 authorized to be appropriated by section 3102 and al-
21 located under subsection (a)(4)(A).

22 (c) USE OF SAVINGS.—The expected savings during
23 fiscal year 1999 from compliance with subsection (a) shall
24 be used at the Hanford Site for ensuring full compliance
25 with the Hanford Federal Facility Agreement and Consent

1 *Order and recommendations of the Defense Nuclear Facili-*
2 *ties Safety Board.*

3 (d) *SENSE OF CONGRESS.—It is the sense of Congress*
4 *that—*

5 (1) *overhead costs for contractors performing en-*
6 *vironmental cleanup work at defense nuclear facilities*
7 *are out of control;*

8 (2) *some of the increase in overhead costs can be*
9 *attributed to unnecessary regulation by the Depart-*
10 *ment of Energy; and*

11 (3) *the Department of Energy should take what-*
12 *ever actions possible to minimize any increased costs*
13 *of contractor overhead that are attributable to unnec-*
14 *essary regulation by the Department.*

15 ***Subtitle D—Other Matters***

16 ***SEC. 3151. TERMINATION OF WORKER AND COMMUNITY***
17 ***TRANSITION ASSISTANCE.***

18 (a) *PROHIBITION.—No funds may be used by the Sec-*
19 *retary of Energy after September 30, 2000, to provide work-*
20 *er or community transition assistance with respect to de-*
21 *fense nuclear facilities, including assistance provided under*
22 *section 3161 of the National Defense Authorization Act for*
23 *Fiscal Year 1993 (42 U.S.C. 7274h).*

1 (b) *REPEAL*.—Effective October 1, 2000, section 3161
2 of the National Defense Authorization Act for Fiscal Year
3 1993 (42 U.S.C. 7274h) is repealed.

4 (c) *STUDY BY THE GENERAL ACCOUNTING OFFICE*.—

5 (1) *STUDY REQUIREMENT*.—The Comptroller
6 General shall conduct a study on the effects of work-
7 force restructuring plans for defense nuclear facilities
8 developed pursuant to section 3161 of the National
9 Defense Authorization Act for Fiscal Year 1993 (42
10 U.S.C. 7274h).

11 (2) *MATTERS COVERED BY STUDY*.—The study
12 shall cover the four-year period preceding the date of
13 the enactment of this Act and shall include the follow-
14 ing:

15 (A) An analysis of the number of jobs cre-
16 ated by any employee retraining, education, and
17 reemployment assistance and any community
18 impact assistance provided in each workforce re-
19 structuring plan developed pursuant to section
20 3161 of the National Defense Authorization Act
21 for Fiscal Year 1993.

22 (B) An analysis of other benefits provided
23 pursuant to such plans, including any assistance
24 provided to community reuse organizations.

1 (C) A description of the funds expended,
2 and the funds obligated but not expended, pursu-
3 ant to such plans as of the date of the report.

4 (D) A description of the criteria used since
5 October 23, 1992, in providing assistance pursu-
6 ant to such plans.

7 (E) A comparison of any similar benefits
8 provided—

9 (i) pursuant to such a plan to employ-
10 ees whose employment at the defense nuclear
11 facility covered by the plan is terminated;
12 and

13 (ii) to employees whose employment at
14 a facility where more than 50 percent of the
15 revenues are derived from contracts with the
16 Department of Defense has been terminated
17 as a result of cancellation, termination, or
18 completion of contracts with the Depart-
19 ment of Defense and the employees whose
20 employment is terminated constitute more
21 than 15 percent of the employees at that fa-
22 cility.

23 (F) A comparison of—

24 (i) involuntary separation benefits pro-
25 vided to employees of Department of Energy

1 *contractors and subcontractors under such*
2 *plans; and*

3 *(ii) involuntary separation benefits*
4 *provided to employees of the Federal Gov-*
5 *ernment.*

6 *(G) A comparison of costs to the Federal*
7 *Government (including costs of involuntary sep-*
8 *aration benefits) for—*

9 *(i) involuntary separations of employ-*
10 *ees of Department of Energy contractors*
11 *and subcontractors; and*

12 *(ii) involuntary separations of employ-*
13 *ees of contractors and subcontractors of*
14 *other Federal Government departments and*
15 *agencies.*

16 *(H) A description of the length of service*
17 *and hiring dates of employees of Department of*
18 *Energy contractors and subcontractors provided*
19 *benefits under such plans in the two-year period*
20 *preceding the date of the enactment of this Act.*

21 *(3) REPORT ON STUDY.—The Comptroller Gen-*
22 *eral shall submit a report to Congress on the results*
23 *of the study not later than March 31, 1999.*

24 *(4) DEFINITION.—In this section, the term “de-*
25 *fense nuclear facility” has the meaning provided the*

1 *term “Department of Energy defense nuclear facility”*
2 *in section 3163 of the National Defense Authorization*
3 *Act for Fiscal Year 1993 (Public Law 102–484; 42*
4 *U.S.C. 7274j).*

5 *(d) EFFECT ON USEC PRIVATIZATION ACT.—(1) Sec-*
6 *tion 3110(a)(5) of the USEC Privatization Act (Public Law*
7 *104–134; 110 Stat. 1321–341; 42 U.S.C. 2297h–8(a)(5)) is*
8 *amended by adding at the end the following: “With respect*
9 *to such section 3161, the Secretary shall, on and after the*
10 *effective date of the repeal of such section, provide assistance*
11 *to any such employee in accordance with the terms of such*
12 *section as in effect on the day before the effective date of*
13 *its repeal.”.*

14 *(2) After the effective date of the repeal of section 3161*
15 *of the National Defense Authorization Act for Fiscal Year*
16 *1993 (42 U.S.C. 7274h), no funds appropriated to the De-*
17 *partment of Energy for atomic energy defense activities*
18 *may be used to provide assistance under that section (by*
19 *reason of the amendment made by paragraph (1)) to the*
20 *adversely affected employees described in section 3110(a)(5)*
21 *of the USEC Privatization Act (Public Law 104–134; 110*
22 *Stat. 1321–341; 42 U.S.C. 2297h–8(a)(5)).*

1 **SEC. 3152. REQUIREMENT FOR PLAN TO MODIFY EMPLOY-**
2 **MENT SYSTEM USED BY DEPARTMENT OF EN-**
3 **ERGY IN DEFENSE ENVIRONMENTAL MAN-**
4 **AGEMENT PROGRAMS.**

5 (a) *PLAN REQUIREMENT.*—(1) *The Secretary of En-*
6 *ergy shall develop a plan to modify the Federal employment*
7 *system used within the defense environmental management*
8 *programs of the Department of Energy to allow for work-*
9 *force restructuring in those programs.*

10 (2) *The plan shall address strategies to recruit and*
11 *hire—*

12 (A) *individuals with a high degree of scientific*
13 *and technical competence in the areas of nuclear and*
14 *toxic waste remediation and environmental restora-*
15 *tion; and*

16 (B) *individuals with the necessary skills to man-*
17 *age large construction and environmental remediation*
18 *projects.*

19 (3) *The plan shall include an identification of the pro-*
20 *visions of Federal law that would need to be changed to*
21 *allow the Secretary of Energy to restructure the Department*
22 *of Energy defense environmental management workforce to*
23 *hire individuals described in paragraph (2), while staying*
24 *within any numerical limitations required by law (includ-*
25 *ing section 3161 of Public Law 103–337 (42 U.S.C. 7231*
26 *note)) on employment of such individuals.*

1 (b) *REPORT.*—*The Secretary shall submit to Congress*
2 *a report on the plan developed under subsection (a).*

3 (c) *LIMITATION ON USE OF CERTAIN FUNDS.*—*The*
4 *Secretary of Energy may not use more than 75 percent of*
5 *the funds available to the Secretary pursuant to the author-*
6 *ization of appropriations in section 3102(a)(6) (relating to*
7 *program direction) until the Secretary submits the report*
8 *required by subsection (b).*

9 **SEC. 3153. REPORT ON STOCKPILE STEWARDSHIP CRI-**
10 **TERIA.**

11 (a) *REQUIREMENT FOR CRITERIA.*—*The Secretary of*
12 *Energy shall develop clear and specific criteria for judging*
13 *whether the science-based tools being used by the Depart-*
14 *ment of Energy for determining the safety and reliability*
15 *of the nuclear weapons stockpile are performing in a man-*
16 *ner that will provide an adequate degree of certainty that*
17 *the stockpile is safe and reliable.*

18 (b) *REPORT.*—*Not later than March 1, 1999, the Sec-*
19 *retary of Energy shall submit to the Committee on Armed*
20 *Services of the Senate and the Committee on National Secu-*
21 *rity of the House of Representatives a report on the efforts*
22 *by the Department of Energy to develop the criteria re-*
23 *quired by subsection (a). The report shall include—*

24 (1) *a description of the information needed to de-*
25 *termine that the nuclear weapons stockpile is safe and*

1 *reliable and the relationship of the science-based tools*
2 *to the collection of that information; and*

3 *(2) a description of the criteria required by sub-*
4 *section (a) to the extent they have been defined as of*
5 *the date of the submission of the report.*

6 **TITLE XXXII—DEFENSE NUCLEAR**
7 **FACILITIES SAFETY BOARD**

8 **SEC. 3201. AUTHORIZATION.**

9 *There are authorized to be appropriated for fiscal year*
10 *1999, \$17,500,000 for the operation of the Defense Nuclear*
11 *Facilities Safety Board under chapter 21 of the Atomic En-*
12 *ergy Act of 1954 (42 U.S.C. 2286 et seq.).*

13 **TITLE XXXIII—NATIONAL**
14 **DEFENSE STOCKPILE**

15 **SEC. 3301. DEFINITIONS.**

16 *In this title:*

17 *(1) The term “National Defense Stockpile”*
18 *means the stockpile provided for in section 4 of the*
19 *Strategic and Critical Materials Stock Piling Act (50*
20 *U.S.C. 98c).*

21 *(2) The term “National Defense Stockpile Trans-*
22 *action Fund” means the fund in the Treasury of the*
23 *United States established under section 9(a) of the*
24 *Strategic and Critical Materials Stock Piling Act (50*
25 *U.S.C. 98h(a)).*

1 **SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.**

2 (a) *OBLIGATION OF STOCKPILE FUNDS.*—During fis-
3 cal year 1999, the National Defense Stockpile Manager may
4 obligate up to \$82,647,000 of the funds in the National De-
5 fense Stockpile Transaction Fund for the authorized uses
6 of such funds under section 9(b)(2) of the Strategic and
7 Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

8 (b) *ADDITIONAL OBLIGATIONS.*—The National Defense
9 Stockpile Manager may obligate amounts in excess of the
10 amount specified in subsection (a) if the National Defense
11 Stockpile Manager notifies Congress that extraordinary or
12 emergency conditions necessitate the additional obligations.
13 The National Defense Stockpile Manager may make the ad-
14 ditional obligations described in the notification after the
15 end of the 45-day period beginning on the date Congress
16 receives the notification.

17 (c) *LIMITATIONS.*—The authorities provided by this
18 section shall be subject to such limitations as may be pro-
19 vided in appropriations Acts.

20 **TITLE XXXIV—NAVAL**
21 **PETROLEUM RESERVES**

22 **SEC. 3401. DEFINITIONS.**

23 *In this title:*

24 (1) The term “naval petroleum reserves” has the
25 meaning given the term in section 7420(2) of title 10,
26 United States Code.

1 (2) *The term “Naval Petroleum Reserve Num-*
2 *bered 2” means the naval petroleum reserve, com-*
3 *monly referred to as the Buena Vista unit, that is lo-*
4 *cated in Kern County, California, and was estab-*
5 *lished by Executive order of the President, dated De-*
6 *cember 13, 1912.*

7 (3) *The term “Naval Petroleum Reserve Num-*
8 *bered 3” means the naval petroleum reserve, com-*
9 *monly referred to as the Teapot Dome unit, that is*
10 *located in the State of Wyoming and was established*
11 *by Executive order of the President, dated April 30,*
12 *1915.*

13 (4) *The term “Oil Shale Reserve Numbered 2”*
14 *means the naval petroleum reserve that is located in*
15 *the State of Utah and was established by Executive*
16 *order of the President, dated December 6, 1916.*

17 (5) *The term “antitrust laws” means has the*
18 *meaning given the term in section 1(a) of the Clayton*
19 *Act (15 U.S.C. 12(a)), except that the term also in-*
20 *cludes—*

21 (A) *the Act of June 19, 1936 (15 U.S.C. 13*
22 *et seq.; commonly known as the Robinson-Pat-*
23 *man Act); and*

1 (B) section 5 of the Federal Trade Commis-
2 sion Act (15 U.S.C. 45), to the extent that such
3 section applies to unfair methods of competition.

4 (6) The term “general land laws” includes the
5 Mineral Leasing Act (30 U.S.C. 181 et seq.) and the
6 Materials Act of 1947 (30 U.S.C. 601 et seq.), but ex-
7 cludes the Mining Law of 1872 (30 U.S.C. 22 et seq.).

8 (7) The term “petroleum” has the meaning given
9 the term in section 7420(3) of title 10, United States
10 Code.

11 **SEC. 3402. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) *AUTHORIZATION OF APPROPRIATIONS.*—There are
13 hereby authorized to be appropriated to the Secretary of
14 Energy \$22,500,000 for fiscal year 1999 for the purpose of
15 carrying out—

16 (1) activities under chapter 641 of title 10,
17 United States Code, relating to the naval petroleum
18 reserves;

19 (2) closeout activities at Naval Petroleum Re-
20 serve Numbered 1 upon the sale of that reserve under
21 subtitle B of title XXXIV of the National Defense Au-
22 thorization Act for fiscal year 1996 (Public Law 104-
23 106; 10 U.S.C. 7420 note); and

24 (3) activities under this title relating to the dis-
25 position of Naval Petroleum Reserve Numbered 2,

1 *position of the Naval Petroleum and Oil Shale Reserves*
2 *(Excluding Elk Hills)”, dated March 1997.*

3 (2) *The Secretary of Energy may carry out the dis-*
4 *posal of that portion of Naval Petroleum Reserve Numbered*
5 *2 described in paragraph (1) by competitive sale or lease*
6 *consistent with commercial practices, by transfer to another*
7 *Federal agency or a public or private entity, or by any*
8 *other means. Any competitive sale or lease under this sub-*
9 *section shall provide for the disposal of all right, title, and*
10 *interest of the United States in the property to be conveyed.*
11 *The Secretary of Energy may use the authority provided*
12 *by the Act of June 14, 1926 (43 U.S.C. 869 et seq.; com-*
13 *monly known as the Recreation and Public Purposes Act),*
14 *in the same manner and to the same extent as the Secretary*
15 *of the Interior, to dispose of that portion of Naval Petroleum*
16 *Reserve Numbered 2 described in paragraph (1).*

17 (3) *The Secretary of Energy may extend to a pur-*
18 *chaser or other transferee of property under this subsection*
19 *such indemnities and warranties as the Secretary considers*
20 *reasonable and necessary to protect the purchaser or trans-*
21 *feree from claims arising from the ownership of the property*
22 *by the United States or the administration of the property*
23 *by the Secretary of Energy.*

24 (b) *EVENTUAL TRANSFER OF ADMINISTRATIVE JURIS-*
25 *DICTION.—(1) The Secretary of Energy shall continue to*

1 administer Naval Petroleum Reserve Numbered 2 (other
2 than the portion of the reserve subject to disposal under sub-
3 section (a)) in accordance with chapter 641 of title 10,
4 United States Code, until such time as the Secretary makes
5 a determination to abandon oil and gas operations in
6 Naval Petroleum Reserve Numbered 2 in accordance with
7 commercial operating practices.

8 (2) After oil and gas operations are abandoned in
9 Naval Petroleum Reserve Numbered 2 under paragraph (1),
10 the Secretary of Energy shall transfer to the Secretary of
11 the Interior administrative jurisdiction and control over all
12 public domain lands included within Naval Petroleum Re-
13 serve Numbered 2 (other than the portion of the reserve sub-
14 ject to disposal under subsection (a)) for management in
15 accordance with the general land laws.

16 (c) *RELATIONSHIP TO ANTITRUST LAWS.*—This sec-
17 tion does not modify, impair, or supersede the operation
18 of the antitrust laws.

19 **SEC. 3405. DISPOSAL OF NAVAL PETROLEUM RESERVE NUM-**
20 **BERED 3.**

21 (a) *CONTINUED ADMINISTRATION PENDING TERMI-*
22 *NATION OF OPERATIONS.*—The Secretary of Energy shall
23 continue to administer Naval Petroleum Reserve Numbered
24 3 in accordance with chapter 641 of title 10, United States
25 Code, until such time as the Secretary makes a determina-

1 *tion to abandon oil and gas operations in Naval Petroleum*
2 *Reserve Numbered 3 in accordance with commercial operat-*
3 *ing practices.*

4 **(b) DISPOSAL AUTHORITY.**—(1) *After oil and gas op-*
5 *erations are abandoned in Naval Petroleum Reserve Num-*
6 *bered 3, the Secretary of Energy may dispose of, subject*
7 *to section 3407, the reserve by sale, lease, transfer, or other*
8 *means. Any sale or lease shall provide for the disposal of*
9 *all right, title, and interest of the United States in the prop-*
10 *erty to be conveyed and shall be conducted in accordance*
11 *with competitive procedures consistent with commercial*
12 *practices, as established by the Secretary of Energy.*

13 (2) *The Secretary of Energy may extend to a pur-*
14 *chaser or other transferee of property under this subsection*
15 *such indemnities and warranties as the Secretary considers*
16 *reasonable and necessary to protect the purchaser or trans-*
17 *feree from claims arising from the ownership of the property*
18 *by the United States or the administration of the property*
19 *by the Secretary of Energy.*

20 **(c) RELATIONSHIP TO ANTITRUST LAWS.**—*This sec-*
21 *tion does not modify, impair, or supersede the operation*
22 *of the antitrust laws.*

23 **SEC. 3406. DISPOSAL OF OIL SHALE RESERVE NUMBERED 2.**

24 **(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.**—
25 *Subject to section 3407, effective September 30, 1999, the*

1 *Secretary of Energy shall transfer to the Secretary of the*
2 *Interior administrative jurisdiction and control over all*
3 *public domain lands included within Oil Shale Reserve*
4 *Numbered 2 for management in accordance with the general*
5 *land laws.*

6 (b) *RELATIONSHIP TO INDIAN RESERVATION.*—*The*
7 *transfer of administrative jurisdiction under this section*
8 *does not affect any interest, right, or obligation respecting*
9 *the Uintah and Ouray Indian Reservation located in Oil*
10 *Shale Reserve Numbered 2.*

11 **SEC. 3407. ADMINISTRATION.**

12 (a) *CONTRACT AUTHORITY.*—*Using the authority pro-*
13 *vided by section 303(c)(7) of the Federal Property and Ad-*
14 *ministrative Services Act of 1949 (41 U.S.C. 253(c)(7)), the*
15 *Secretary of Energy and the Secretary of the Interior may*
16 *separately enter into contracts for the acquisition of such*
17 *services as the Secretary considers necessary to carry out*
18 *the requirements of this title, except that the notification*
19 *required under subparagraph (B) of such section for each*
20 *such contract shall be submitted to Congress not less than*
21 *seven days before the award of the contract.*

22 (b) *PROTECTION OF EXISTING RIGHTS.*—*At the discre-*
23 *tion of the Secretary of Energy, the disposal of property*
24 *under this title shall be subject to any contract related to*
25 *the United States ownership interest in the property in ef-*

1 *fect at the time of disposal, including any lease agreement*
2 *pertaining to the United States interest in Naval Petroleum*
3 *Reserve Numbered 2.*

4 (c) *DEPOSIT OF RECEIPTS.*—*Notwithstanding any*
5 *other law, all monies received by the United States from*
6 *the disposal of property under this title or under section*
7 *7439 of title 10, United States Code, including monies re-*
8 *ceived from a lease entered into under this title or such sec-*
9 *tion, shall be deposited in the general fund of the Treasury.*

10 (d) *TREATMENT OF ROYALTIES.*—*Any petroleum ac-*
11 *cruing to the United States as royalty from any lease of*
12 *lands transferred under this title or under section 7439 of*
13 *title 10, United States Code, shall be delivered to the United*
14 *States, or shall be paid for in money, as the Secretary of*
15 *the Interior may elect.*

16 (e) *ELEMENTS OF LEASE.*—*A lease under this title*
17 *may provide for the exploration for, and development and*
18 *production of, petroleum, other than petroleum in the form*
19 *of oil shale.*

20 (f) *RELATIONSHIP TO CURRENT LAW.*—*Except as oth-*
21 *erwise provided in this title, chapter 641 of title 10, United*
22 *States Code, does not apply to the disposal of property*
23 *under this title and ceases to apply to property in Naval*
24 *Petroleum Reserve Numbered 2, Naval Petroleum Reserve*

1 *Numbered 3, and Oil Shale Reserve Numbered 2, upon the*
2 *final disposal of the property.*

3 **TITLE XXXV—PANAMA CANAL**
4 **COMMISSION**

5 **SEC. 3501. SHORT TITLE; REFERENCES TO PANAMA CANAL**
6 **ACT OF 1979.**

7 (a) *SHORT TITLE.*—*This title may be cited as the*
8 *“Panama Canal Commission Authorization Act for Fiscal*
9 *Year 1999”.*

10 (b) *REFERENCES TO PANAMA CANAL ACT OF 1979.*—
11 *Except as otherwise expressly provided, whenever in this*
12 *title an amendment or repeal is expressed in terms of an*
13 *amendment to, or repeal of, a section or other provision,*
14 *the reference shall be considered to be made to a section or*
15 *other provision of the Panama Canal Act of 1979 (22*
16 *U.S.C. 3601 et seq.).*

17 **SEC. 3502. AUTHORIZATION OF EXPENDITURES.**

18 (a) *IN GENERAL.*—*Subject to subsection (b), the Pan-*
19 *ama Canal Commission is authorized to use amounts in*
20 *the Panama Canal Revolving Fund to make such expendi-*
21 *tures within the limits of funds and borrowing authority*
22 *available to it in accordance with law, and to make such*
23 *contracts and commitments, as may be necessary under the*
24 *Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for*

1 *the operation, maintenance, improvement, and administra-*
2 *tion of the Panama Canal for fiscal year 1999.*

3 (b) *LIMITATIONS.—For fiscal year 1999, the Panama*
4 *Canal Commission may expend from funds in the Panama*
5 *Canal Revolving Fund not more than \$90,000 for official*
6 *reception and representation expenses, of which—*

7 (1) *not more than \$28,000 may be used for offi-*
8 *cial reception and representation expenses of the Su-*
9 *pervisory Board of the Commission;*

10 (2) *not more than \$14,000 may be used for offi-*
11 *cial reception and representation expenses of the Sec-*
12 *retary of the Commission; and*

13 (3) *not more than \$48,000 may be used for offi-*
14 *cial reception and representation expenses of the Ad-*
15 *ministrator of the Commission.*

16 **SEC. 3503. PURCHASE OF VEHICLES.**

17 *Notwithstanding any other provision of law, the funds*
18 *available to the Commission shall be available for the pur-*
19 *chase and transportation to the Republic of Panama of pas-*
20 *senger motor vehicles built in the United States, the pur-*
21 *chase price of which shall not exceed \$23,000 per vehicle.*

22 **SEC. 3504. EXPENDITURES ONLY IN ACCORDANCE WITH**
23 **TREATIES.**

24 *Expenditures authorized under this title may be made*
25 *only in accordance with the Panama Canal Treaties of*

1 1977 and any law of the United States implementing those
2 treaties.

3 **SEC. 3505. DONATIONS TO THE COMMISSION.**

4 Section 1102b (22 U.S.C. 3612b) is amended by add-
5 ing at the end the following new subsection:

6 “(f)(1) The Commission may seek and accept dona-
7 tions of funds, property, and services from individuals,
8 foundations, corporations, and other private and public en-
9 tities for the purpose of carrying out its promotional activi-
10 ties.

11 “(2) The Commission shall establish written guidelines
12 setting forth the criteria to be used in determining whether
13 the acceptance of funds, property, or services authorized by
14 paragraph (1) would reflect unfavorably upon the ability
15 of the Commission (or any employee of the Commission)
16 to carry out its responsibilities or official duties in a fair
17 and objective manner or would compromise the integrity
18 or the appearance of the integrity of its programs or of any
19 official in those programs.”.

20 **SEC. 3506. SUNSET OF UNITED STATES OVERSEAS BENE-**
21 **FITS JUST BEFORE TRANSFER.**

22 (a) *REPEALS.*—Effective 11:59 p.m. (Eastern Stand-
23 ard Time), December 30, 1999, the following provisions are
24 repealed and any right or condition of employment pro-
25 vided for in, or arising from, those provisions is terminated:

1 *sections 1206 (22 U.S.C. 3646), 1207 (22 U.S.C. 3647),*
2 *1217(a) (22 U.S.C. 3657(a)), and 1224(11) (22 U.S.C.*
3 *3664(11)), subparagraphs (A), (B), (F), (G), and (H) of*
4 *section 1231(a)(2) (22 U.S.C. 3671(a)(2)) and section*
5 *1321(e) (22 U.S.C. 3731(e)).*

6 **(b) SAVINGS PROVISION FOR BASIC PAY.**—*Notwith-*
7 *standing subsection (a), benefits based on basic pay, as list-*
8 *ed in paragraphs (1), (2), (3), (5), and (6) of section 1218*
9 *of the Panama Canal Act of 1979, shall be paid as if sec-*
10 *tions 1217(a) and 1231(a)(2) (A) and (B) of that Act had*
11 *been repealed effective 12:00 p.m., December 31, 1999. The*
12 *exception under the preceding sentence shall not apply to*
13 *any pay for hours of work performed on December 31, 1999.*

14 **(c) NONAPPLICABILITY TO AGENCIES IN PANAMA**
15 **OTHER THAN PANAMA CANAL COMMISSION.**—*Section*
16 *1212(b)(3) (22 U.S.C. 3652(b)(3)) is amended by striking*
17 *out “the Panama Canal Transition Facilitation Act of*
18 *1997” and inserting in lieu thereof “the Panama Canal*
19 *Transition Facilitation Act of 1997 (subtitle B of title*
20 *XXXV of Public Law 105–85; 110 Stat. 2062), or the Pan-*
21 *ama Canal Commission Authorization Act for Fiscal Year*
22 *1999”.*

23 **SEC. 3507. CENTRAL EXAMINING OFFICE.**

24 *Section 1223 (22 U.S.C. 3663) is repealed.*

1 **SEC. 3508. LIABILITY FOR VESSEL ACCIDENTS.**

2 (a) *COMMISSION LIABILITY SUBJECT TO CLAIMANT IN-*
3 *SURANCE.*—(1) *Section 1411(a) (22 U.S.C. 3771(a)) is*
4 *amended by inserting “to section 1419(b) of this Act and”*
5 *after “Subject” in the first sentence.*

6 (2) *Section 1412 (22 U.S.C. 3772) is amended by*
7 *striking out “The Commission” in the first sentence and*
8 *inserting in lieu thereof “Subject to section 1419(b) of this*
9 *Act, the Commission”.*

10 (3) *Section 1416 (22 U.S.C. 3776) is amended by*
11 *striking out “A claimant” in the first sentence and insert-*
12 *ing in lieu thereof “Subject to section 1419(b) of this Act,*
13 *a claimant”.*

14 (b) *LIMITATION ON LIABILITY.*—*Section 1419 (22*
15 *U.S.C. 3779) is amended by designating the text as sub-*
16 *section (a) and by adding at the end the following:*

17 “(b) *The Commission may not consider or pay any*
18 *claim under section 1411 or 1412 of this Act, nor may an*
19 *action for damages lie thereon, unless the claimant is cov-*
20 *ered by one or more valid policies of insurance totalling*
21 *at least \$1,000,000 against the injuries specified in those*
22 *sections. The Commission’s liability on any such claim*
23 *shall be limited to damages in excess of all amounts recov-*
24 *ered or recoverable by the claimant from its insurers. The*
25 *Commission may not consider or pay any claim by an in-*

1 *surer or subrogee of a claimant under section 1411 or 1412*
2 *of this Act.”.*

3 **SEC. 3509. PANAMA CANAL BOARD OF CONTRACT APPEALS.**

4 (a) *ESTABLISHMENT AND PAY OF BOARD.*—Section
5 *3102(a) (22 U.S.C. 3862(a)) is amended—*

6 (1) *in paragraph (1), by striking out “shall” in*
7 *the first sentence and inserting in lieu thereof “may”;*
8 *and*

9 (2) *by adding at the end the following new para-*
10 *graph:*

11 “(3) *Compensation for members of the Board of Con-*
12 *tract Appeals shall be established by the Commission’s su-*
13 *pervisory board, except that such compensation may not be*
14 *reduced during a member’s term of office from the level es-*
15 *tablished at the time of the appointment.”.*

16 (b) *DEADLINE FOR COMMENCEMENT OF BOARD.*—Sec-
17 *tion 3102(e) (22 U.S.C. 3862(e)) is amended by striking*
18 *out “, but not later than January 1, 1999”.*

19 **SEC. 3510. TECHNICAL AMENDMENTS.**

20 (a) *PANAMA CANAL ACT OF 1979.*—*The Panama*
21 *Canal Act of 1979 is amended as follows:*

22 (1) *Section 1202(c) (22 U.S.C. 3642(c)) is*
23 *amended—*

24 (A) *by striking out “the day before the date*
25 *of the enactment of the Panama Canal Transi-*

1 *tion Facilitation Act of 1997” and inserting in*
2 *lieu thereof “November 17, 1997,”;*

3 *(B) by striking out “on or after that date”;*
4 *and*

5 *(C) by striking out “the day before the date*
6 *of enactment” and inserting in lieu thereof “that*
7 *date”.*

8 *(2) Section 1212(b)(3) (22 U.S.C. 3652(b)(3)) is*
9 *amended by inserting “the” after “by the head of”.*

10 *(3) Section 1313 (22 U.S.C. 3723) is amended*
11 *by striking out “subsection (d)” in each of subsections*
12 *(a), (b), and (d) and inserting in lieu thereof “sub-*
13 *section (c)”.*

14 *(4) Sections 1411(a) and 1412 (22 U.S.C.*
15 *3771(a), 3772) are amended by striking out “the date*
16 *of the enactment of the Panama Canal Transition*
17 *Facilitation Act of 1997” and inserting in lieu there-*
18 *of “by November 18, 1998”.*

19 *(b) PUBLIC LAW 104–201.—Effective as of September*
20 *23, 1996, and as if included therein as enacted, section*
21 *3548(b)(3) of the Panama Canal Act Amendments of 1996*
22 *(subtitle B of title XXXV of Public Law 104–201; 110 Stat.*
23 *2869) is amended by striking out “section” in both items*
24 *of quoted matter and inserting in lieu thereof “sections”.*

1 **TITLE XXXVI—MARITIME**
2 **ADMINISTRATION**

3 **SEC. 3601. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
4 **CAL YEAR 1999.**

5 *Funds are hereby authorized to be appropriated for fis-*
6 *cal year 1999, to be available without fiscal year limitation*
7 *if so provided in appropriations Act, for the use of the De-*
8 *partment of Transportation for the Maritime Administra-*
9 *tion as follows:*

10 (1) *For expenses necessary for operations and*
11 *training activities, \$70,553,000.*

12 (2) *For expenses under the loan guarantee pro-*
13 *gram authorized by title XI of the Merchant Marine*
14 *Act, 1936 (46 U.S.C. App. 1271 et seq.), \$20,000,000*
15 *of which—*

16 (A) *\$16,000,000 is for the cost (as defined*
17 *in section 502(5) of the Federal Credit Reform*
18 *Act of 1990 (2 U.S.C. 661a(5))) of loan guaran-*
19 *tees under the program; and*

20 (B) *\$4,000,000 is for administrative ex-*
21 *penses related to loan guarantee commitments*
22 *under the program.*

23 **SEC. 3602. CONVEYANCE OF NDRF VESSEL M/V BAYAMON.**

24 (a) *AUTHORITY TO CONVEY.—The Secretary of Trans-*
25 *portation may convey all right, title, and interest of the*

1 *United States Government in and to the vessel M/V BAYA-*
2 *MON (United States official number 530007) to the Trade*
3 *Fair Ship Company, a corporation established under the*
4 *laws of the State of Delaware and having its principal of-*
5 *fices located in New York, New York (in this section referred*
6 *to as the “recipient”), for use as floating trade exposition*
7 *to showcase United States technology, industrial products,*
8 *and services.*

9 (b) *TERMS OF CONVEYANCE.—*

10 (1) *DELIVERY OF VESSEL.—In carrying out sub-*
11 *section (a), the Secretary shall deliver the vessel—*

12 (A) *at the place where the vessel is located*
13 *on the date of conveyance;*

14 (B) *in its condition on that date; and*

15 (C) *at no cost to the United States Govern-*
16 *ment.*

17 (2) *REQUIRED CONDITIONS.—The Secretary may*
18 *not convey a vessel under this section unless—*

19 (A) *the recipient pays consideration equal*
20 *to the domestic fair market value of the vessel as*
21 *determined by the Secretary;*

22 (B) *the recipient agrees that any repair,*
23 *restoration, or reconstruction work for the vessel*
24 *will be performed in the United States;*

1 (C) the recipient agrees to hold the Govern-
2 ment harmless for any claims arising from expo-
3 sure to hazardous material, including asbestos
4 and polychlorinated biphenyls, after the convey-
5 ance of the vessel, except for claims arising before
6 the date of the conveyance or from use of the ves-
7 sel by the Government after that date; and

8 (D) the recipient provides sufficient evi-
9 dence to the Secretary that it has adequate fi-
10 nancial resources in the form of cash, liquid as-
11 sets, or a written loan commitment to complete
12 the reconstruction of the vessel.

13 (3) *ADDITIONAL TERMS.*—The Secretary may re-
14 quire such additional terms in connection with the
15 conveyance authorized by this section as the Secretary
16 considers appropriate.

17 (c) *PROCEEDS.*—Any amounts received by the United
18 States as proceeds from the sale of the M/V BAYAMON shall
19 be deposited in the Vessel Operations Revolving Fund estab-
20 lished by the Act of June 2, 1951 (chapter 121; 46 App.
21 U.S.C. 1241a).

22 **SEC. 3603. CONVEYANCE OF NDRF VESSELS BENJAMIN ISH-**
23 **ERWOOD AND HENRY ECKFORD.**

24 (a) *AUTHORITY TO CONVEY.*—The Secretary of Trans-
25 portation may convey all right, title, and interest of the

1 *United States Government in and to the vessels BEN-*
2 *JAMIN ISHERWOOD (TAO-191) and HENRY*
3 *ECKFORD (TAO-192) to a purchaser for the purpose of*
4 *reconstruction of those vessels for sale or charter.*

5 *(b) TERMS OF CONVEYANCE.—*

6 *(1) DELIVERY OF VESSEL.—In carrying out sub-*
7 *section (a), the Secretary shall deliver the vessel—*

8 *(A) at the place where the vessel is located*
9 *on the date of the conveyance;*

10 *(B) in its condition on that date; and*

11 *(C) at no cost to the United States Govern-*
12 *ment.*

13 *(2) REQUIRED CONDITIONS.—The Secretary may*
14 *not convey a vessel under this section unless—*

15 *(A) the recipient pays consideration equal*
16 *to the domestic fair market value of the vessel, as*
17 *determined by the Secretary;*

18 *(B) the recipient agrees to sell or charter the*
19 *vessel to a member nation of the North Atlantic*
20 *Treaty Organization for use as an oiler;*

21 *(C) the recipient provides sufficient evidence*
22 *to the Secretary that it has adequate financial*
23 *resources in the form of cash, liquid assets, or a*
24 *written loan commitment to complete the recon-*
25 *struction of the vessel;*

1 (D) *the recipient agrees that any repair,*
2 *restoration, or reconstruction work for the vessel*
3 *will be performed in the United States; and*

4 (E) *the recipient agrees to hold the Govern-*
5 *ment harmless for any claims arising from de-*
6 *fects in the vessel or from exposure to hazardous*
7 *material, including asbestos and polychlorinated*
8 *biphenyls, after the conveyance of the vessel, ex-*
9 *cept for claims arising before the date of the con-*
10 *veyance or from use of the vessel by the Govern-*
11 *ment after that date.*

12 (3) *ADDITIONAL TERMS.—The Secretary may re-*
13 *quire such additional terms in connection with a con-*
14 *veyance authorized by this section as the Secretary*
15 *considers appropriate.*

16 (c) *PROCEEDS.—Any amounts received by the United*
17 *States as proceeds from the sale of a vessel under this section*
18 *shall be deposited in the Vessel Operations Revolving Fund*
19 *established by the Act of June 2, 1951 (chapter 121; 46 App.*
20 *U.S.C. 1241a).*

21 (d) *DURATION OF AUTHORITY.—The authority of the*
22 *Secretary under this section may only be exercised during*
23 *the one-year period beginning on the date of the enactment*
24 *of this Act.*

1 **SEC. 3604. CLEARINGHOUSE FOR MARITIME INFORMATION.**

2 *Of the amount authorized to be appropriated pursuant*
3 *to section 3601(1) for operations of the Maritime Adminis-*
4 *tration, \$75,000 shall be available for the establishment at*
5 *a State Maritime Academy of a clearinghouse for maritime*
6 *information that makes that information publicly avail-*
7 *able, including by use of the Internet.*

8 **SEC. 3605. CONVEYANCE OF NDRF VESSEL EX-USS LORAIN**
9 **COUNTY.**

10 *(a) AUTHORITY TO CONVEY.—The Secretary of Trans-*
11 *portation may convey all right, title, and interest of the*
12 *Federal Government in and to the vessel ex-USS LORAIN*
13 *COUNTY (LST–1177) to the Ohio War Memorial, Inc., lo-*
14 *cated in Sandusky, Ohio (in this section referred to as the*
15 *“recipient”), for use as a memorial to Ohio veterans.*

16 *(b) TERMS OF CONVEYANCE.—*

17 *(1) DELIVERY OF VESSEL.—In carrying out sub-*
18 *section (a), the Secretary shall deliver the vessel—*

19 *(A) at the place where the vessel is located*
20 *on the date of conveyance;*

21 *(B) in its condition on that date; and*

22 *(C) at no cost to the Federal Government.*

23 *(2) REQUIRED CONDITIONS.—The Secretary may*
24 *not convey a vessel under this section unless—*

25 *(A) the recipient agrees to hold the Govern-*
26 *ment harmless for any claims arising from expo-*

1 *sure to hazardous material, including asbestos*
2 *and polychlorinated biphenyls, after conveyance*
3 *of the vessel, except for claims arising before the*
4 *date of the conveyance or from use of the vessel*
5 *by the Government after that date; and*

6 *(B) the recipient has available, for use to*
7 *restore the vessel, in the form of cash, liquid as-*
8 *sets, or a written loan commitment, financial re-*
9 *sources of at least \$100,000.*

10 *(3) ADDITIONAL TERMS.—The Secretary may re-*
11 *quire such additional terms in connection with the*
12 *conveyance authorized by this section as the Secretary*
13 *considers appropriate.*

14 *(c) OTHER UNNEEDED EQUIPMENT.—The Secretary*
15 *may convey to the recipient of the vessel conveyed under*
16 *this section any unneeded equipment from other vessels in*
17 *the National Defense Reserve Fleet, for use to restore the*
18 *vessel conveyed under this section to museum quality.*

Amend the title so as to read: “A bill to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.”.